



RYAN N. PATTERSON  
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ST. JOHNS, AZ 85936

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TRAVIS SIMSHAUSER  
VICE CHAIRMAN OF THE BOARD  
DISTRICT III  
P.O. Box 428, St. Johns, AZ 85936

**BOARD OF SUPERVISORS  
OF APACHE COUNTY**

P.O. BOX 428  
ST. JOHNS, ARIZONA 85936

TELEPHONE: (928) 337-7503  
FACSIMILE: (928) 337-2003

**NOTICE OF A SPECIAL PUBLIC MEETING AND  
AGENDA OF THE APACHE COUNTY BOARD OF SUPERVISORS**

**October 24, 2019**

**Board of Supervisors' Hearing Room, First Floor**


**75 West Cleveland Street**

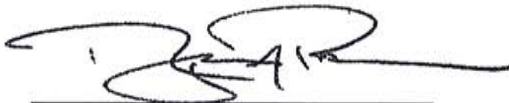
**St. Johns, Arizona**

**9:00 a.m. MST**

1. District III: Discussion and possible approval of a resolution opposing the Apache-Sitgreaves National Forest Draft Environmental Impact Statement for Public Motorized Management Plan and submission of comments by the Eastern Arizona Counties Organization (ECO) and Apache County.

*Pursuant to the Americans with Disabilities Act, the Apache County Board of Supervisors endeavors to ensure the accessibility of its meetings to all persons with disabilities. If you need an accommodation for a meeting, please contact the Clerk of the Board's office at (928)337-7503, TDD (928)-337-4402 at least 48 hours prior to the meeting (not including weekends or holidays) so that an accommodation can be arranged. One or more members of the Board of Supervisors may participate telephonically or through video communication.*

Posted this 23<sup>rd</sup> day of October 2019 at 8:00 a.m. by 



Ryan N. Patterson  
Clerk of the Board

Apache County Board of Supervisors  
AGENDA ITEM REVIEW FORM

date/time stamp

Submitter's Name: (Individual, Organization, or County Department)

District III

Date/Signature:

10/21/19

Describe in detail what you want to say to the Board and what action you want the Board to take:

Discussion and possible approval of a resolution opposing the Apache-Sitgreaves National Forest Draft Environmental Impact Statement for Public Motorized Management Plan and submission of comments by the Eastern Counties Organization and Apache County.

BOS Meeting Date Requested

10/24/19

PRE-AGENDA ITEM REVIEW

Legal Review:

Signature

Finance Review:

Signature

Human Resources Review:

Signature

Other Review:

Signature

Reviews completed, item approved for Agenda.

Board Clerk's Initials



RYAN N. PATTERSON  
MANAGER-CLERK  
ST. JOHNS, AZ 85936

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P.O. Box 428, St. Johns, AZ 85936

Resolution No. 2019-  
A RESOLUTION OF THE BOARD OF SUPERVISORS OF  
APACHE COUNTY, ARIZONA IN OPPOSITION TO THE  
FOREST SERVICE ROAD MANAGEMENT PLAN

WHEREAS, Apache County has an interest and responsibility to protect the quality of life and promote the economic development of communities within the County, and

WHEREAS, the Apache-Sitgreaves National Forest plays an invaluable role in the County's status as a tourist destination, and

WHEREAS, an indispensable part of the Forest's value is its accessibility, which allows hundreds of thousands of users to enjoy its natural beauty each year, and

WHEREAS, the proposed Forest Service Travel Management Plan would prohibit public use of over 50% of the Forest's road system, and

WHEREAS, the proposed Forest Service Travel Management Plan would severely restrict the public's ability to hunt and retrieve big game on the Forest, and

WHEREAS, the proposed Forest Service Travel Management Plan would limit the public's ability to gather firewood, and

WHEREAS, the proposed Forest Service Travel Management Plan would limit certain lessees the ability to properly manage their livestock, and

WHEREAS, cumulatively, these proposed restrictions represent an unparalleled assault on the public's right to recreate and enjoy our national forest, and

WHEREAS, these restrictions have the potential to devastate the region's economy, which is largely dependent on tourists and seasonal residents, and

WHEREAS, this management plan would severely limit the ability of rural Arizona counties such as Apache County to properly utilize the Forest road system to serve their citizens;

WHEREAS, the Apache County Board of Supervisors declared by *Resolution no. 2008-02* its opposition to the Apache Sitgreaves National Forest Proposed Travel Management Plan in order to protect the natural resources of the County for future generations as well as to protect the economic and cultural stability for present and future generations by analyzing the potential environmental impacts on the human environment; and

WHEREAS, the Apache County Board of Supervisors declared by *Resolution no. 2010-03* its requested coordination and cooperation in the Apache Sitgreaves National Forest Proposed Travel Management Plan; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Apache County that it stands in vehement opposition to the proposed Forest Service Travel Management Plan, and urges Forest Service management to reject these onerous and unnecessary restrictions on the public's use of its Forest and consider the proposed comments filed herein.

PASSED, ADOPTED AND APPROVED by the Apache County Board of Supervisors on October 24, 2019.

ATTEST:

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Joe Shirley, Jr. Ryan  
Chairman of the Board

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Ryan N. Patterson  
Clerk of the Board

**JOE SHIRLEY, JR.**  
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**RYAN N. PATTERSON**  
MANAGER-CLERK  
ST. JOHNS, AZ 85936

*October 24, 2019*

Ref:  
EIS No. 20190205,  
Revised Draft Environmental Impact Statement,  
Apache-Sitgreaves National Forests Public Motorized Travel Management Plan #22692

Travel Management Plan Comments  
P.O. Box 640  
30 S. Chiricahua Drive  
Springerville, AZ 85938  
Contact: Kevin Holmes 928-333-6267

Apache County, Arizona, has been a longtime coordinator with state and federal agencies proposing rules within the boundaries of our county, not limited to but including natural resource issues, planning, rule-making, proposals, and implementation of plans by said agencies. Most specifically to this proposal, Apache County has a long history of substantive comment and actions surrounding the Revised Draft Environmental Impact Statement (RDEIS) Apache-Sitgreaves National Forests Public Motorized Travel Management Plan (AS-TMP).

County and municipal officials are elected to manage on-the-ground daily governmental activities that involve the health, safety and welfare of local citizens. Local government responsibilities include protecting our citizens from adverse impacts of federal actions. Local governments are also the foundation upon which higher levels of government depend to ensure the peaceful and orderly existence of the American way of life - our customs and cultures. Local government responsibilities most definitely include developing, managing and sustaining a Multiple-Use and Sustained Yield on our USFS managed lands, to include multiple-use recreation, open and uninhibited travel on our federally managed lands, forest thinning, timber sale and stewardship of biomass, value-added biomass utilization, consumptive and non-consumptive uses, habitat conservation, mitigation of wildfire threats, clean and continually flowing waters, hazard mitigation of all kinds to include insect infestations and invasive species management, outdoor recreation to include hunting, camping, vehicle use, livestock grazing, and a continued socio-economic benefit from said lands.

Additionally, Apache County, Arizona, is unique in many aspects, to include having one of the most diverse population demographics in the United States containing multiple Federally Recognized Tribes and Indian Lands. As well, with the large swaths of federally managed lands utilized for non- consumptive and consumptive uses largely dependent upon access, transportation through, and a vast road network to serve the cultural and historic uses on said lands, we are uniquely impacted on multiple fronts by any changes to USFS policy, regulation and rule-making.

While individuals and non-governmental organizations are always encouraged to take advantage of the opportunity to review proposed federal rules and to assess the potential beneficial and adverse impacts of these proposed rules, local governments have the additional responsibility for ensuring that the proposed rules are in compliance with the enabling legislation as it pertains to protecting the health, safety and welfare of their local citizens. As elected officials, we recognize and accept the responsibility to address the proposed changes, of the USDA-USFS Revised Draft Environmental Impact Statement, Apache-Sitgreaves National Forests Public Motorized Travel Management Plan Proposed Revisions, that affect local citizens in a thorough and serious manner.

Apache County, Arizona, submit these comments because it is important for the Agencies to recognize, honestly represent and openly disclose the adverse impacts (not just the benefits) that will result from the Agencies' actions pursuant to revisions to any and all travel routes on federally managed lands. We took it upon ourselves to engage large numbers of impacted stakeholders in an effort to most concisely put forth support or concerns to the proposed revisions. These stakeholders included environmental and conservation groups and users, outdoor recreation sectors, livestock operations, tribal entities utilizing USFS managed lands, water utilization and preservation entities, biomass and value-added industry representatives and academia, along with our local governing bodies.

Apache County has a deep concern about the following issues found within the Revised Draft Environmental Impact Statement, Apache-Sitgreaves National Forests Public Motorized Travel Management Plan, the planning process, the public engagement process and within the documentation process.

1. Herein represented as "Attachment A", are the Apache County comments on the AS-TMP, pre-Wallow Fire stages before the planning efforts got delayed, of 13Dec10. In the new DEIS there is an attempt to summarize the counties comments from dozens of private meetings, 26 public meetings, and dozens of letters to just three boxes of overview. They are listed under "John Lee", the Supervisor for Apache County District 3 at the time of submission, instead of Apache County, in Volume II of the RDEIS. This summary of critical and important meetings and correspondence from a vast array of engagement activities is not an adequate or accurate representation of Apache County's substantive commentary or involvement as a local government and Coordinator. Apache County asks that each point of the previously prepared and submitted commentary along with any and all input on the RDEIS planning phases be accurately acknowledged, specifically responded to, and all done in writing to Apache County, Arizona directly.
2. 36CFR212.51-Designation of Roads, Trails and Areas, dictates, "*Motor vehicle use on National Forest System roads, on National Forest System trails, and in areas on National Forest System*

*lands shall be designated by vehicle class and, if appropriate, by time of year by the responsible official on administrative units or Ranger Districts of the National Forest System...*". The RDEIS displays a concerted effort to enact the closure of roads, despite not being a mandate of the the CFR and amendment in 73 FR 74613, Dec. 9, 2008. Apache County asks that the entire Apache-Sitgreaves National Forest Public Motorized Travel Management Plan be completely withdrawn and reinitiated as a new project to address the large quantity of changes on our NF lands, changes and updates to socio-economic impacts, uses, current data, and all other factors involved in a comprehensive and accurately conducted NEPA project.

3. 36CFR212.53-Coordination with Federal, State, County, and other local governmental entities and Tribal Governments, dictates that, *"The responsible official shall coordinate with appropriate Federal, State, county, and other local governmental entities and tribal governments when designating National Forest System roads, National Forest System trails, and areas on National Forest System lands pursuant to this subpart."* Apache County asks, since much of this mandate has not occurred, per item 2 above when the USFS A-S-TMP process over from the very beginning that Apache County be fully engaged and coordinated with on all aspects of the DEIS and process for the NEPA project proposal.
4. The maps of pre-existing conditions of the transportation networks were not accurately or completely displayed in the RDEIS for the AS-TMP. These maps are critically important for the public to understand and have clearly displayed the full impacts of the proposed plan, as mandated by NEPA. Apache County asks that the maps of the existing road networks be clearly displayed and utilized in all planning, public meeting, and analysis work. See maps as "Attachment B".
5. The GIS and map offerings available on the project website are not in a format as to be easily utilized and understood by the public at large. Apache County asks that the agency accurately display all mapping products in a commonly utilized format for the general public, such as .pdf or .jpg.
6. The Specialist Reports were not included on the project website or offered in the public meeting process or announcement literature for the RDEIS of the AS-TMP. All Specialist Reports and other supporting documentation for the project are an integral and necessary part of the entire record and required for a complete analysis of the proposed project. Not publishing the Specialist Reports because they are out of conformity, along with the agencies desire to not wait for them to be brought to conformity to be able to release the RDEIS, and the agency's pre-decisional desire to steer the public to concentrate on just the limited summary of the project in the RDEIS, is completely devoid of transparency, fostering public trust in a proposal, and a clear display of the results of project analysis. Apache County asks that all Specialist Reports be published and easily available for the public to thoroughly engage the process and any loss of time or understanding of the proposal due to the public not having easy access to the Specialist Reports be completely and adequately considered and addressed while still using the current process and be included from the very beginning of a completely new and reinitiated process for an AS-TMP proposal.

7. The RDEIS and other planning aspects of the AS-TMP do not indicate who has the burden of enforcement for the proposal, if approved. The plan also does not display where the enforcement budget is to come from. Apache County asks that the agency completely display and detail who will have the burden of enforcement of the proposed plan and how will that enforcement be budgeted and monitored.
8. There should be no mileage limit on big game retrieval, firewood gathering and harvesting, and many other activities as outlined in the RDEIS for the AS-TMP. There is no data displayed to indicate resource damages or nonconformance with the mandates in the above cited CFR, to support such a mileage limitation. A decision to limit distance travelled made at higher levels and without the local governmental and public input is not in keeping with proper NEPA planning processes. Apache County asks that the agency completely remove any mileage limitations from the AS-TMP for activities on our federally managed lands.
9. There was not an adequate number, frequency or amount of locations for the public meeting process. Apache County asks that the agency do a complete series of properly advertised public meetings on the AS-TMP process.
10. The content and format of the very limited public meeting process for the RDEIS of the AS-TMP is not adequate to clearly display impacts of the proposal to the public. Not only was much critical data missing from the public meeting process, but the fact that the meetings did not begin with a presentation and guidance on submitting a substantive commentary is a huge mistake and failure of the current methods utilized for the public meeting process. Apache County asks that the agency do a complete series of properly advertised public meetings on the AS-TMP process.
11. The agency did not clearly indicate, give guidance, or instruction to the public on how to submit proposals for recommending trails, road networks, uses, and other such items for proper engagement by the public in the planning process. This will inherently lead to more non-conformity in the proposal, fragmented planning processes and unnecessary duplication of work. Apache County asks that the agency, when reinitiating the complete process and within the current process until it is negated, do a complete set of public meetings and offer a time-frame for submissions of project areas, special motor vehicle use areas, trails and other items addresses in a thorough Travel Management proposal.
12. The current RDEIS process lacks comprehensive social analysis of what activities users engage in on the federally managed lands in question, socio-economic impacts of proposed alternatives, and other social aspects of the proposal. Apache County asks that the agency put a full time social scientists on the project team to accurately display all social issues and impacts of the proposal.
13. The current RDEIS for the AS-TMP does not adequately, if at all, analyze a multitude of proposals directly related to a Travel Management process. Items such as Special Use areas, ATV trail networks, 60"+ UTV utilizations, non-motorized trails, dedicated trail networks for motor vehicle use, and several other areas are not analyzed in the RDEIS and only create the problem of an unclear objective and required and costly redundancy of efforts, and causes any of these proposals to be considered as separate and disparate NEPA projects in the future with no clear indication of budget dollars to support such NEPA analysis. Apache County asks that the agency include and analyze all such projects in a DEIS process for a Travel Management proposal.

14. The lack of attendance of the public meeting in Navajo County, the sole meeting that left out much of the high use areas and Districts to easily attend, and despite having a much larger population than the Round Valley area meeting that had higher attendance levels, is another display of the lack of advertisement and public engagement outreach for the proposal. Apache County asks that the agency, when revising the public meeting process per the recommendations above, also adequately advertise said meetings and have them in a multitude of locations with a harmonized process to allow for a full and comprehensive public involvement process.

In closing and as stated above, Apache County, Arizona, looks forward to working with the agency on the development of a new and complete Travel Management Plan, to include starting the entire process over again, to allow a thorough analysis of the current conditions on the federally managed lands within the project proposal area, accurately display the conditions, uses and impacts of our current road network system that has been severely and adversely effected by such items as budget allocations and catastrophic wildfire, for the betterment of our society around us and dependent on the vast swaths of federally managed lands impacting our County.

Any and all correspondence can be sent to the Apache County Managers Office at, P.O. Box 428, St. Johns, AZ 85936.

Respectfully submitted,

Joe Shirley, Jr.  
Chairman of the Board

December 13, 2010

To:  
ASNFs Travel Comments  
P.O Box 640  
Springerville, AZ 85938

From:  
Apache County AZ Board of Supervisors  
P.O. Box 428  
St. Johns, Arizona 85936

Subject: Motorized Travel Management Plan DEIS Comments - Apache-Sitgreaves  
National Forest

Dear Sir/Mme:

We appreciate the opportunity to comment on the DEIS. The public has a responsibility to review the DEIS for compliance with the National Environmental Policy Act, Forest Plans, and the Travel Management Rule (TMR). County governments have the additional responsibility for protecting the health and welfare of its citizens, including but not limited to protecting the societal and economic impacts of Forest Service planning. We take this responsibility with the utmost seriousness. We would like to point out important errors and omissions we have identified in the Apache-Sitgreaves (A-S) DEIS.

Thank you for the opportunity to submit our comments.

Sincerely,

Apache County Board of Supervisors  
CC:

U.S. Senator John Kyl  
U.S. Senator John McCain  
U.S. Representative Ann Kirkpatrick  
U.S. Representative-elect Paul Gosar  
AZ State Senator Sylvia Allen  
AZ State Representative-elect Crandall  
AZ State Representative-elect Barton  
Navajo Indian Tribe

Apache Indian Tribe

Hopi Indian Tribe

White Mountain Apache Indian Tribe

Zuni Indian Tribe

Coconino County, AZ

Greenlee County, AZ

Navajo County, AZ

Town of Eagar

Town of Springerville

For your convenience, an outline of our comments on DEIS errors is as follows:

1. Introduction
2. Comments on use of language
  - a. The DEIS employs the “Orwellian Swap”, i.e. changing the name of one element in the Forest landscape for the sole purpose of enhancing the ability to change that element's legal status.
3. Comments on Chapter 1: Purpose and Need
  - a. The DEIS demonstrates prejudice against motorized travel, leading to conclusions that are not supported by the data.
  - b. The DEIS has failed to clearly define the meaning of biological, physical, cultural resources on the forest.
  - c. The DEIS has failed to disclose the full range of considerations the responsible official shall address when providing a system of roads, trails and areas designated for motor vehicles.
  - d. The DEIS has failed to clearly disclose the full process followed that would result in a large number of existing roads being closed.
  - e. The DEIS has failed to address all of the key issues pertaining to motorized access that have been presented to it throughout the entire Travel Management Plan (TMP) process.
  - f. The DEIS has failed to clearly and accurately describe the existing transportation system in the A-S.
  - g. The A-S DEIS failed to comply with federal regulations addressing consistency requirements and failed to comply with federal regulations addressing coordination with the County including cooperating Agency status for local government
  - h. The DEIS is missing important information regarding Joint Planning Requests
  - i. The DEIS omits mention of the A-S Memorandum of Understanding (MOU) with Arizona and New Mexico Counties.
  - j. The DEIS is missing important information in regards to consistency requirements analysis as it pertains to local and state policies, plans, programs and activities.
  - k. DEIS failed to disclose the possible consistencies and inconsistencies between the proposed A-S TMP alternatives in the DEIS and State, Tribal and/or local government policies.
4. Comments on Chapter 2: Alternatives, including Proposed Action
  - a. The DEIS has failed to develop and present alternatives that are significantly different from each other.
  - b. The DEIS fails to show current management direction or level of management

intensity in the “No Action” alternative

- c. The DEIS has not clearly and concisely defined the "No Action" alternative (Alternative A), including what it would mean to take "no action" and not implement the TMR.

5. Comments on Chapter 3: Affected Environment and Environmental Consequences

- a. The DEIS fails to include the required analysis of the current and future environmental consequences of travel in the A-S.

6. Conclusions

Attachment 1: Federal, State and Local Coordination Requirements

Attachment 2: Apache County Board of Supervisors CEQ Factors for Cooperating Agency

## 1. Introduction

The following comments are hereby submitted to the United States Forest Service, Apache-Sitgreaves National Forest (“Agency”), to aid in the preparation of a Final Environmental Impact Statement (EIS) for Public Motorized Travel Management that meets the purpose of an EIS as described in 40 CFR 1502.1. It is the intent of these comments to provide information to the Agency that highlights where the Agency has not followed its own Travel Management Rule (TMR) as found in 36 CFR Part 212, National Forest Planning Rules (“planning rule”), as found in 36 CFR Part 219 and other of the Forest Service regulations and authorizing laws that direct how the management of National Forest land is to take place. These comments will also point out where the National Environment Policy Act and the Council on Environmental Quality regulations (40 CFR, Parts 1500-1508) have not been followed.

The following comments are not intended to be an exhaustive legal review of the Draft Environment Impact Statement (DEIS), but a layman's review that captures the easily identified and obvious places where the Agency has failed to comply with the law and regulations.

These comments are being offered to ensure that the Agency provides a full and fair discussion of significant environmental impacts and informs decision makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts and/or enhance the quality of the human environment. Also, these comments will attempt to point out where the Agency has not been concise, clear or to the point, as well as where the Agency has not clearly provided evidence that is meaningful to the average person that supports the analysis or conclusion that is presented. (40 CFR 1502.1)

These comments will not completely cover all of the information generated and used by the Agency in their preparation of the DEIS because it has been difficult to acquire anything but summary information from the Agency, and the period for reviewing the large volume of information has been extremely short for anyone who does not have the luxury of being able to

review the information for periods of consecutive days or for periods of extended time. These comments have been generated by the local people who live and work in the communities that surround the Apache Sitgreaves National Forest (A-S) and who are concerned with the future management of the Forest.

Again these comments are not intended to be all inclusive, but represent the concerns and positions of the local hardworking citizens.

*Note: Where the information that a comment addresses is found in more than one place in the DEIS and supporting documents, an effort is made to note the different places the information is found, but this is not a complete review that the agency can rely upon to meet its requirement to be thorough and accurate.*

*Any acronyms used in the comments should follow the definitions for acronyms found in the preface to the DEIS.*

## 2. General comment on use of language

### a. The DEIS employs the “Orwellian Swap”, i.e. changing the name of one element in the Forest landscape for the sole purpose of enhancing the ability to change that element's legal status.

Discussion: The technique of "Orwellian Swap" occurs throughout the DEIS in the replacement of the word “unclassified” with the word "unauthorized” with respect to roads and trails. Use of this technique influences the understanding of the nature of the roads within the A-S without due process of law. Changing the descriptor of all the existing, lawful routes from a neutral term to a negative one in order to create bias unfairly enables the Agency to influence the Decision without providing required supporting analysis.

The process that produced the Travel Management Rule did not address the replacement of “unclassified” with “unauthorized”. The TMR and its associated record reveal no compelling need nor did it employ a legitimate process to replace the neutral and accurate descriptor with a new one that is loaded with negative and inaccurate connotations.

In using the descriptor "unauthorized" for roads and trails in a currently open forest, the Agency does not honor the baseline regulatory Decision document for the A-S, the Apache-Sitgreaves National Forests Land and Resource Management Plan (LRMP). The LRMP designated the A-S as “open”, thereby authorizing the use on all roads and trails not closed by a discrete Decision document. Hence any and all roads and trails not closed are simply unclassified (i.e. not assigned to any designation), which is significantly different than unauthorized (i.e. illegal).

The term “Orwellian Swap” derives from the name of George Orwell, pen name of Eric Blair, author of, *Animal Farm* and *1984*.

1984 was intended, and has since been recognized, as a warning against the deceit of a fictional government whose principle tactic was to change the nature of a thing by giving

it a different name with a different meaning, and relentlessly using the new name until it achieved general acceptance as the reality.

Under the color of the NEPA, the Agency has attempted to do exactly this. To change the name of roads and the activities associated with them that have been legal for more than 100 years suddenly "not authorized" is the essence of an Orwellian Swap.

Is it legal for the government, via the Agency, to do this? We contend that it is not legal. This is a tactic that the Data Quality Act is intended to discourage: the re-naming of a normal forest activity that dates from the early twentieth century, with a new name that does not accurately describe the activity. All roads were always open to all travelers. The Agency is required to take discrete action to prohibit the use of any given road. The use of the term "unauthorized" throughout this analysis regardless of actual lawfulness does in fact go to the intent and purpose of this DEIS.

Remedy: Replace the descriptor "unauthorized" with the descriptor "unclassified" when used to modify the words "road/s" and "trail/s" in this DEIS.

### 3. Comments on Chapter 1: Purpose and Need

#### a. The DEIS demonstrates prejudice against motorized travel, leading to conclusions that are not supported by the data.

Discussion 3a: In Chapter 1, page 14, "Purpose and Need for Action" section, all three paragraphs demonstrate prejudice against motorized travel, which leads to the conclusion that motorized usage in National Forest lands is responsible for the poor condition of our forests and profiles motorists as flagrant destroyers of our natural environment. Paragraph 1 implies that motor vehicle usage is the sole source of negative impacts to the biological, physical, and cultural resources on the forest. Paragraph 3 itemizes poor resource conditions and blatantly accuses motorized usage as the cause. These assertions are not fair, nor based on analysis.

*40CFR 1502.1: The primary purpose of an environmental impact statement is to serve as an action-forcing device to insure that the policies and goals defined in the Act are infused into the ongoing programs and actions of the Federal Government.*

*It shall provide full and fair discussion of significant environmental impacts and shall inform decisionmakers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment.*

*Statements shall be concise, clear, and to the point, and shall be supported by evidence that the agency has made the necessary environmental analyses.*

The Travel Management Rule (TMR) Summary validates the way visitors access the National Forests and acknowledges that Americans cherish these lands and should

indicate that the goal of the TMP is to provide motorized public access on a designated system of routes to enhance the quality of the human environment.

Most National Forest visitors use motor vehicles to access the National Forests, whether for recreational sightseeing; camping and hiking; hunting and fishing; commercial purposes such as logging, mining, and grazing; administration of utilities and other land uses; outfitting and guiding; or the many other multiple uses of NFS lands. For many visitors, motor vehicles also represent an integral part of their recreational experience. People come to National Forests to ride on roads and trails in pickup trucks, ATVs, motorcycles, and a variety of other conveyances. Motor vehicles are a legitimate and appropriate way for people to enjoy their National Forests - in the right places, and with proper management.

Americans cherish the National Forests and National Grasslands for the values they provide: opportunities for healthy recreation and exercise, natural scenic beauty, important natural resources, protection of rare species, wilderness, a connection with their history, and opportunities for unparalleled outdoor adventure. The agency must strike an appropriate balance in managing all types of recreational activities. To this end, a designated system of roads, trails, and areas for motor vehicle use, established with public involvement, will enhance public enjoyment of the National Forests while maintaining other important values and uses on NFS lands.

Remedy 3a: Remove prejudicial wording in and replace with statements that, in a clear and concise way define the purpose of an EIS; insure that a full and fair discussion follows with supporting evidence.

State that the goal of the TMP is to provide motorized public access on a designated system of routes to enhance the quality of the human environment, as per the Travel Management Rule Summary.

**b. The DEIS has failed to clearly define the meaning of biological, physical, cultural resources on the forest.**

Discussion 3b: In the "Purpose and Need for Action" section of the Summary and in Chapter 1, the Agency has failed to clearly define the meaning of "biological, physical, cultural resources on the forest". Without clearly defined meanings, it is impossible to determine what resources are or could be impacted and to analyze the effects that any of the DEIS alternatives might have.

Remedy 3b: Insert full definitions with examples for biological resources, physical resources and cultural resources in the Summary and in Chapter 1.

**c. The DEIS has failed to disclose the full range of considerations the responsible official shall address when providing a system of roads, trails and areas designated for motor vehicles.**

Discussion 3c: In the "Purpose and Need for Action" section of the Summary and Chapter 1, the Agency has failed to disclose all of the items the responsible official must consider when providing a system of roads, trails and areas designated for motor vehicle use found in the TMR at 36 CFR 212.55(a).

It is important that the "Purpose and Need for Action" statement sets the stage for what needs to be considered in the analysis, especially when compliance with the TMR is included as a need presented by the Agency. It would be much easier for the public to understand and accept the underlying purpose for a well managed road and motorized trail system if requirements for consideration by the responsible official are stated (36 CFR 212.55(a)) The public is especially desirous that public safety, recreational opportunities, and access to and within the forest are given the same consideration as biological and physical resources.

Remedy 3c: Insert additional wording which explicitly states that the purpose and need for analyzing and implementing a transportation system on the Apache-Sitgreaves National Forest includes provision for the human needs for safety, recreational access and recreation opportunities, as well as the need for healthy ecosystems that support human socio-economic opportunities and protection of cultural resources.

**d. The DEIS has failed to clearly disclose the full process followed that would result in a large number of existing roads being closed.**

Discussion 3d: The Agency has failed to clearly disclose the process they followed that would result in a large number of existing roads being closed. While a revised "Proposed Action" has been presented to the public after the initial scoping, the Agency has only considered and analyzed the minimum access needs of dispersed recreation and big game retrieval as called for in the TMR at 36 CFR 212.51 (b). The DEIS does not address other access needs brought forward by the local governments and the public, and little to no justification has been presented for omitting these needs.

For example, local governments are concerned that closed roads will not be drivable in the future as they erode and become blocked by encroaching vegetation (without public use most of these roads will not be maintained). These roads are used and may be needed in the future for fire, search and rescue, and law enforcement purposes. It is not enough to say that fire and law enforcement vehicles and uses are exempt from the motor vehicle restrictions as stated in the TMR at 36 CFR 212.51 when the roads themselves become impassible.

Remedy 3d: Re-open communications with the local governments and then accept, openly and fairly address and include in the DEIS the concerns dealing with all access needs and public safety concerns that are presented to them by the local governments and the public.

- e. **The DEIS has failed to address all of the key issues pertaining to motorized access that have been presented to it throughout the entire Travel Management Plan (TMP) process.**

Discussion 3e: In the "Issue" section of the Summary and Chapter 1, the agency has not adequately addressed all of the key issues pertaining to motorized access that have been presented to it throughout the entire Travel Management Plan (TMP) process, but instead has brought forward only the issues of dispersed camping and big game retrieval that are listed in the TMR at 36 CFR 212.51 (b). In particular, the most significant issue, namely loss of forest access, has not been addressed; the issues that are addressed are simply sub-issues of loss of forest access in general. In failing to address this issue as a whole, the impacts, effects and cumulative effects of the sub-issues may appear to be less significant than they are.

In reading the Travel Analysis Process (TAP) Report, Final Scoping Report and the various reports and press releases pertaining to public input for the TMP, it is clear that motorized access to and within the forest for other than dispersed camping and big game retrieval is also very important to the public, but has not been addressed in the DEIS. On page 33-34 of the Final Scoping Report, "Motorized Access" (forest access) is listed as a "Key Issue" (with only the permit issue being dismissed), but this key issue was not carried forward when the significant issues were developed or when the alternatives were formulated.

Remedy 3e: The Agency should address loss of Motorized Access (forest access) in a supplemental EIS that develops an alternative that examines this most significant issue as a whole. By developing an alternative that addresses this issue, the agency could then present a realistic and fair analysis that displays some of the trade-offs that the deciding officer needs to consider in making his/her decision.

- f. **The DEIS has failed to clearly and accurately describe the existing transportation system in the A-S.**

Discussion 3f: The Agency does not clearly and accurately describe the "Existing Transportation System" in the DEIS (Chapter 1, page 11). There are multiple discrepancies in what is being reported as total miles of open and closed roads found throughout the DEIS and the Specialist Reports. The Agency's description of the existing road and trail system does not reflect what is found on the ground. This is obvious when looking at the various different renditions of maps produced by the agency.

The current situation is that all of the A-S except the areas covered by pre-existing Closure Orders is open to motorized use. The 3,373 miles of "NFS Closed Roads" shown in Table 2 on page 14 of the DEIS are designated as available to be driven on by the public. Additionally, on page 5 of the Transportation Specialist Report it is explicitly stated that the Agency is managing roads as open even though those roads are coded as closed in the database. The following reflects current ground conditions to the best of our available knowledge, how the Agency has actually been managing the road system, and how the public has been using the road system.

- 100 miles of roads coded as closed (maintenance level 1) in the database are actually being managed as open and public motorized used is being allowed on the ground.
- 375 miles of roads coded as decommissioned in the database are actually being managed as open and public motorized used is being allowed on the ground.
- 2,832 miles of open National Forest System roads includes the above 475 miles.

The above examples provide evidence of the inconsistent management and the dependence on faulty data in the INFRA database, as well as the problem of using the TAP analysis to establish the existing transportation system without the proper NEPA analysis and decision.

Also because the DEIS arbitrarily defines well over half of the roads on the forest as ML 1 "Closed", the need for addressing the majority road closure issues is thus eliminated. Without an accurate description of the current level of roads all analysis of impacts are incorrect and unrealistic.

Remedy 3f: Provide a realistic description of the existing transportation system that shows the actual roads located on the Forest that are open and are being used by the public. Create a database of existing transportation system roads and trails that indicates the type of vehicle that routinely uses the different segments of road would clear up the confusion and inconsistencies in mileages reported in the DEIS and the Specialist Reports. A realistic existing transportation system that shows the actual roads open and being used by the public could then be compared to the proposed transportation system that is the product of the TAP analysis completed in 2008 for the Forest. Having the ability to compare an on-the-ground existing transportation system to a proposed or desired transportation system is necessary for a fair, accurate, clear, and concise analysis as required by NEPA.

- g. The DEIS has failed to comply with federal regulations addressing consistency requirements and has failed to comply with federal regulations addressing coordination with the County including Cooperating Agency status for local government.**

Discussion 3g1: The DEIS omits key information regarding compliance with required intergovernmental coordination with local governments or state governments. The DEIS discusses public participation on p. 16 and tribal consultation (not coordination) on p. 17, however coordination with local governments or state governments is missing from the DEIS. Fulfilling coordination requirements is also absent from the DEIS sections, *Decision Framework*, starting on p.18. In addition, Chapter 4: *List of Preparer; Consultation and Coordination* is also void or lacking any discussion of the Apache Sitgreaves National Forest (hereafter, referred to as "A-S"). Coordination is not public involvement, nor, is it "consultation".

In not addressing coordination in the DEIS, specifically, the A-S is out of compliance with the attached federal, state and local coordination requirements spelled out in the attached federal statutes and regulations<sup>1</sup>.

Remedy 3g1: Include these laws, regulation and agency directives into the DEIS in the sections and appendix that address related laws and regulations; additionally, comply with these coordination requirements for the DEIS.

Discussion 3g2: The DEIS is required to disclose coordination and that the agency complied with these laws and regulations related to coordination requirements. The County instructs the A-S to comply with 36 CFR 219.7 and disclose the results of their consistency review, per 219.7(c) and (40 CFR 1502.16(c), 1506.2). This requirement may be disclosed in the DEIS in the Decision Framework to disclose that the A-S TMP DEIS has complied with (a) through (f), below:

*(a) The responsible line officer shall coordinate regional and forest planning with the equivalent and related planning efforts of other Federal agencies, State and local governments, and Indian tribes.*

*(c) The responsible line officer shall review the planning and land use policies of other Federal agencies, State and local governments, and Indian tribes. The results of this review shall be displayed in the environmental impact statement for the plan (40 CFR 1502.16(c), 1506.2). The review shall include--*

*(1) Consideration of the objectives of other Federal, State and local governments, and Indians tribes, as expressed in their plans and policies;*

*(2) An assessment of the interrelated impacts of these plans and policies;*

*(3) A determination of how each Forest Service plan should deal with the impacts identified; and,*

*(4) Where conflicts with Forest Service planning are identified, consideration of alternatives for their resolution.*

*(d) In developing land and resource management plans, the responsible line officer shall meet with the designated State official (or designee) and representatives of other Federal agencies, local governments, and Indian tribal governments at the beginning of the planning process to develop procedures for coordination. As a minimum, such conferences shall also be held after public issues and management concerns have been identified and prior to recommending the preferred alternative.*

*(e) In developing the forest plan, the responsible line officer shall seek input from other Federal, State and local governments, and universities to help resolve management concerns in the planning process and to identify areas where additional research is needed. This input should be included in the discussion of the research needs of the designated forest planning area.*

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<sup>1</sup> See Appendix , Federal State and Local Coordination Requirements

*(f) A program of monitoring and evaluation shall be conducted that includes consideration of the effects of National Forest management on land, resources, and communities adjacent to or near the National Forest being planned and the effects upon National Forest management of activities on nearby lands managed by other Federal or other government agencies or under the jurisdiction of local governments.*

Remedy 3g2: Review the planning and land use policies of local governments; display the results of said review in the DEIS and how the line officer fulfilled this requirement. This should include reviewing prior Memoranda of Understanding and previous communications from local governments regarding planning, coordination and cooperation. Additionally, coordinate with local government in the implementation of monitoring; include results of said planning in the monitoring section of the DEIS.

Discussion 3g3: The Travel Management Rule (Federal Register 11/9/05) 36 CFR section 212.253 requires the A-S NF to coordinate with the County with regard to development of the TMP Amendment, particularly with regard to sub part B of the rules “designation of roads, trails and areas for motor vehicle use.” To the knowledge of the County, such intergovernmental coordination never occurred.

Remedy 3g3: In order for the Agency to fulfill its responsibility to fully disclose coordination activities, A-S should explain in the DEIS how the requirements, specified above, per 36 CFR 219.7 (1982) have been met. If the Agency did not coordinate with the state of Arizona, local and/or tribal governments, it should display a statement to that effect and document the reasons for not doing so.

The Agency should disclose and insert in Chapter 4: *List of Preparer; Consultation and Coordination* exactly which State agencies, tribal and/or local governments the Agency coordinated with and how the Agency did coordinate; see 219.7, above. Again, “consultation” does not rise to the standard of “coordination”.

In addition, insert into the DEIS, a new subsection to Chapter 4 to include: “*Coordination with State, Tribal and Local Governments*” (found on p.169 in the DEIS) to be consistent with 219.7.

Discussion 3g4: The state of Arizona has mandated intergovernmental coordination with the passage of AZ Senate Bill 1398, amending section 2. Title 11, Chapter 2, Article 4, ARS – to be read 11-269.09: Federal and state regulations: local coordination: standing and definition:

*D. (2) Coordination means the process by which the federal and state governments seeks in good faith to reach consistency between federal or state regulation, rule, plan or policy and the county law, regulation, plan or policy that is less restrictive than the federal or state regulation, rule, plan or policy.*

*B. If the federal or state government fails to coordinate in good faith with the county, the county shall hold public hearings, consider the evidence and vote on whether to authorize litigation to enforce the county’s coordination rights.*

Remedy 3g 4: Insert into DEIS how Agency has fulfilled this requirement in order for the County to comply with Subsection B. of this State law's above requirements.

Discussion 3g 5: Agency coordination requirements, cited above, additionally address intergovernmental coordination, not the Non-Government Organizations (NGOs) discussed in the DEIS on p.170: "*Coordination with Groups and Individuals*". This is the only reference to coordination in the DEIS. In reviewing this subsection on p.170, the DEIS does not disclose potentially affected private property owners, per 36 CFR 219.6(k) Requirement:

*Forest planning activities should be coordinated to the extent practicable with owners of lands that are intermingled with, or dependent for access upon, National Forest System lands. The results of this coordination shall be included in the environmental impact statement for the plan as part of the review required in Sec. 219.7(c).*

Without this information and the apparent lack of compliance, stated above, and no meaningful County coordination, the Agency cannot produce an accurate Effects Analysis in the FEIS. Furthermore, the Deciding officer cannot find appropriate balance between the effects of the proposed action and/or activities vs. the benefits to society and the health, safety and welfare of the County and its environs.

Remedy 3g 5: The FEIS must describe in the DEIS how the line officer fulfilled this requirement to coordinate with potentially effected private property owners, such as inholders and adjacent property owners, per 36 CFR 219.6(k).

Discussion 3g6: We have identified a mistake in the A-S NEPA process which is not disclosed in the DEIS. The DEIS makes no mention of the Agency having rejected the Cooperating Agency (CA) request. It should be included in the FEIS Chapter 4 and/or in the FEIS Appendix.

CA status is an effective way to improve coordination with shared, cooperation with on-the-ground information, especially about roads, laws enforcement, related and potentially affected programs (such as wildland urban interface, and programs, activities and concerns by the rural fire depts., as wildfire first responders) is to incorporate the County input through its expertise into the Interdisciplinary Team process. This is best achieved through CA status that allows the flexibility and timely sharing of important information by way of the County's legal responsibilities and it's expertise in these important aspects of the proposed travel management plan impacts disclosed in the DEIS. As a CA, the County is also more effectively tied into the implementation of the travel management plan that is intertwined with County roads and transportation plans, programs and activities.

The County requested CA status for these very reasons. Yet, the Agency denied the County's request for Cooperating Agency status. The County asserts that the Agency and its NEPA analysis misinterpreted the regulations related to CA. Specifically the Agency

incorporated into their denial their own unsupported opinions and position for turning down the County's request for CA.

The County also instructs the A-S to include in the FEIS as to why Apache County does meet one or more of the CEQ *Factors for Cooperating Agency*. Apache County maintains that they do meet one or more of the factors for obtaining CA. Refer to Attachment 2 for the County's Factors for Cooperating.

It is not clear to Apache County Supervisors why the County's Cooperating Agency request was rejected, particularly given that Navajo County was granted cooperating agency in the TMP EIS. The County also is aware that Gila National Forest granted cooperating agency to three adjacent New Mexico counties in their travel management EIS NEPA process. Apache County is no different in jurisdiction or expertise. The County has the same intermixed transportation systems, cost-share programs, and road contracts as well as other cooperative ventures that can be impacted by travel management rules.

The Agency is arbitrary and capricious in its rejection of the County's CA request.

Without this information and apparent lack of compliance, stated above, and no meaningful input from the County via coordination, cooperating agency and/or joint planning, the A-S cannot produce an accurate Effects Analysis in the FEIS. Furthermore, the Deciding officer cannot find appropriate balance between the effects of the proposed action and/or activities vs. the benefits to society and the health, safety and welfare of the County and its environs.

Remedy 3g 6: The Agency's rejection of the Cooperating Agency (CA) request should be included in the FEIS Chapter 4 and/or in the DEIS Appendix. The correspondence for both the County's request and the Agency denial should be in the project record, and are available at the County's office upon request. The Agency should disclose its legal reasoning for the CA denial, including documentation of why the County's factors for CA are not sufficient for CA status to assist the A-S in the TMP NEPA analyses. In the event that the Agency should decide to provide Apache County with the same CA status that have been granted to other forest dependent counties, per 1502.9 (b), then the Agency should document this in the DEIS.

**h. The DEIS is missing important information regarding Joint Planning Requests**

Discussion: The DEIS is missing important information related to the A-S NEPA process. In addition to the cooperating agency rejection, the Apache Sitgreaves National Forest has ignored Catron County and Apache County requests for joint environmental impact statements assessments and joint hearings in the NEPA process, per 40 CFR§1506.2. Both counties have environmental laws and policies for protecting the environment. The County desires an explanation as to why the A-S is not complying with §1506.2 that requires cooperating with the County Board of Supervisors "...to the maximum extent possible". This failure to comply with this regulation can be corrected by complying with 40 CFR 1506.2 and 1502.9 (b).

Without this compliance by A-S, stated above, and no meaningful County coordination, cooperating agency and/or joint planning, the A-S cannot produce an accurate Effects Analysis in the FEIS. Furthermore, the Deciding officer cannot find appropriate balance between the effects of the proposed action and/or activities vs. the benefits to society and the health, safety and welfare of the County and its environs.

Remedy: Include an explanation as to why the Agency has not complied with 40 CFR§1506.2 in Chapter 4 and/or in the DEIS Appendix. In the event that the Agency should decide to comply with this regulation, then the Agency should document this in the DEIS.

i. **The DEIS omits mention of the A-S Memorandum of Understanding (MOU) with Arizona and New Mexico Counties.**

Discussion: A mistake in the A-S NEPA process, not disclosed in the DEIS, has been identified. The Agency did not coordinate or cooperate with the County, per MOU with the A-S Memorandum of Understanding with Apache County. The County made the request to coordinate and cooperate with the DEIS process prior to the MOU expiring; however the Agency did not respond to the request.

Furthermore, the A-S NEPA process has not disclosed the fact that the Region III Forester also has an MOU with Arizona and New Mexico counties. The County is a co-signatory to the MOU with the Regional Forester, signed in 1994. The AZ/NM Coalition of Counties helped facilitate this MOU that resulted in the Region III public policy that was transformed into the Region's *Integrated Resource Management Policy*, in which the Agency and the Counties agree to coordination, cooperating agency and joint planning to assist the Forest Service. The County has not been notified by USFS that this policy has been rescinded. The AZ/NM MOU with the Regional Forester requires notification of all parties if the MOU is to be terminated.

Due to this evidence the A-S must comply with coordination, CA and joint planning and document such intergovernmental affairs in the FEIS, as stated above, and per 1502.9 (b).

Without the A-S NEPA process compliance with County coordination, cooperating agency and joint planning, the A-S cannot produce an accurate Effects Analysis in the FEIS. Furthermore, the Deciding officer cannot find appropriate balance between the effects of the proposed action and/or activities vs. the benefits to society and the health, safety and welfare of the County and its environs.

Remedy: The Agency should discuss the A-S Memorandum of Understanding (MOU) with Arizona and New Mexico Counties, in particular providing explanation for non-compliance with the 1994 Region III Forester MOU. In the event that the Agency's policy and MOUs have been purged or rejected, the Agency should provide documentation of proper notification to signatories of such, along with an explanation as to why the Agency took such action.

**j. The DEIS is missing important information in regards to consistency requirements analysis as it pertains to local and state policies, plans, programs and activities.**

Discussion: The DEIS is missing very important information in regards to consistency requirements analysis as it pertains to local and state policies, plans, programs and activities, per 36 CFR 219.7. The only reference to consistency in the DEIS is found on p.19 and p.20 that pertains to the forest plan. The section goes on to state:

*All alternatives are consistent with standards and guidelines in the forest plan and are consistent with applicable laws, regulation and policy, unless noted.*

Yet, the DEIS discussion and analysis of their statement, above, is unsupported and missing critical information necessary for effective NEPA analysis. CEQ requirement for consistency with state and local plans for NEPA is found in 40 CFR 1502.25(a):

*...directs to the fullest extent possible, agencies shall prepare draft environmental impact statements concurrently with and integrated with other environmental review laws and executive orders.*

Furthermore, CEQ states:

*(d) To better integrate environmental impact statements into State or local planning processes, statements shall discuss any inconsistency of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned). Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law. (40 CFR 1506.2)*

Both CEQ regulations and the USFS 36 CFR 29.7 are similar in purpose and need:

*(c) The responsible line officer shall review the planning and land use policies of other Federal agencies, State and local governments, and Indian tribes. The results of this review shall be displayed in the environmental impact statement for the plan (40 CFR 1502.16(c), 1506.2), as discussed in the County's previous section on coordination in section f (discussions/remedies 3g1 through 3g6), above.*

The above consistency discussion illustrates why it is so important for the A-S NEPA process to comply with the federal agency coordination requirements, discussed in the previous section, above. Consistency review ties into t and cannot properly be achieved without coordination he requirement to coordinate to identify these intergovernmental consistent and inconsistent policies to improve the environmental conditions.

Remedy: The Agency should document coordination with the County, per 36 CFR 219.7 (1982) in order to complete the consistency requirements, per 36 CFR per 219.7 or provide discussion as to reasons for non-compliance with CFR requirements.

**k. DEIS failed to disclose the possible consistencies and inconsistencies between the proposed A-S TMP alternatives in the DEIS and State, Tribal and/or local government policies.**

Discussion: The FEIS consistency section must address related local policies, programs and activities, such as county roads and transportation plans, related County environmental planning and review process; the County Community Wildfire Prevention Plan, related law enforcement to just name some of the related county policies. CEQ recommends that consistency analysis be located in the Affects Analysis.

Furthermore, the DEIS is missing related discussion regarding consistencies with state policies, such as the Arizona Coordination Act and the Arizona Dept. of Transportation (Chapter 28 section on coordination) the Arizona Dept. of Environmental Quality (Chapter 49), Arizona Dept. of Water Resources to name a few.

Remedy: The Agency should address specific individual local government policy and planning, including discussion of consistency with local and state policy and planning in the Affects Analysis section.

#### 4. **Comments on Chapter 2: Alternatives, including Proposed Action**

##### **a. The DEIS has failed to develop and present alternatives that are significantly different from each other.**

Discussion: In the "Alternatives" section of the Summary and Chapter 2, the agency has not developed and presented alternatives that are significantly different in the actions they call for. Rigorous exploration and objective analysis in the evaluation of all reasonable alternatives is called for in CEQ regulation 40 CR 1502.14 (a). For example, Table 1 on Page 4 and Table 3 on page 27 of the DEIS indicate no significant difference between the total miles of any alternative.

Because the DEIS does not bring forward the issue of motorized access as one of the issues to be address and is limited to only addressing dispersed camping and big game retrieval, alternatives that address a host of other concerns brought forward by the public are not included in the DEIS. As stated elsewhere, issues such as access for the disabled and elderly are not addressed in any of the alternatives. Thus, while the DEIS displays a variety of different actions (alternatives) that address opportunities for dispersed camping and big game retrieval there is little difference as concerns anything else.

The narrow range of difference between the alternatives found in the DEIS as made the effects and outcomes of implementing any of the alternative not much different. This includes implementing the "No Action" alternative. This is again obvious when looking at Table 1 on Page 4 and Table 3 on page 27 of the DEIS and when looking at the differences between the alternatives displayed in any of the Specialist Reports.

Remedy: Re-evaluate all reasonable alternatives based upon the broader and more accurate information subsequent to creating an accurate database of existing open roads in use by the public as well as by type of actual use, thus enabling the inclusion of a true range of reasonable alternatives so "reviewers may evaluate their comparative merits" as called for in 40 CFR 1502.14 (b).

**b. The DEIS fails to show current management direction or level of management intensity in the “No Action” alternative**

Discussion: The 'No Action' alternative should show the forest as it is currently being managed AND used by the public because the No Action Alternative was designed to reflect the current ground conditions. The public and the local counties have vigorously maintained over the past year that the agency's maps for travel management do not include a great number of roads that are in public use, and where the agency has allowed that use. We maintain the No Action Alternative grossly under-represents the current ground conditions.

The agency is admitting its actions have been irregular and inconsistent, and management has been implemented unevenly. Decisions were made to include some ML-1 and decommissioned roads in the 2,832 miles of 'open National Forest System roads' even though the agency knows these roads are coded as closed in the database. We can find no criteria for how the agency decided which closed roads to include as open in the 2,832 miles. There is no explanation of what the agency means by 'to the best of our knowledge'. How did the agency decide which ML-1 roads were in use by the public? We see no methodology for making this decision. Some ML-1 roads were included in the No Action Alternative and the action alternatives. Why only this particular handful of roads? The Alternatives include some ML-1 roads. That means ML-1 roads qualify for designation, so all of them should be up for consideration and should be in the No Action Alternative.

The agency has explicitly stated that its road management practices do not align with its road management categories. We note that the map the agency sells to the public shows all the roads. This communicates the management direction to the public. That management is that all roads are open to the public, regardless of how they are coded in the database.

The agency is not allowed to 'cherry-pick' when applying criteria. We maintain that if the agency is including some closed roads in the No Action Alternative (because they are in use by the public) it must include all of the roads the public claims to use. The agency has presented no justification for refusing to include those roads. The agency cannot exclude the vast majority of ML-1 from the No Action Alternative simply because they are coded as closed in the database.

The Transportation Specialist report identifies key aspects of the human environment which must be considered under NEPA

- current ground conditions (existing condition)
- current management of the road system (existing direction)
- public use of the road system (affected environment)

The historic road use patterns are part of the human environment which must be included in the analysis. Leaving the vast majority of ML-1 roads out of the No Action Alternative is exactly equivalent to deciding they will not be designated for public use. This is a significant impact on the human environment, it is controversial, and the impact

will be severe. When all the roads in public use are acknowledged, and compared to the Action Alternatives, it becomes obvious that the true nature of proposed closure is in excess of 50%, not the single digit percentages claimed in the comparison of alternatives. Reducing historical use by over 50% is severe. It means pushing everyone into half the space which is a severe cumulative effect. When added to closing cross country travel, the cumulative effect is even more severe. This cannot be avoided by breaking the closures down into the small component parts. CEQ provides clear direction on these issues at Section 1508.27

**c. The DEIS has not clearly and concisely defined the "No Action" alternative (Alternative A), including what it would mean to take "no action" and not implement the TMR.**

Discussion: In both the Summary and in Chapter 2 of the DEIS the Agency states that the "No Action" alternative represents the existing transportation system and proposes no change. What is not clearly explained is that the existing transportation system, as represented throughout all portions of the DEIS, was defined by completing a Travel Action Process (TAP) analysis, which is discussed in the Transportation Specialist Report and the Forests' Travel Analysis Report.

The agency does not make clear in the DEIS that the TAP analysis is not a decision-making process, which is stated in FSM 7712.3 (1). Also it should be noted that the "Introduction" to the Forests' Travel Analysis Report states: "TAP is not a NEPA process, rather it is an integrated ecological, social, and economic approach to transportation planning, addressing both existing and future roads." ... "The TAP outcomes are a set of proposals for change to travel management direction and to the forest transportation system. These changes will be evaluated through a subsequent NEPA process." The Forests' Travel Analysis Report in "Step 1-Setting Up the Analysis, Analysis Timeline" clearly shows the purpose the TAP was completed on the Apache Sitgreaves National Forest to provide information and recommend a transportation system for consideration in the upcoming EIS analysis process.

To take what the agency has said in FSM 7712.3 (1), Forests' Travel Analysis Report and Transportation Specialist Report as being accurate, then the existing transportation system presented in the DEIS is a proposed or recommended travel management system that has not been subject to the NEPA process where a responsible official have made a decision to implement the proposed transportation system. What is called the existing transportation system in the DEIS is just a recommendation and has not been properly analyzed and implemented through the NEPA decision making process, as required by law.

Most of the public believes the current TMP NEPA analysis being conducted on the Apache Sitgreaves National Forest was being conducted to implement the TAP proposed/recommended transportation system. The transportation system currently in place on the Apache Sitgreaves National Forest is something much different than the transportation system defined and used throughout the DEIS.

Based on the above assessment the "No Action" alternative presented in the DEIS should be much different than what is currently included in the document. Without having an accurate and realistic "No Action" alternative the requirement to have a "No Action" alternative (40 CFR 1502.14 (d)) in an EIS is not being met. The miles of road currently located on the Forest and the current use of these roads is not accurately represented; thus the current flawed "No Action" alternative does not accurately represent the baseline for comparison with the "Action" alternatives. Without an accurate baseline used for comparison, the effects analyses for most of the items analyzed in the DEIS are also skewed and do not provide an accurate analysis to inform the public or decision maker. All impacts that may affect the local communities, and human environment are still undisclosed as analyzed within the current document. The DEIS as currently written is a totally flawed analysis that should be redone.

Remedy: Clearly and concisely, as well as fairly and accurately, display the effects of implementing the TMR on the Apache Sitgreaves National Forest.

## **5. Comments on Chapter 3: Affected Environment and Environmental Consequences**

### **a. The DEIS fails to include the required analysis of the current and future environmental consequences of travel in the A-S.**

Discussion: The agency has throughout the discussions of effects in Chapter 3 made generalized statements about possible effects and risk rather than the required analysis. The requirement to take a hard look at the environmental consequences rather than making conclusive assertions has been included in the findings of numerous court decision that deal with environmental analysis and decisions. Also, 40 CFR 1502.24 states: "Agencies shall insure the professional integrity, including scientific integrity, of the discussion and analysis in environmental impact statements."

Throughout the effects analysis in the DEIS resource specialists have continued to make the argument that the mere presence of roads is a measure of disturbance. There is no disclosure of the amount or type of traffic that uses a road or class of roads in order to better address actual disturbance. The DEIS makes the base assumption that roads equal disturbance, which is bad, and that no roads equals no disturbance thus is good, without providing data and analysis to support such an assumption. The analysis makes no differentiation between roads that are used by a vehicle once or twice a year and roads that are used by vehicles every hour of every day all year long. Additionally, there is no differentiation between the impacts of the different sizes and types of vehicles; a 10 ton truck and a 300 pound ATV are apparently considered to have the same environment impacts. Also there is no data disclosed for measurement of actual area of vegetative or wildlife disturbance.

Remedy: The Agency should disclose site specific data about the types of vehicles and the frequency of use on the different classes of roads that occur on the Forest, along with acreage of actual disturbed land and impacts on wildlife. Estimates of acres of actual impacted land area should be displayed as a percent of any given land area such as acres

of disturbance per section etc. This data should then be used to present the current and future effect on the environment (Direct and Indirect effects) and also be used to show a clear difference between the alternatives. (See 40 CFR 1502.16)

## **6. Conclusions**

With the lack of DEIS consistency information and compliance, and absent County coordination, cooperating agency and joint planning, the Agency cannot produce an accurate FEIS. Furthermore, the Deciding officer cannot find appropriate balance between the effects of the proposed action and/or activities vs. the benefits to society and the health, safety and welfare of the County and its environs. The County finds that the DEIS is incomplete, missing information, and is out of compliance with CEQ, and other related laws and regulations. In conclusion, the A-S NEPA process and DEIS for public full disclosure is fundamentally flawed, and thus the DEIS should be redone.

The Agency must correct the errors identified in these comments by issuing a Supplemental DEIS (SDEIS). A SDEIS must correct the many flaws that have been identified in the DEIS and provide the analyses that have identified as being missing from the DEIS. The SDEIS must accurately bring forward the key issues identified in Scoping and formulate sufficiently differentiated alternatives that are responsive to the Scoping issues that were identified. The DEIS must address the social factors that were omitted. It must clearly display an accurate "No Action" alternative which included all of the actual roads and trails located on the Forest and must include a full analysis of the impacts of the cross country travel closure, particularly in regards to the cumulative effects on the human environment; for example a reduced quality of experience.

The SDEIS cannot evade the necessity of qualitative discussions of effects and social factors by narrowing the range of the alternatives and reducing the scope of the analysis. There should not be an effort to pre-select the outcome of the analysis or mislead the public by altering or limiting the data that will be used in the formation of alternatives and/or conducting the analysis. The analysis must address the effects of the different alternatives clearly and not depend on broad assertions of opinion.

## **Attachment 1: Federal, State and Local Coordination Requirements**

National Forest Management Act (16 USC §1604)

Forest and Rangeland Renewable Resources Planning Act § 6 (16 USC 1604(a))

Multiple Use Sustained Yield Act of 1960, §3 (16 USC §530)

U.S Forest Service 219 Planning Rule: Coordination with Other Public Planning Efforts (36 CFR §219.7);

Travel Management Rule (36 CFR §212.53)

US Forest Service Manual (FSM) 1921.63(a);

US Forest Service Manual (FSM 1950.2)

Integrated Resource Management Process—the Road to Ecosystem Management (USFS Region 3, 4<sup>th</sup> edition, appendix A)

National Environmental Policy Act §101(a), 102(c), (42 USC §4331(b)(5) & §4332(2))

Joint Planning (40 CFR §1506.2 (b)); Cooperating Agencies (40 CFR§1501.6)

President’s Council on Environmental Quality Directive to Federal Agencies regarding Cooperating Agency, Feb. 2002

40 CFR §1501.7; 40 CFR §1503.1

*Regulatory Flexibility Act* (5 USC §601-612)

Proper Consideration of Small Entities in Agency Rulemaking - Presidential Executive Order 13272

Intergovernmental Cooperation Act (§401 and 3 USC §301)

Intergovernmental Review of Federal Programs - Presidential Executive Order 12372

Facilitation of Cooperative Conservation - Presidential Executive Order 13352

Environmental Justice - Presidential Executive Order 12898 §302(d)

Outdoor Recreation Act (16 USC §4601)

National Trails System Act (16 U.S.C. 1241)

Presidential Executive Order 13195: Trails for America in the 21<sup>st</sup>. Century

Use of Off-Road Vehicles on the Public Lands - Presidential Executive Order 11644

TMR coordination: TM Rule (Federal Register Nov. 9’05sec. 212.53)

Arizona Coordination Act

Apache County Board of Supervisors Resolution in Feb. 2010 notified Apache-Sitgreaves National Forest: The need to coordinate the A-S NF Forest Plan process and their TMP planning process

Catron County Ordinance 002-93: Catron County Environmental Planning & Review Process; and, Catron County Resolution 002-2010: County Board of Supervisors Asserting Legal Standing and Formally Invoking Coordination with All Federal and State Agencies Maintaining Jurisdiction Over Lands And/Or Resources Located Within The County of Catron, New Mexico

## **Attachment 2: Apache County Board of Supervisors CEQ Factors for Cooperating Agency**

The President's Council on Environmental Quality (CEQ) spells out the requirements for cooperating agency status in the NEPA process in its 12 factors for determining CA acceptance or rejection. Apache County's opinion is that it meets several of the factors. If the US Forest Service needs more detailed information all they have to do is ask for more detail and clarification. See the below summary, just to name a few.

### Jurisdiction by law (40 C.F.R. § 1508.15):

- *Does the agency have the authority to veto a proposal or a portion of a proposal? What about County roads including RS2477 roads that may be inadvertently closed? Would it not be helpful to have counties as Cooperating Agencies to avoid such problems?*
- *Does the agency have the authority to finance a proposal or a portion of a proposal? Again, CA counties do provide cost-share for forest systems roads and other related financing.*

### Special expertise (40 C.F.R. § 1508.26] :

- *Does the cooperating agency have the expertise needed to help the lead agency meet a statutory responsibility? Given the intermix of County and USFS roads; the county had the expertise to assist the Forest Service, and meet this factor.*
- *Does the cooperating agency have the expertise developed to carry out an agency mission? The Apache County has provided such expertise for years. A-S NF/USFS should seek Apache County expertise regarding the existing roads.*
- *Does the cooperating agency have the related program expertise or experience? Given the County roads on the A-S NF as well as the USFS roads contracted by the County, it would meet this factor. In addition, the County has expertise through it's Cooperative Extension branch as well as specialized expertise to assist in socioeconomics, Wildland Urban interface, watershed management to name a few. With open and honest dialogue, the County can bring a variety of resources to assist the Forest Service especially given the time crunch and the shortage of manpower to complete the EIS.*
- *Does the cooperating agency have the expertise regarding the proposed actions' relationship to the objectives of regional, State and local land use plans, policies and controls (1502.16(c))? Given the above as well as further discussion, it would be a factor for Apache County.*

\* Note: These factors are for TMP. If the Forest Service needs more information and justification, please notify the County and the county will be more than happy to provide you with the necessary information.

# Travel Management Rule

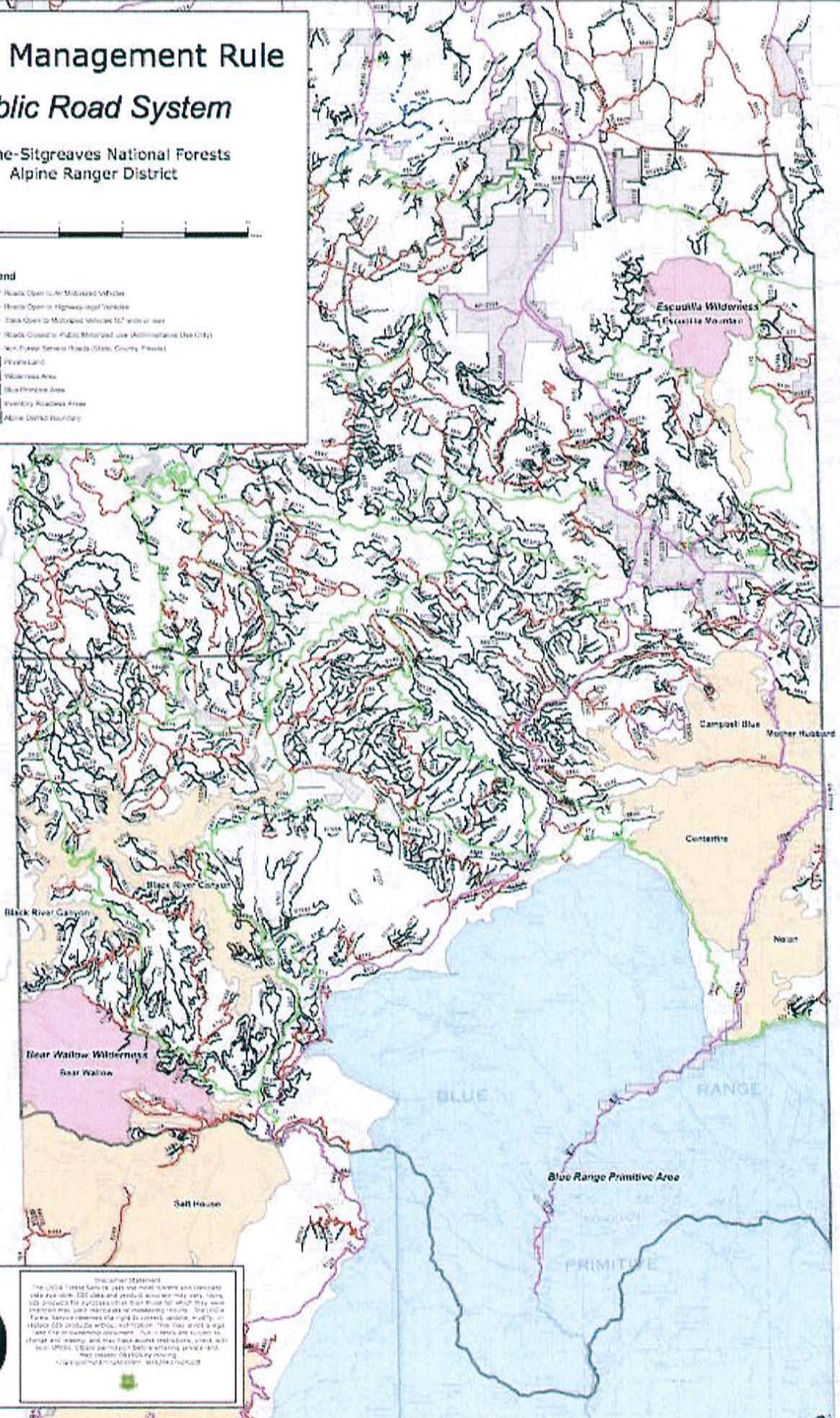
## Public Road System

Apache-Sitgreaves National Forests  
Alpine Ranger District



### Legend

- Roads Open to All Motorized Vehicles
- Roads Open to Highway-Legal Vehicles
- Trails Open to Motorized Vehicles 10" wide or less
- Roads Closed to Public Motorized Use (Administrative Use Only)
- Non-Federal Service Roads (State, County, Private)
- Private Land
- Wilderness Area
- Blue-Flame Area
- Inventory Roadless Area
- Alpine District Boundary



**Disclaimer Statement**  
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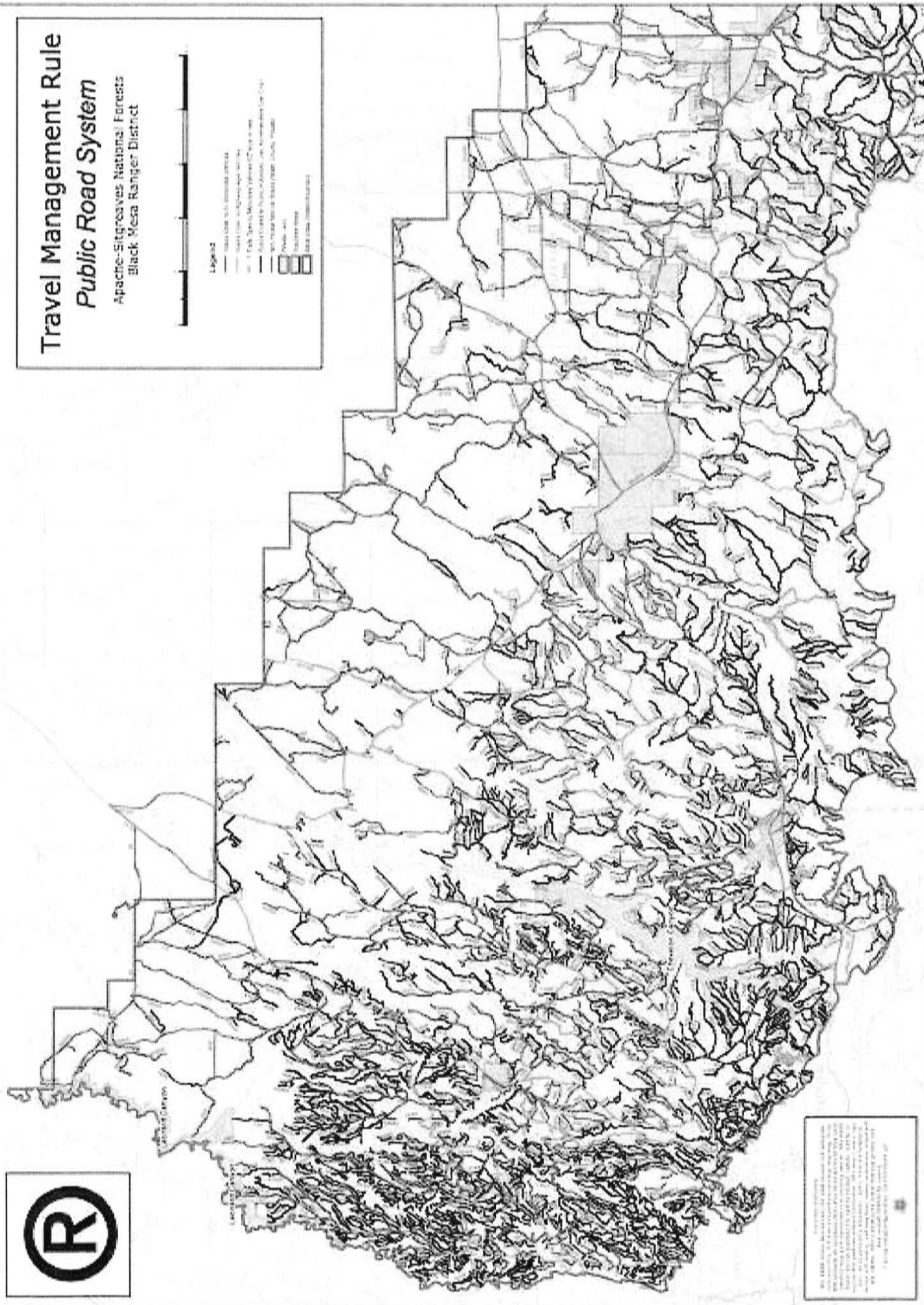
# Travel Management Rule Public Road System

Apache-Sitgreaves National Forests  
Black Mesa Ranger District

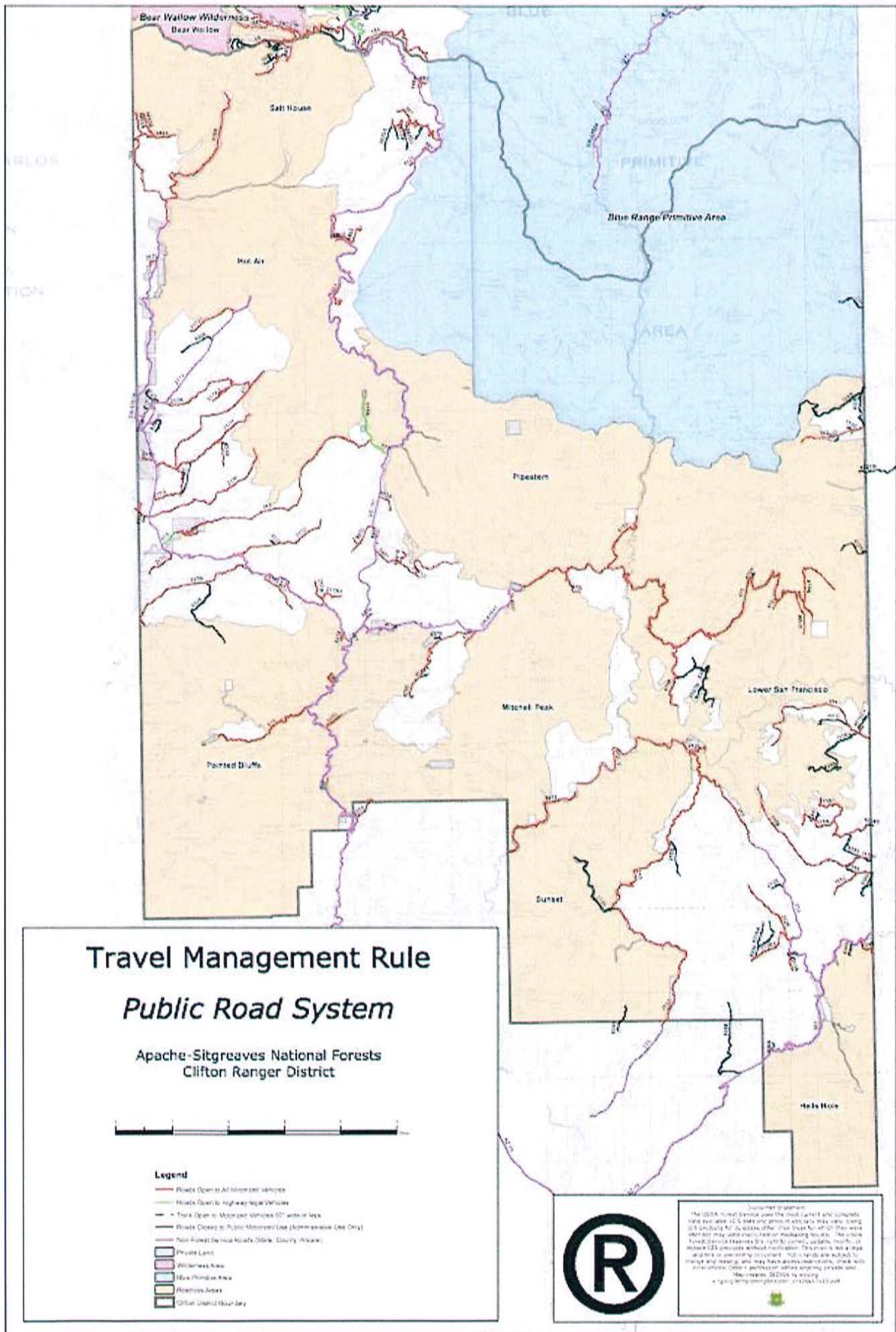


### Legend

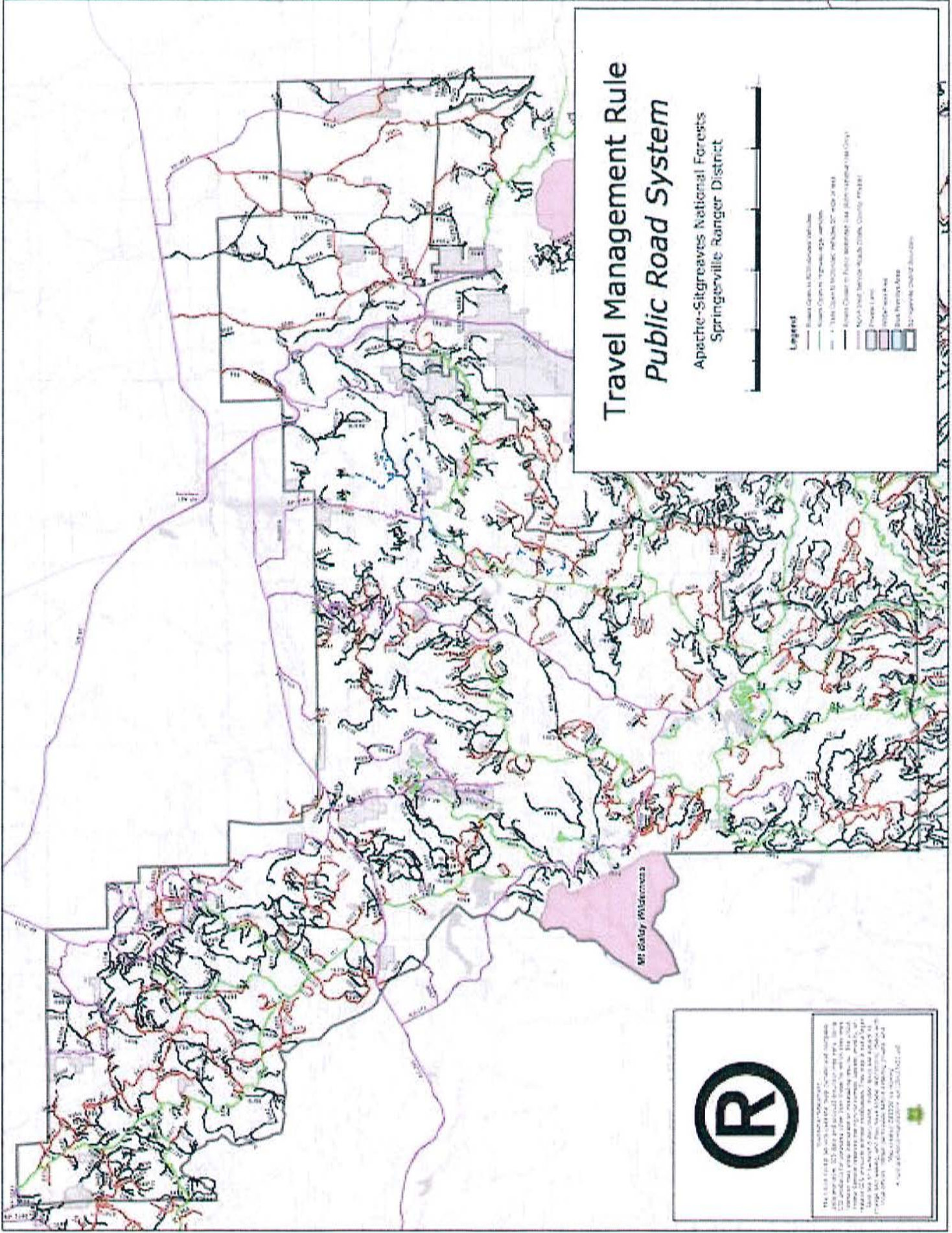
- State Route (SR) / Interstate (I)
- County Road
- Public Road
- Private Road
- Unimproved Road
- Road Right-of-Way



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# Travel Management Rule Public Road System

Apache-Sitgreaves National Forests  
Springerville Ranger District

**Legend**

- Road Closure (2010) - Seasonal Closures
- Road Closure (2010) - Permanent Closures
- 1-1/2" Open to 2" Roadside Vehicle Use (2010) - 2014
- Open to 1-1/2" Roadside Vehicle Use (2010) - 2014
- Open to 1-1/2" Roadside Vehicle Use (2010) - 2014
- Open to 1-1/2" Roadside Vehicle Use (2010) - 2014
- Private Land
- Private Land
- Road Network Area
- 2010-2014 Road Network
- 2010-2014 Road Network

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Chair, Navajo County

Supervisor Richard Lunt,  
Vice Chair, Greenlee County

Supervisor Tommie Martin,  
Past Chair, Gila County



Supervisor Paul David,  
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Supervisor Travis Simshauser,  
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Electronic posting of comments at  
<https://cara.ecosystem-management.org/Public//CommentInput?Project=22692>

October 28, 2019

Re: Comments on the Apache-Sitgreaves National Forests Draft Environmental Impact Statement for Public Motorized Travel Management Plan #22692.

Dear Steve & Tim;

The Eastern Arizona Counties Organization consists of six counties located in northern and eastern Arizona along the Mogollon Rim that marks the southern edge of the Colorado Plateau. These six counties are Apache, Cochise, Gila, Graham, Greenlee, and Navajo County.

The Eastern Arizona Counties Organization (ECO) and its county members have been actively involved and have assumed a leadership role in several forest restoration efforts that have gained national recognition such as the White Mountain Stewardship Project and the Four Forest Restoration Initiative.

As hosting or neighboring counties to the Apache-Sitgreaves National Forests (A/S), five of the ECO counties are directly impacted by the Apache-Sitgreaves National Forests Public Motorized Travel Management Plan. These are Apache, Gila, Graham, Greenlee, and Navajo County.

In March 2016, the Eastern Arizona Counties Organization accepted the invitation of the Apache-Sitgreaves National Forests to become a Cooperating Agency for the Apache-Sitgreaves National Forests Public Motorized Travel Management Plan.

During 2016, 2017 and 2018 the Eastern Arizona Counties Organization participated in a number of Interdisciplinary Team (IDT) meetings and brought to the attention of the IDT members and Forests leaders the following local governments concerns:

- 1) Retention of adequate motorized road travel in the Apache-Sitgreaves National Forests.
- 2) Retention of motorized dispersed camping consistent with the reasonable enjoyment of safety, privacy, comfort, custom and culture, allowing the parking of motorized vehicles and/or trailers at a distance of 300 feet from the closest legally open road or trail, including access to dispersed camping sites previously used and established in the local custom and culture as demonstrated by tangibles evidences of previous use such as fire pits, improvements, etc.
- 3) Retention of motorized big game retrieval for all species of game meeting the definition of 'big game' in the Arizona Game and Fish Department hunting regulations, allowing one trip each way from the downed animal to the closest legally open road or trail, regardless of distance, by the most direct route compatible with safety and the preservation of other values such as riparian areas, archeological sites, etc.
- 4) Retention of motorized dispersed collection of firewood in the authorized firewood collection areas, compatible with safety and the preservation of other values such as riparian areas, archeological sites, etc.
- 5) Implementation of appropriate restrictions on indiscriminate cross-country travel in order to preserve and conserve the resources contained in the Apache-Sitgreaves National Forests for the enjoyment of future generations.
- 6) Retention of the possibility for future consideration of new motorized recreation areas and trails over at least 75% of the Apache-Sitgreaves National Forests.

Following vigorous discussions in the Interdisciplinary Team and with the Apache-Sitgreaves National Forests leadership, the Eastern Arizona Counties Organization is providing the following comments on the draft environmental impact statement (DEIS) for the Apache-Sitgreaves National Forests Public Motorized Travel Management Plan.

### **Travel Management Plan and Forest Plan NEPA processes confusions and insufficiencies**

Travel management planning for the Apache-Sitgreaves National Forests started in 2005 and included extensive public and local governments involvement from 2005 to 2008. A DEIS was released for public comments in October 2010. Shortly after the comment period ended, the Wallow Fire burned through the Apache-Sitgreaves National Forests from May 29, 2011 to July 8, 2011. The Travel Management Rule (TMR) was put on hold. Thereafter, the Forest Service decided to prioritize the completion of the Apache-Sitgreaves National Forests Land Management Plan revision. A Programmatic Draft Environmental Impact Statement for the Apache-Sitgreaves National Forests Land Management Plan was published for comments in February 2013, and in October 2015 the revised Land Management Plan

for the Apache-Sitgreaves National Forests (Forest Plan) was implemented. Subsequently, in February 2016, the Apache-Sitgreaves National Forests resumed the Travel Management Rule planning process.

One of the outcomes of the five year TMR process interruption and its postponing to complete the revision of the Forest Plan was the creation of some confusion between the two processes, and insufficiencies in both processes.

The Apache-Sitgreaves National Forests answer to constituents' comments on motorized access issues during the revision of the A/S Forest Plan, including Arizona Game & Fish Department (AGFD) and ECO comments, among others, indicated, in substance, that the Forest Plan revision process was not the proper forum to address travel management issues; that the TMR process would resume subsequent to the completion of the Forest Plan revision; and, that travel management issues would be addressed during the TMR process. ECO, like other constituents, accepted this answer in good faith and postponed action on travel management issues.

However, collaborative agencies such as ECO and AGFD represented in the TMR IDT were subsequently told in 2017 that a number of their concerns with the TMR implementation analysis cannot be addressed because directions were established under the revised Forest Plan that cannot be modified now to accommodate ECO or AGFD TMR concerns.

In effect, this situation resulted in the denial of the ability of collaborative agencies, State agencies and local governments to comment on, and participate effectively in the TMR process.

While ECO appreciates that these issues predate the current Forests Leadership and we do not believe that this situation was intended by the A/S, it nonetheless resulted in NEPA processes confusions and insufficiencies. Comments related to TMR that may require changes not compliant with the revised Land Management Plan (Forest Plan) must now be considered by the A/S, even if such changes may require a Forest Plan amendment.

### **Impact of Natural Landscape areas designation in the Forest Plan**

The 2015 revision of the A/S Forest Plan saw the designation of large "Natural Landscape" areas, especially in the Clifton District. These areas, like all other Forest Service special designation areas, carry a number of multiple use restrictions.

For example, based on the statements made by the IDT members and the Forest leadership, a Natural Landscape designation in the Forest Plan prevents the A/S from:

- creating "new roads" (i.e. entering into the administrative system well established, long existing physical roads);
- designating camping areas in specific locations long-used by recreationists, as documented in the AGFD and the A/S field surveys;
- designating camping corridors;
- allowing motorized big game retrieval;
- allowing motorized firewood collection.

ECO observes that there is no federal definition or designation of "Natural Landscape" and that the designation of new Natural Landscape areas in a number of areas already containing large numbers of Inventoried Roadless Areas (IRA) results in limiting beyond any reasonable justification, the recreational use of considerable areas of the A/S, especially in the Clifton District.

Had the A/S considered travel management impacts, and accepted travel management input, during the Forest Plan revision, such Natural Landscape area designations would have been vigorously challenged by a number of multiple use constituents, likely including ECO. The deferment by A/S of travel management impact considerations to the TMR process in effect resulted in the unchallenged designation of a number of Natural Landscape areas that now prove an unreasonable constraint on the TMR process.

While ECO understands that this is likely an unintended consequence of leadership succession and shifting leadership perspectives at the A/S and in Region 3, the constraining effect of Natural Landscape areas designation must nonetheless be corrected to allow:

- the designation of “new” roads (i.e. entering into the administrative system well established, long existing physical roads);
- the location of approved camping sites;
- the designation of camping corridors;
- the allowing of motorized big game retrieval;
- the designation of motorized firewood collection areas;

even if such actions may require a Forest Plan amendment.

### **DEIS Range of Alternatives**

Although three NEPA Alternatives are technically considered in the analysis resulting in the DEIS, the A/S stated in its Notice of Intent that it will essentially consider two Alternatives in the DEIS: Alternative 2 and Alternative 3.

The Eastern Arizona Counties Organization believes that the DEIS fails the NEPA requirement of a “reasonable range of Alternatives” because both Alternatives 2 and 3 are inappropriately restrictive in terms of motorized big game retrieval and motorized dispersed camping. In fact, the NEPA analysis and DEIS patently lack an Alternative that would allow motorized access and multiple use compatible with the maximum enjoyment of the forests by lawful hunting and camping recreationists, while still meeting the requirements of the national TMR guidelines.

Under a further restrictive interpretation of an already questionable Forest Service instruction to designate camping corridors, camping sites, open roads, etc. “sparingly,” the Apache-Sitgreaves National Forests appear to have conducted the TMR designations for open road, open camping sites, big game retrieval areas, etc. under the overarching philosophy that the default answer to proposed open designations must be “no,” unless there is a mandatory reason to say “yes.”

ECO recognizes that there are many miles of existing roads (whether inventoried in the A/S system, or not) around which the designation of camping corridors, approved camping sites, authorized motorized big game retrieval, etc. is inappropriate for a number of valid reasons, such as riparian resource protection, aquatic resource protection, cultural resource protection, soil resource protection, etc. or, in many cases, sheer common sense owing to topography and the physical impossibility to leave existing roads (whether inventoried in the A/S system, or not). Therefore, ECO does not seek or recommend a blanket designation of camping corridors, camping sites, or motorized big game retrieval areas around all existing roads (whether inventoried in the A/S system, or not), regardless of resources or topography.

However, ECO believes that the overarching philosophy guiding the TMR should be that the default answer to proposed open designations must be “yes,” unless there is compelling reason, such as

illustrated in the above paragraph, to say “no.” The intent of the national regulator was to restrict destructive cross country motorized travel, not to prevent lawful travel on established roads.

ECO further believes that the application of a permissive overarching philosophy would still result in the A/S meeting the Forest Service instruction to “designate sparingly,” when comparing designated open areas and roads to the overall area of the A/S and the overall total of all existing road miles (whether inventoried in the A/S system, or not).

In consequence, ECO requests that an additional Alternative be analyzed, based on the systematic designation of camping corridors on all roads, designation of all existing camping sites, allowing of big game retrieval, designation of open roads, incorporation of existing physical roads in the Forest Service inventory of roads (i.e. the administrative “creation of new roads”), etc. unless specific ecological reasons or resource at risk exist - separate from a guidance to “designate sparingly”.

ECO understands that the Forest Service is mandated to analyze an Alternative proposed by cooperating local governments, and we request to be included in the designation and analysis work of the IDT.

### **Prohibition of administrative inventorying of existing roads (i.e. “creation of new roads”), closed roads and decommissioned roads**

The definition of “new road” in the TMR process is an administrative definition whereas any physically existing road on the landscape that is currently not inventoried in the Forest Service system is considered “new,” even though it may have existed on the ground and been used consistently by forest users for decades.

While this definition may make sense from an administrative perspective, it is intuitively confusing as most people understand the concept of “new road” as “road newly constructed or to be constructed.”

More importantly, this “new road” definition is drastically limiting the TMR process in as much as a Forest Service determination that no “new road” is allowed in Natural Landscapes and Apache trout 6<sup>th</sup> code watersheds, will result in fact in the closing of a large number of existing physical roads which are not inventoried in the Forest Service system. If a road physically exists, but is not listed in the Forest Service inventory, it automatically becomes an illegal road under TMR even though it may have been in popular use for decades!

In addition, through the years and the projects, a number of roads were created, frequently but not always for timber management objectives, and many of these roads have been administratively closed or decommissioned, but many of the closed or decommissioned roads have not been physically obliterated. Evidences are easily provided by the comparison of Forest Service maps from various decades, featuring numbered Forest Service roads on older maps that do not exist anymore on recent maps, but that still exist on the ground, and continue to be used by the public. All of these previously closed or decommissioned roads also automatically become illegal roads under TMR even though they may have been in popular use for decades!

The closing under TMR of existing roads that have never been entered in the Forest Service system and the closing of former Forest Service closed or decommissioned roads will have a significant adverse impact on balanced multiple use of the Apache-Sitgreaves National Forests. These closings render the Alternative 2 statement of “553 miles currently open roads closed to the public” deeply misleading, as the actual mileage of physical roads closed to the public will likely exceed 3,500 miles including the 553

miles of administratively inventoried roads that will be closed, but also including approximately 3,000 miles of roads that are not inventoried in the Forest Service system, and that “do not exist” administratively but that exist physically and that will be closed too.

From this perspective, the total mileage of physical roads in the A/S is not 3,400 miles, as administratively inventoried in Alternative 1, but close to 7,000 miles of on-the-ground roads. Alternative 2 would essentially close approximately 60% of the roads since only approximately 3,000 miles would remain open.

ECO understands that the Forests Service only considers their system roads in their travel management signage and designations, but the impact of the TMR decision is not limited to the administratively inventoried roads. Since the roads that were never inventoried, or were closed, or were decommissioned, etc. generally still exist and will also be made illegal under the TMR decision, the impact analysis on recreation activities and their economic impact must be conducted based on the closing of ~3,500 miles of existing roads, and not just on the closing of ~550 miles of inventoried roads. In this respect, the impact analysis of the DEIS is insufficient and must be completely redone.

ECO requests that all well-established, long existing and commonly used physical roads must be inventoried and added to the Forest Service system in order to ground the TMR process in reality, prior to any impact analysis being completed and prior to any decision regarding which ones will remain open and which ones can be closed, even if such additions may require a Forest Plan amendment.

### **Motorized Dispersed Camping**

The field surveys and resulting proposed designations of approved camping sites and camping corridors by the various Apache-Sitgreaves National Forests Districts staff appear to ECO to be an empirical process conducted in good faith by the Forest Service personnel but lacking in several respects.

Specifically:

- a. Camping corridor proposed designations were based on field survey identification of areas showing evidence of high camping frequency and high camping density. While ECO does not challenge the fact that these are two valid criteria in such designation proposals, we would also like to emphasize the fact that many recreationists are seeking low frequentation areas for a more natural and more private camping experience. Limiting proposed designations to high frequency, high density areas would therefore discriminate unduly against campers seeking the opposite experience. This must be corrected.
- b. Existing camping sites located during A/S field surveys and proposed for approval under the TMR, exclude existing undeveloped sites located within a certain distance of Forest Service developed camping sites. While ECO understands the logic of attempting to not duplicate the impact of developed camping sites, we observe that the multiplication of undeveloped camping sites in close proximity to developed camping sites has likely been caused by the full occupancy of the developed sites and their inability to accommodate all interested campers. Excluding in the proposed approved sites designation the undeveloped sites in proximity to developed sites would therefore discriminate unduly against campers seeking camping space beside developed sites being filled to capacity. This must be corrected.

The Arizona Game & Fish Department (AGFD), a cooperating agency in the TMR process, conducted a field survey that inventoried 2,702 existing campsites, of which 2,648 fall under the TMR process.

Under Alternative 2, a full 1,012 existing camping sites in common use would become illegal. In other words, the Apache-Sitgreaves National Forests would lose approximately 40% of its camping sites.

Of these, 80 campsites would be disallowed due to Natural Landscape designations alone, 54 of which in the Clifton District alone.

The restrictions proposed on motorized dispersed camping will result in a shortage of campsites and will affect the ability of lawful forest users to recreate (camping, hunting, fishing, boating, etc.) in the Apache-Sitgreaves National Forests. This will consequently affect negatively the rural recreation economy and the popular support for public lands in the West.

Such negative impacts have not been analyzed in the DEIS and must be analyzed and disclosed.

To mitigate these impacts, ECO requests that:

- I. A 300 foot motorized dispersed camping corridor be allowed on each side of ALL open roads where topography allows and threatened resources (riparian, etc.) are not endangered, including within designated Natural Landscape areas, even if such additions may require a Forest Plan amendment;
- II. All existing camp sites inventoried by the Forest Service and AGFD be allowed, and the spur roads leading to them remain open, where threatened resources (riparian, etc.) are not endangered, including:
  - a. within designated Natural Landscape areas, specifically in the Clifton Ranger District along FS roads 475 and 217;
  - b. adjacent the Blue Range Primitive Area (BRPA);
  - c. in the private land inholdings acquired in the BRPA after September 3, 1964 (36 CFR S 293.17).

### **Motorized Big Game Retrieval**

In its original October 2010 TMR DEIS, the Apache-Sitgreaves National Forests Preferred Alternative proposed motorized big game retrieval for elk, mule deer and black bear.

ECO understands that the Regional leadership has required the Apache-Sitgreaves National to now limit proposed motorized big game retrieval for elk only. This decision is arbitrary and capricious. There is no requirement in the national Travel Management Rule to restrict the species allowed for motorized big game retrieval.

Further, this decision discriminates against hunters physically challenged to retrieve mule deer or black bear in the course of a legal hunt.

If achieving regional consistency with other Forest Service lands in Arizona is the goal, consistency can be easily achieved by allowing motorized big game retrieval of legally tagged bison, elk, mule deer and black bear where they occur in Forest Service lands in Arizona.

In consequence, and as indicated above, ECO requests that an additional Alternative be analyzed, that allows for motorized big game retrieval of legally tagged elk, mule deer and black bear in the Apache-Sitgreaves National Forests, in a one mile corridor on each side of all roads legally open to public motorized use during, and for 24 hours after, an open hunting season, including within designated Natural Landscape areas, and specifically in the Clifton Ranger District along FS roads 475 and 217.

ECO understands that the Forest Service is mandated to analyze an Alternative proposed by cooperating local governments, and we request to be included in the designation and analysis work of the IDT.

In summary, ECO believes that the application of the TMR was never intended by the national legislators and/or regulators to result in an unreasonable curtailing of multiple use (60% of existing roads closed, 40% of existing campsites closed), or in unnecessary limitations of how the people can enjoy its public lands.

There is no national legal or regulatory TMR guidance that would prevent the motorized retrieval of appropriate species of big game (elk, mule deer, black bear), 1 mile from each side of all existing roads, and there is no national legal or regulatory TMR guidance that would prevent the designation of 300 ft camping corridors on each side of all existing roads, where topography and the absence of values at risk would allow it. Further, there is no national legal or regulatory TMR guidance that would prevent either in so-called natural landscape areas.

ECO, therefore, urges the A/S to meet the intent of the TMR to eliminate wonton destruction of resources through indiscriminate cross country travel, without unduly limiting the legal and beneficial multiple use of the forest by law abiding citizens, and without creating unacceptable negative economic impacts on the recreation economy that is a large, if not the largest, economic driver in many of the rural counties in which the A/S is located.

ECO respectfully requests that the Apache-Sitgreaves National Forests Draft Environmental Impact Statement for Public Motorized Travel Management Plan #22692 be modified, and its impact re-analyzed, per the above comments.

Respectfully submitted,

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Jason Whiting  
Eastern Arizona Counties Organization Chair  
Navajo County Supervisor

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Richard Lunt  
Eastern Arizona Counties Organization vice-Chair  
Greenlee County Supervisor

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Tommie Martin  
Eastern Arizona Counties Organization past Chair  
Gila County Supervisor

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Paul David  
Eastern Arizona Counties Organization Director  
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