

PURSUANT TO A.R.S. SECTION 38-431.01, THE GILA COUNTY BOARD OF SUPERVISORS WILL HOLD AN OPEN MEETING IN THE SUPERVISORS' AUDITORIUM, 1400 EAST ASH STREET, GLOBE, ARIZONA. ONE OR MORE BOARD MEMBERS MAY PARTICIPATE IN THE MEETING BY TELEPHONE CONFERENCE CALL OR BY INTERACTIVE TELEVISION VIDEO (ITV). **ANY MEMBER OF THE PUBLIC IS WELCOME TO ATTEND THE MEETING VIA ITV WHICH IS HELD AT 610 E. HIGHWAY 260, BOARD OF SUPERVISORS' CONFERENCE ROOM, PAYSON, ARIZONA.** THE AGENDA IS AS FOLLOWS:

REGULAR MEETING - TUESDAY, SEPTEMBER 16, 2014 - 10:00 A.M.

1. **CALL TO ORDER - PLEDGE OF ALLEGIANCE - INVOCATION**

2. **PUBLIC HEARINGS:**
 - A. Information/Discussion/Action to adopt an Order to allow for the deannexation of land (approximately 760 acres of U.S. Forest Service land) by the Town of Star Valley and which is legally described in Exhibit B of Town of Star Valley Ordinance No. O 14-02, and the annexation of that same land by the Town of Payson and which is legally described in Exhibit B of Town of Payson Ordinance No. 853 pursuant to A.R.S. §9-471.02. **(Don McDaniel)** Adopted

 - B. Information/Discussion/Action to adopt Order No. LL-14-06, a liquor license application submitted by Thomas Edward Coons for a new Series 12 restaurant license at Maverick Smoked BBQ, Steaks & Seafood located in Pine, Arizona. **(Marian Sheppard)** Adopted

3. **REGULAR AGENDA ITEMS:**
 - A. Report on the status of the 2014 property tax bills and the findings of the September 5th test run. **(Kelly Riggs & Debi Savage)** Presented

 - B. Information/Discussion/Action to accept Substance Abuse and Mental Health Services Administration Grant Award No. 1H79TI025497-01 from the Department of Health and Human Services, Substance Abuse and Mental Health Services, in the amount of \$757,686 for the project period of September 30, 2014, through September 29, 2017. **(Kendall Rhyme)** Accepted

 - C. Information/Discussion/Action to adopt Resolution No. 14-09-02 authorizing the installation of regulatory signage at the intersection of Gordon Street and New Street in Gila County. **(Steve Sanders)** Adopted

- D. Information/Discussion/Action to approve Cooperative Forest Road Agreement No. 14-RO-11031200-030 between the United States Department of Agriculture, Forest Service, Tonto National Forest, and Gila County for the term of October 1, 2014, through September 30, 2019. **(Jeff Hessenius and Steve Stratton)** Approved
- E. Information/Discussion/Action to approve Amendment No. 1 to an Intergovernmental Agreement (Contract No. DE14-055408) between the Arizona Department of Economic Security and the Gila County Board of Supervisors to increase the total contract amount from \$2,454,964 to \$4,826,020, of which said funds are utilized for the Gila/Pinal Local Workforce Investment Area per the requirements of the Workforce Investment Act. **(Malissa Buzan)** Approved
- F. Information/Discussion/Action to approve an amended Agreement-Economic Development Grant between Gila County and the Bullion Plaza Cultural Center & Museum whereby the County will disburse \$10,000 to the Museum to maintain and improve the Museum; and further the Board determines this is for the benefit of the public and will improve or enhance the economic welfare of the inhabitants of Gila County. **(Don McDaniel)** Approved
- G. Information/Discussion/Action to approve an amended Agreement-Economic Development Grant between Gila County and the City of Globe whereby the County will disburse \$10,000 to the City Active Adult Center to assist in providing and delivering meals to senior citizens in the community through the Meals on Wheels program; and further the Board determines this is for the benefit of the public and will improve or enhance the economic welfare of the inhabitants of Gila County. **(Don McDaniel)** Approved
- H. Information/Discussion/Action to approve an Intergovernmental Agreement between Gila County and the Town of Miami to provide \$10,000, in-kind services by the County IT Department, or a combination of the two to provide IT technical assistance to the Town; and further the Board determines this is for the benefit of the public and will improve or enhance the economic welfare of the inhabitants of Gila County. **(Don McDaniel)** Approved
- I. Information/Discussion/Action to consider issuing official comments from the Board of Supervisors regarding the Draft Environmental Impact Statement for Travel Management on the Tonto National Forest. **(Jacque Griffin)** Approved

J. Information/Discussion/Action to consider issuing official comments from the Board of Supervisors regarding the U.S. Fish and Wildlife Service's Proposed Revision of the Nonessential Experimental Population of the Mexican Wolf published in the Federal Register on July 25, 2014 (79 Fed. Reg. 43358) and the Draft Environmental Impact Statement for the Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf (*Canis Lupus Baileyi*) dated July 16, 2014. **(Jacque Griffin)** Approved

K. **(Motion to adjourn as the Gila County Board of Supervisors and convene as the Gila County Library District Board of Directors.)** Authorized
Information/Discussion/Action to authorize the submission of a State Grants-In-Aid Application by the Gila County Library District to the Arizona State Library, Archives and Public Records, Library Development Division, for the 2014-2015 fiscal year in the amount of \$23,000 designated to Gila County for the period July 1, 2014, through June 30, 2015. **(Jacque Griffin) (Motion to adjourn as the Gila County Library District Board of Directors and reconvene as the Gila County Board of Supervisors.)**

4. **CONSENT AGENDA ACTION
ITEMS: (Any matter on the Consent Agenda will be removed from the Consent Agenda and discussed and voted upon as a regular agenda item upon the request of any member of the Board of Supervisors.)**

A. Approval of Amendment No. 12 to Contract No. A11PC00100 between the Bureau of Indian Affairs and Gila County, on behalf of the Gila County Juvenile Detention Center, to increase the contract amount by \$8,000, from \$126,400.01 to \$134,400.01. Approved

B. Approval of FY 2015 Victims' Rights Program Award Agreement No. AG# 2015-004 between the Gila County Attorney's Office and the Arizona Attorney General's Office in the amount of \$33,900 to cover the existing salary and employee-related expenses for a full-time advocate, with no cash match funds required, for the period July 1, 2014, through June 30, 2015. Approved

C. Approval of a Memorandum of Understanding between Gila County and the Tonto Basin Library, whereby the Tonto Basin Library will become an "Access Point" under the Workforce Investment Act for the period July 1, 2014, through June 30, 2015. Approved

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|----|--|--------------|
| D. | Approval of Amendment No. 1 to Request for Qualified Vendor Agreement No. DDD 710000 between the Arizona Department of Economic Security, Division of Developmental Disabilities (DDD), and the Gila County Board of Supervisors d/b/a Gila County Employment and Special Training Department to continue to provide DDD services to residents of Gila County, and remain in compliance with federal and state regulations and provisions of the Qualified Vendor Agreement. | Approved |
| E. | Approval of Professional Services Contract No. 081214 with Emily Danies in the amount of \$78,916.92 to provide professional legal defense services for the Superior Court in Gila County for the period July 1, 2014, to June 30, 2015. | Approved |
| F. | Approval of an Application for Extension of Premises/Patio Permit submitted by Randy D. Nations to temporarily extend the premises where liquor is permitted to be sold at the Sidewinders Tavern & Grill, which is located in Pine, for the Justice McNeeley Foundation fund-raiser event to be held on September 20, 2014. | Approved |
| G. | Approval of an Application for Extension of Premises/Patio Permit submitted by Tamara Morken to temporarily extend the premises where liquor is permitted to be sold at THAT Brewery Rimside Grill, which is located in Pine, for the Oktoberfest event to be held on September 27-28, 2014. | Approved |
| H. | Approval of a Special Event License Application submitted by the Cobre Valley Regional Medical Center Foundation to serve liquor at a fund-raising event that will be held at the Gila County Fairgrounds Exhibition Hall in Globe, Arizona, on November 14, 2014. | Approved |
| I. | Approval of two Special Event Liquor License Applications submitted by the Lion's Club of Globe, Arizona, Inc. to serve liquor at two weddings to be held at the Gila County Fairgrounds in Globe, Arizona, on October 4, 2014, and October 11, 2014. | Approved |
| J. | Approval of the August 5, 2014, and August 26, 2014, Board of Supervisors' meeting minutes. | Approved |
| K. | Acknowledgment of contracts under \$50,000 which have been approved by the County Manager for the weeks of August 18, 2014, to August 22, 2014; and August 25, 2014, to August 29, 2014. | Acknowledged |

- L. Approval of finance reports/demands/transfers for the weeks of September 9, 2014, and September 16, 2014. Approved
5. **CALL TO THE PUBLIC:** Call to the Public is held for public benefit to allow individuals to address the Board of Supervisors on any issue within the jurisdiction of the Board of Supervisors. Board members may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to Arizona Revised Statute §38-431.01(H), at the conclusion of an open call to the public, individual members of the Board of Supervisors may respond to criticism made by those who have addressed the Board, may ask staff to review a matter or may ask that a matter be put on a future agenda for further discussion and decision at a future date. No Comments
6. At any time during this meeting pursuant to A.R.S. §38-431.02(K), members of the Board of Supervisors and the County Manager may present a brief summary of current events. No action may be taken on issues presented. Presented

IF SPECIAL ACCOMMODATIONS ARE NEEDED, PLEASE CONTACT THE RECEPTIONIST AT (928) 425-3231 AS EARLY AS POSSIBLE TO ARRANGE THE ACCOMMODATIONS. FOR TTY, PLEASE DIAL 7-1-1 TO REACH THE ARIZONA RELAY SERVICE AND ASK THE OPERATOR TO CONNECT YOU TO (928) 425-3231.

THE BOARD MAY VOTE TO HOLD AN EXECUTIVE SESSION FOR THE PURPOSE OF OBTAINING LEGAL ADVICE FROM THE BOARD'S ATTORNEY ON ANY MATTER LISTED ON THE AGENDA PURSUANT TO A.R.S. SECTION 38-431.03(A)((3)

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING

ARF-2753

Public Hearing 2. A.

Regular BOS Meeting

Meeting Date: 09/16/2014

Submitted For: Marian Sheppard, Clerk
Submitted By: Marian Sheppard, Clerk, Clerk of the Board of Supervisors

Department: Clerk of the Board of Supervisors

Information

Request/Subject

Deannexation/Annexation for Town of Star Valley and Town of Payson.

Background Information

In accordance with statutory requirements for the deannexation of land from one municipality and annexation to another municipality; on August 13, 2014, the Town of Star Valley filed its Ordinance No. O 14-02 with the Gila County Clerk of the Board (COB) and on August 15, 2014, the Town of Payson filed its Ordinance No. 853 with the COB.

On August 26, 2014, the Board of Supervisors established a hearing date of September 16, 2014, to address and obtain public comment for the requested deannexation by the Town of Star Valley of approximately 760 acres of Forest Service land and the annexation by the Town of Payson of that same land.

A public hearing notice was published in the 2014 official County newspaper, the Arizona Silver Belt, for two publications; September 3, 2014, and September 10, 2014.

Evaluation

The next step in the statutory process for this requested deannexation/annexation of land is for the Board of Supervisors to conduct a public hearing.

The Town of Star Valley has provided the COB with a copy of a letter that was sent by certified mail to Angela Elam, District Ranger for the U.S. Forest Service, Tonto National Forest (TNF), notifying the TNF of the Board of Supervisors' public hearing date for the requested deannexation/annexation of approximately 760 acres of Forest Service land. Per statute, the governing body of the city or town desiring to deannex territory shall notify by letter the owner of any real property in the territory to be deannexed at least twenty days before the hearing by the county board of supervisors. The letter shall state that the property owner may protest the action by letter to the county board of supervisors before the hearing or in person at the hearing. As of this writing, the U.S. Forest Service, TNF, has not submitted a letter of protest to the Gila County Board of Supervisors.

Conclusion

It is necessary for the Board of Supervisors to conduct the public hearing, which is set for this date.

Recommendation

Per statutory requirement, a public hearing must be held to obtain public comment regarding this requested deannexation of land by the Town of Star Valley and annexation of the same land by the Town of Payson. On determining that the requirements of the Arizona law which pertains to the deannexation of land from one municipality and the annexation of land to another municipality have been satisfied, on the holding of the public hearing and on determination that the protests filed (if any) are insufficient as defined by Arizona law, the Board of Supervisors shall order that the territory be deannexed from the Town of Star Valley and that the same territory be annexed to the Town of Payson as specified in the two Ordinances adopted by the Town of Star Valley and Town of Payson.

Suggested Motion

Information/Discussion/Action to adopt an Order to allow for the deannexation of land (approximately 760 acres of U.S. Forest Service land) by the Town of Star Valley and which is legally described in Exhibit B of Town of Star Valley Ordinance No. O 14-02, and the annexation of that same land by the Town of Payson and which is legally described in Exhibit B of Town of Payson Ordinance No. 853 pursuant to A.R.S. §9-471.02. **(Don McDaniel)**

Attachments

Order for Deannexation by Star Valley and Annexation by Payson

Public Hearing Notice for 9-16-14

Star Valley's Ordinance No. O 14-02

Town of Payson's Ordinance No. 853

Town of Star Valley's Letter to USFS

A.R.S. 9-471.02



ORDER

AN ORDER OF THE GILA COUNTY BOARD OF SUPERVISORS ALLOWING THE TOWN OF STAR VALLEY TO DEANNEX CERTAIN LAND (APPROXIMATELY 760 ACRES OF U.S. FOREST SERVICE LAND) AS LEGALLY DESCRIBED IN EXHIBIT B OF THE TOWN OF STAR VALLEY'S ORDINANCE NO. O 14-02 AND ALLOWING THE TOWN OF PAYSON TO ANNEX THAT SAME LAND AS LEGALLY DESCRIBED IN EXHIBIT B OF THE TOWN OF PAYSON'S ORDINANCE NO. 853 PURSUANT TO A.R.S. § 9-471.02.

WHEREAS, in accordance with A.R.S. § 9-471.02 (D), on August 13, 2014, the Town of Star Valley filed Town of Star Valley Ordinance No. O 14-02 with the Clerk of the Gila County Board of Supervisors, and on August 15, 2014, the Town of Payson filed Town of Payson Ordinance No. 853 with the Clerk of the Gila County Board of Supervisors as per statutory requirements for the deannexation of land from one municipality and annexation to another municipality; and,

WHEREAS, on August 26, 2014, the Board of Supervisors set a public hearing date to obtain public comment regarding this requested deannexation/annexation of land; and,

WHEREAS, a public hearing was held on Tuesday, September 16, 2014, at which time it was determined that all statutory requirements were met for the requested deannexation/annexation of certain land which is legally described in the Town of Star Valley's Ordinance No. O 14-02 and the Town of Payson's Ordinance No. 853; and,

WHEREAS, the Board of Supervisors did not receive any letters of objection to this requested deannexation/annexation of land nor did it receive any public comment in opposition to this request by both Towns during the public hearing.

NOW, THEREFORE, IT IS HEREBY ORDERED by the Board of Supervisors of Gila County, Arizona, that the Town of Star Valley may deannex that certain land (approximately 760 acres of U.S. Forest Service land) as legally described in Exhibit B of its Ordinance No. O 14-02 and the Town of Payson may annex that same land as legally described in Exhibit B of its Ordinance No. 853.

PASSED AND ADOPTED this 16th day of September 2014, at Globe, Gila County, Arizona

Attest:

GILA COUNTY BOARD OF SUPERVISORS

Marian Sheppard
Clerk of the Board

Michael A. Pastor, Chairman

Approved as to form:

Bryan B. Chambers
Deputy County Attorney/Civil Bureau Chief

PUBLIC NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that pursuant to A.R.S. § 9-471.02, the Gila County Board of Supervisors will hold a public hearing to discuss and obtain public comment regarding requests submitted by the Town of Star Valley to deannex approximately 760 acres of Forest Service land within its corporate boundaries and the Town of Payson has agreed to annex this same land into its corporate boundaries.

The hearing will take place at approximately 10:00 a.m. on Tuesday, September 16, 2014, at the Gila County Courthouse, 1400 E. Ash Street, Globe, Arizona, and by interactive television video at 610 E. Highway 260, Board of Supervisors' conference room, Payson, Arizona.

All interested citizens are invited to attend the public hearing.

DATED AND POSTED this 26th day of August 2014.



Marian Sheppard, Clerk
Gila County Board of Supervisors

ORDINANCE NO. O 14-02

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF STAR VALLEY, ARIZONA, DEANNEXING CERTAIN LAND GENERALLY TO THE WEST OF THE SOUTHWEST CORNER OF THE TOWN BOUNDARIES (PORTIONS OF SECTIONS 6 AND 7) TO THE TOWN OF PAYSON PURSUANT TO A.R.S. § 9-471.02.

WHEREAS, the Town of Star Valley's western boundary is adjacent to the Town of Payson's eastern boundary; and

WHEREAS, the Town of Payson is considering annexing a parcel of private property (known as "Fox Farm") to the east of Payson that is surrounded on three sides by national forest land located within Star Valley; and

WHEREAS, the only vehicular access to Fox Farm is from Payson, passing through the forest service land located within Star Valley; and

WHEREAS, Star Valley and Payson believe it is prudent for planning, maintenance, and orderly development purposes that the vehicular access for Fox Farm be in the same municipality as Fox Farm itself; and

WHEREAS, Payson believes the annexation of Fox Farm into Payson could be done in a much more orderly, simpler, and a smaller land mass area if the land immediately to the west of Fox Farm were within Payson's boundaries; and

WHEREAS, Payson is willing to annex the forest service land immediately to the west of Fox Farm containing the vehicular access to Fox Farm ("the Land") if Star Valley deannexes the Land (see diagram in Exhibit A depicting the Land and Exhibit B containing a legal description of the Land); and

WHEREAS, Star Valley and Payson desire to follow the procedures set forth in A.R.S. § 9-41.02 to accomplish this deannexation/annexation,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF STAR VALLEY, ARIZONA, ORDAIN AS FOLLOWS:

- Section 1. The Town of Star Valley will deannex the Land, contingent upon the Town of Payson passing an Ordinance to annex the Land. A legal description of the Land is attached as Exhibit B.
- Section 2. The annexation set forth in Section 1 is contingent upon the fulfillment of all of the conditions of A.R.S. § 9-471.02 prior to December 31, 2014.
- Section 3. The Clerk of the Town of Star Valley is directed to coordinate with the Clerk

of the Town of Payson to comply with the requirements of A.R.S. § 9-471.02.

Section 4. That the Town of Star Valley, acting through its appropriate officers, employees, and officials, is hereby authorized to take all other actions necessary or appropriate to carry out the purposes of this Ordinance.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF STAR VALLEY, ARIZONA, this 5TH day of August, 2014, by the following vote:

AYES 6 NOES 1 ABSTENTIONS 0 ABSENT 0



Ronnie O. McDaniel, Mayor

ATTEST:



Lois V. Johnson, Town Clerk

APPROVED AS TO FORM:



Timothy W. Grier, Town Attorney

Exhibit A
to
Ordinance
No. 0 14-02

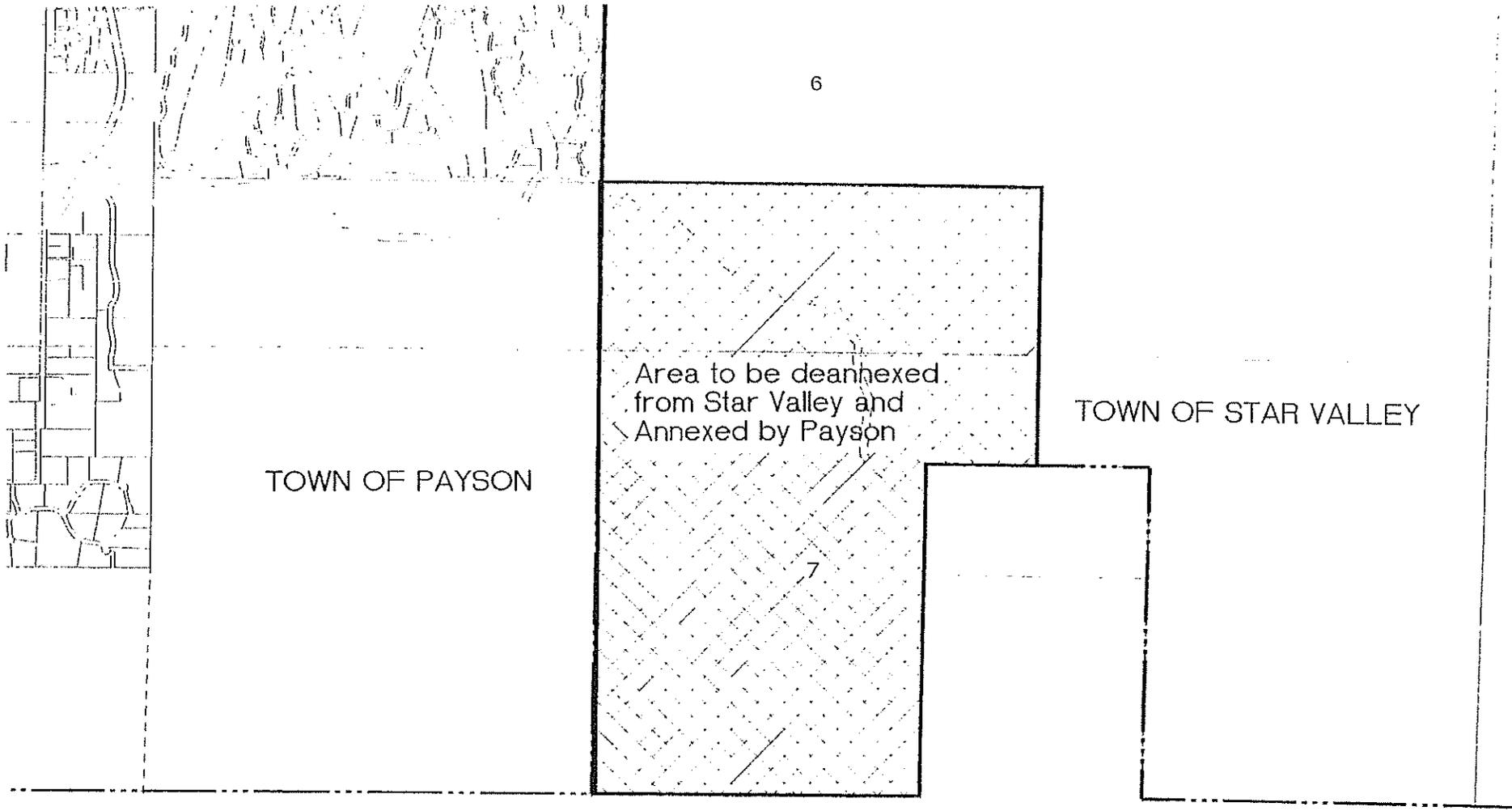


EXHIBIT A

Exhibit B
to
Ordinance
No. O 14-02

EXHIBIT B
LEGAL DESCRIPTION
OF
PROPERTY DEANNEXED FROM TOWN OF STAR VALLEY
AND
ANNEXED BY TOWN OF PAYSON

The following described property located within Gila County, Arizona:

The south one-half of the southwest quarter of Section 6, Township 10 North, Range 10 East of the Gila and Salt River Meridian;

The south one-half of the north one-half of the southwest quarter of Section 6, Township 10 North, Range 10 East of the Gila and Salt River Meridian;

The south one-half of the southeast quarter of Section 6, Township 10 North, Range 10 East of the Gila and Salt River Meridian;

The south one-half of the north one-half of the southeast quarter of Section 6, Township 10 North, Range 10 East of the Gila and Salt River Meridian;

The northwest quarter of Section 7, Township 10 North, Range 11 East of the Gila and Salt River Meridian;

The west one-half of the northeast quarter of Section 7, Township 10 North, Range 11 East of the Gila and Salt River Meridian;

The northeast one quarter of the northeast quarter of Section 7, Township 10 North, Range 11 East of the Gila and Salt River Meridian;

The southwest quarter of Section 7, Township 10 North, Range 11 East of the Gila and Salt River Meridian;

The northwest quarter of the southeast quarter of Section 7, Township 10 North, Range 11 East of the Gila and Salt River Meridian;

And

The southwest quarter of the southeast quarter of Section 7, Township 10 North, Range 11 East of the Gila and Salt River Meridian.

ORDINANCE NO. 853

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ANNEXING CERTAIN LAND GENERALLY TO THE EAST OF THE SOUTHEAST CORNER OF THE TOWN BOUNDARIES (PORTIONS OF SECTIONS 6 AND 7) FROM THE TOWN OF STAR VALLEY PURSUANT TO A.R.S. §9-471.02.

WHEREAS, the Town of Star Valley's western boundary is adjacent to the Town of Payson's eastern boundary; and

WHEREAS, the Town of Payson is considering annexing a parcel of private property (known as "Fox Farm") to the east of Payson that is surrounded on three sides by national forest land located within Star Valley; and

WHEREAS, the only vehicular access to Fox Farm is from Payson, passing through the forest service land located within Star Valley; and

WHEREAS, Star Valley and Payson believe it is prudent for planning, maintenance, and orderly development purposes that the vehicular access for Fox Farm be in the same municipality as Fox Farm itself; and

WHEREAS, Payson believes the annexation of Fox Farm into Payson could be done in a much more orderly, simpler, and a smaller land mass area if the land immediately to the west of Fox Farm were within Payson's boundaries; and

WHEREAS, Payson has been informed that Star Valley desires and will agree by Ordinance to deannex the forest service land immediately to the west of Fox Farm containing the vehicular access to Fox Farm ("the Land") (see diagram in Exhibit A depicting the Land and Exhibit B containing a legal description of the Land); and

WHEREAS, Payson desires to annex the Land; and

WHEREAS, Star Valley and Payson desire to follow the procedures set forth in A.R.S. §9-471.02 to accomplish this deannexation/annexation,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ORDAIN AS FOLLOWS:

Section 1. The Town of Payson will annex the Land, contingent upon the Town of Star Valley passing an Ordinance to deannex the Land. A legal description of the Land is attached as Exhibit B.

Section 2. The annexation set forth in Section 1 is contingent upon the fulfillment of all of the conditions of A.R.S. §9-471.02 prior to December 31, 2014.

First Public Hearing

Second Public Hearing

JUL 31 2014 2.1

AUG 14 2014 2.2

Section 3. The Clerk of the Town of Payson is directed, upon receipt of an approved Ordinance from the Town of Star Valley agreeing to deannex the Land, to file a copy of this Ordinance with the Gila County Board of Supervisors.

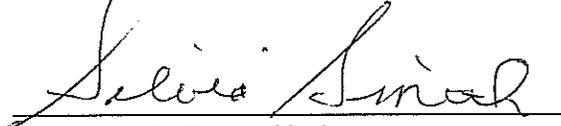
Section 4. The Town of Payson is hereby authorized to take all other actions necessary to carry out the purposes of this Ordinance.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this 14th day of August, 2014, by the following vote:

AYES 7 NOES 0 ABSTENTIONS 0 ABSENT 0


Kenny J. Evans, Mayor

ATTEST:


Silvia Smith, Town Clerk

APPROVED AS TO FORM:


Timothy M. Wright, Town Attorney

Exhibit A
to
Ordinance 853

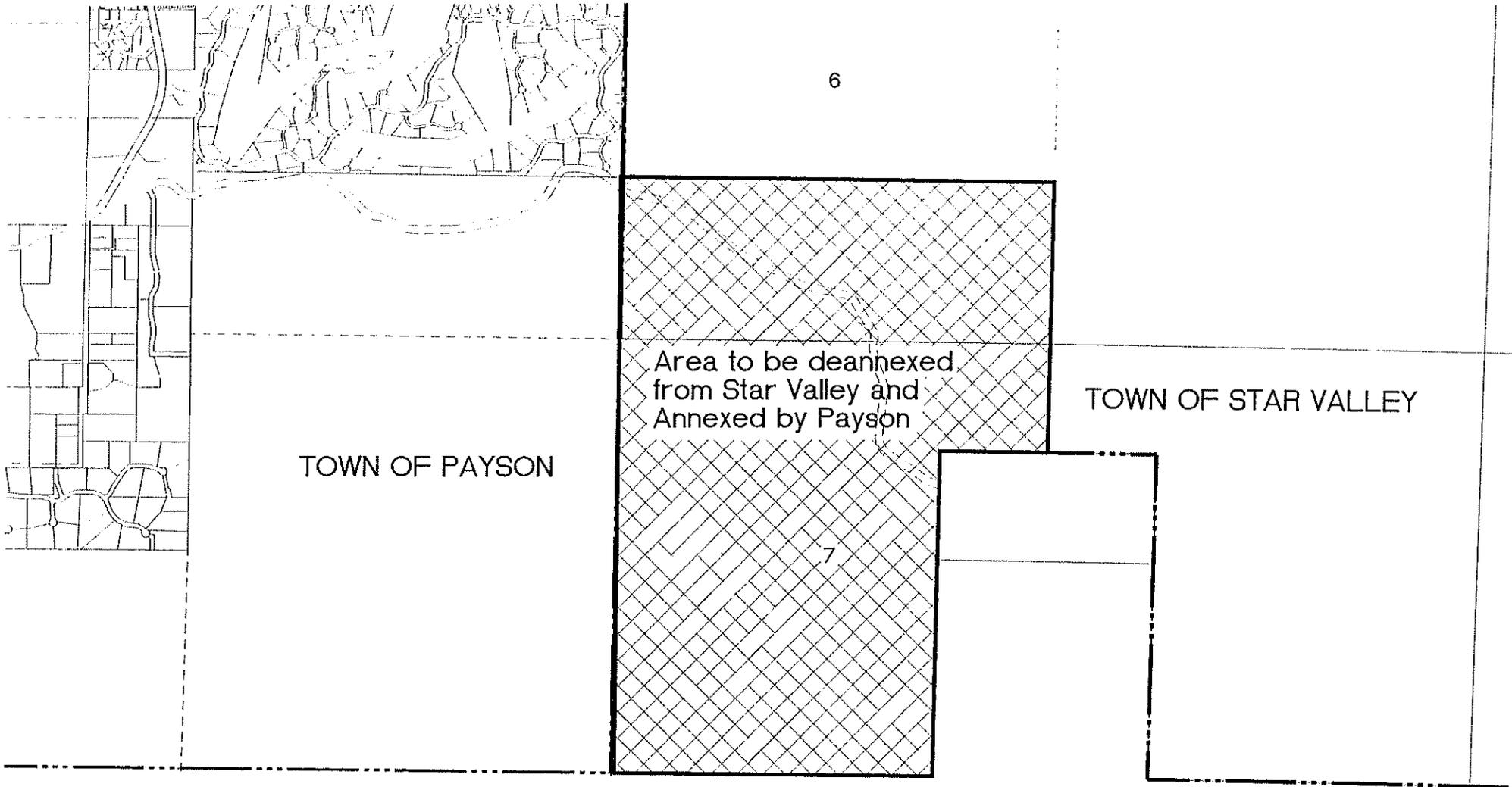


EXHIBIT A

Exhibit B
to
Ordinance 853

EXHIBIT B
LEGAL DESCRIPTION
OF
PROPERTY DEANNEXED FROM TOWN OF STAR VALLEY
AND
ANNEXED BY TOWN OF PAYSON

The following described property located within Gila County, Arizona:

The south one-half of the southwest quarter of Section 6, Township 10 North, Range 10 East of the Gila and Salt River Meridian;

The south one-half of the north one-half of the southwest quarter of Section 6, Township 10 North, Range 10 East of the Gila and Salt River Meridian;

The south one-half of the southeast quarter of Section 6, Township 10 North, Range 10 East of the Gila and Salt River Meridian;

The south one-half of the north one-half of the southeast quarter of Section 6, Township 10 North, Range 10 East of the Gila and Salt River Meridian;

The northwest quarter of Section 7, Township 10 North, Range 11 East of the Gila and Salt River Meridian;

The west one-half of the northeast quarter of Section 7, Township 10 North, Range 11 East of the Gila and Salt River Meridian;

The northeast one quarter of the northeast quarter of Section 7, Township 10 North, Range 11 East of the Gila and Salt River Meridian;

The southwest quarter of Section 7, Township 10 North, Range 11 East of the Gila and Salt River Meridian;

The northwest quarter of the southeast quarter of Section 7, Township 10 North, Range 11 East of the Gila and Salt River Meridian;

And

The southwest quarter of the southeast quarter of Section 7, Township 10 North, Range 11 East of the Gila and Salt River Meridian.



Town of Star Valley

3675 E. Highway 260
Star Valley, Arizona 85541
Phone: (928) 472-7752 ♦ Fax: (928) 472-7795
Web: ci.star-valley.az.us

August 15, 2014

CERTIFIED MAIL

Angela Elam, District Ranger
Payson-Pleasant Valley, Tonto NF
1009 E. Highway 260
Payson, AZ 85541

Re: Deannex / Annex of approximately 760 acres
of Forest Service Land (Star Valley/Payson)

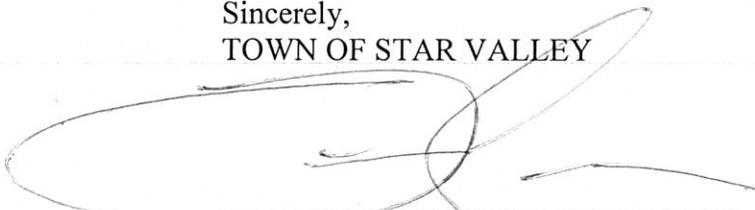
Dear Ms. Elam:

The Towns of Star Valley and Payson have collaboratively been working toward development of the Fox Farm parcel of real property. As a first step toward this development, Star Valley has agreed to deannex approximately 760 acres of Forest Service land ("the Area") within its corporate boundaries and Payson has agreed to annex this same area pursuant to A.R.S. § 9-471.02. See attached Ordinances 14-02 (Star Valley) and 853 (Payson). Exhibit A of each of these ordinances is a map depicting the Area. Exhibit B is a legal description of the Area.

Pursuant to A.R.S. § 9-471.02(D), the Gila County Board of Supervisors will be conducting a hearing on the proposed deannexation/annexation on September 16, 2014. As an owner of property within the Area, the Forest Service, pursuant to A.R.S. § 9-471.02(E), may protest the deannexation/annexation by submitting a letter to the Board of Supervisors prior to the September 16, 2014 hearing, or by appearing at the hearing.

If you have any questions regarding this process, please feel free to contact Star Valley's Town Manager/Attorney Tim Grier (472-7752) or Payson's Town Attorney Tim Wright (474-5242, Ext. 286).

Sincerely,
TOWN OF STAR VALLEY



Timothy W. Grier
Town Manager/Town Attorney

cc: Marian Sheppard, Clerk, Gila County Board of Supervisors
Silvia Smith, Clerk, Town of Payson

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 ANGELA ELAM
 DISTRICT RANGER
 PAYSON - PLEASANT
 VALLEY, TOWN OF
 1009 E. HIGHWAY 260
 PAYSON, AZ 85541

2. Article Number (Transfer from service label) 7012 1640 0001 5719 8158

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X *Blonia Allison* Agent Addressee

B. Received by (Printed Name) GLORIA ALIBEN C. Date of Delivery 8-18-14

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

PHOENIX
 UNITED STATES POSTAL SERVICE
 10 AUG '14
 PM 11 L



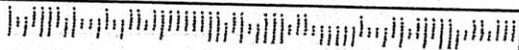
First-Class Mail
 Postage & Fees Paid
 USPS
 Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •



Town of Star Valley
 3675 East Highway 260
 Star Valley, AZ 85541

RE: FOX FARM



9-471.02. Deannexation of land from one municipality and annexation to another municipality; deannexation of right-of-way from a municipality to a county

A. Notwithstanding any other law, territory may be deannexed and severed from one city or town and annexed to another city or town under this section if the territory that is deannexed is contiguous to the city or town that annexes the territory.

B. The governing body of a city or town that intends to deannex the territory shall by ordinance set forth the legal description of the territory and shall declare the deannexation of the territory contingent on the fulfillment of the conditions of this section.

C. The governing body of the city or town that intends to annex the territory shall by ordinance set forth the legal description of the territory and shall declare the annexation of the territory contingent on fulfillment of the conditions of this section.

D. The ordinance passed by each governing body shall be filed with the county board of supervisors which shall set a hearing date of not less than thirty nor more than sixty days from the date of the filing of the ordinances and shall notify the governing body of each city or town of the hearing date at least thirty days prior to the date.

E. The governing body of the city or town desiring to deannex territory shall notify by letter the owner of any real property in the territory to be deannexed at least twenty days before the hearing by the county board of supervisors. The notification shall specify that the area is to be deannexed and annexed to another city or town and that the property shall continue to be subject to any tax lawfully assessed against it for the purpose of paying any indebtedness lawfully contracted by the governing body of the city or town while the property was within the corporate limits. The letter shall state that the property owner may protest the action by letter to the county board of supervisors before the hearing or in person at the hearing. If property owners of fifty-one per cent or more of the land area of the territory to be deannexed protest the action, the county board of supervisors shall deny the deannexation of the territory. If the action is denied it may not be resubmitted to the county board of supervisors for at least one year following the denial.

F. On determining that the requirements of this section have been satisfied, on the holding of the public hearing and on determination that the protests filed are insufficient as defined by this section, the county board of supervisors shall order that the territory be deannexed from one city or town and that the same territory be annexed to another city or town as specified in the two ordinances authorized by this section.

G. The land deannexed and annexed shall not be exempt from the payment of any taxes lawfully assessed against it for the purpose of paying any indebtedness lawfully contracted by the corporate authorities of the city or town while the land was within the limits of the city or town and that remains unpaid, and for the payment of which the land could be lawfully taxed.

H. If the governing body of the city or town that has deannexed territory levies a tax on the property within the city or town for the purpose of paying indebtedness incurred before the deannexation, or any part thereof, and interest thereon, the governing body may levy a tax at the same rate and for the same purpose on the deannexed territory. If the owner of any deannexed territory pays off and

discharges a portion of the indebtedness equal in amount to the same proportion of the indebtedness that the assessed value of the owner's land bears to the entire assessed value of all the property subject to taxation for the payment of the indebtedness, calculated according to the last assessment previous to the payment, the land shall be exempted from further taxation to pay the indebtedness. On payment being made, the canceled bonds or other evidences of payment of the portion of the indebtedness shall be deposited with the clerk of the city or town and a certificate shall be given by the clerk stating that the payment has been made.

I. Notwithstanding any other law, a public right-of-way that is partially located within a city or town and partially located within the unincorporated area of a county may be deannexed and severed from the city or town and returned to the county pursuant to section 9-471.03. The county board of supervisors shall notify the city or town if the order of the county board of supervisors ordering the deannexation of the public right-of-way is approved.

J. A copy of the order of the county board of supervisors ordering the deannexation and annexation of any land described in any city or town, certified by the clerk of the board, shall be filed for record in the recorder's office of the county in which the land is situated. The record, or a copy of the order or decree, certified by the clerk of the board, shall be proof of the deannexation and annexation of the land.

ARF-2748

Public Hearing 2. B.

Regular BOS Meeting

Meeting Date: 09/16/2014

Submitted For: Marian Sheppard, Clerk
Submitted By: Laurie Kline, Deputy Clerk, Clerk of the Board of Supervisors

Department: Clerk of the Board of Supervisors

Information

Request/Subject

Maverick Smoked BBQ, Steaks & Seafood Restaurant Liquor License Application, Order No. LL-14-06.

Background Information

Thomas Edward Coons has submitted an application to the Arizona Department of Liquor Licenses and Control (DLLC) for the Maverick Smoked BBQ, Steaks & Seafood Restaurant in Pine. The application is for a new Series 12 restaurant license.

The purpose of a Series 12 restaurant license is defined as follows: "Allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least 40% of its gross revenue from the sale of food. Failure to meet the 40% food requirement shall result in revocation of the license. 4-213(C)"

Part of the statutory process is once the DLLC accepts and processes the license, they are sent to the local governing body in which city, town or county the establishment is located. Upon the local governing body's review of the application, a recommendation is then issued by the local governing body, which in Gila County, is the Board of Supervisors (Board), to the DLLC to either approve, deny or issue a "no recommendation" decision.

Per statutory requirements, a notice of hearing by the Board was posted at the establishment for a period of 20 days, specifically to inform any person residing or owning or leasing property within a one-mile radius of the establishment regarding the application. To date, the Clerk of the Board's Department has not received any objections to these applications.

Evaluation

The application has been forwarded to the Gila County Clerk of the Board of Supervisors Department for submission to the Board. An internal review has been conducted by the Gila County Building Permit Department, the Health Department, and the Treasurer's Department.

The Health Department staff visited the establishment and determined there are no issues with regard to Health Department permits. The Community Development, Building Permitting Department staff visited the establishment and determined there are no issues with regard to building permits. The Treasurer's Department staff has determined that there are no issues regarding property taxes.

Conclusion

The application has been reviewed by several County departments with no objections and no one from the public has submitted a written objection to this application; therefore, a public hearing should be held by the Board to entertain any comments from the public with regard to this application before the Board takes an action to issue a recommendation to the DLLC.

Recommendation

The Clerk of the Board of Supervisors recommends that the Board issue an approval recommendation to the DLLC if there are no objections from the public.

Suggested Motion

Information/Discussion/Action to adopt Order No. LL-14-06, a liquor license application submitted by Thomas Edward Coons for a new Series 12 restaurant license at Maverick Smoked BBQ, Steaks & Seafood located in Pine, Arizona. **(Marian Sheppard)**

Attachments

LL-14-06 Application

Internal Reviews for LL-14-06 Application

Sheriff's Office Affidavit of Posting for LL-14-06 Application



INTEROFFICE MEMORANDUM

DATE: August 25, 2014

TO: Michael O'Driscoll
Health and Emergency Services Division Director

FROM: Marian Sheppard, Clerk of the Board *JK*

SUBJECT: Liquor License Application

Please be advised that the following Liquor License Application was filed with the Arizona Department of Liquor Licenses and Control (DLLC) on August 12, 2014. In accordance with A.R.S. §4-201, the Board of Supervisors is required to accept, deny, or return a "no recommendation" decision regarding this application to the DLLC **within 75 days of the filing date.**

Applicant: Thomas Edward Coons
 No. /Type: 12043089/#12 Restaurant
 Business Name: Maverick Smoked BBQ, Steaks & Seafood
 Location: 3885 N. Highway 87, Pine, AZ
 Current License Owner: N/A
 Location of License: N/A

Please indicate (below) if there are permitting issues or concerns within your department that are related to this application and return to the Clerk of the Board Department as soon as possible.

No pending issues. Issues pending, as follows:

Signed: *Michael O'Driscoll* 9/1/14



RECEIVED
AUG 26 2014
BY: *EB*
email Marian 8/29/14

INTEROFFICE MEMORANDUM

DATE: August 25, 2014
TO: Scott Buzan, Chief Building Official
FROM: Marian Sheppard, Clerk of the Board *JS*
SUBJECT: Liquor License Application

Please be advised that the following Liquor License Application was filed with the Arizona Department of Liquor Licenses and Control (DLLC) on August 12, 2014. In accordance with A.R.S. §4-201, the Board of Supervisors is required to accept, deny, or return a "no recommendation" decision regarding this application to the DLLC **within 75 days of the filing date.**

Applicant: Thomas Edward Coons
No. /Type: 12043089/#12 Restaurant
Business Name: Maverick Smoked BBQ, Steaks & Seafood
Location: 3885 N. Highway 87, Pine, AZ
Current License Owner: N/A
Location of License: N/A

Please indicate (below) whether this application meets zoning and building clearances and return to the Clerk of the Board Department as soon as possible.

This applicant does meet/does not meet the County's Building Code clearance requirements for this establishment.

Signed: *[Signature]* Scott L. Buzan

Comments: _____



INTEROFFICE MEMORANDUM

DATE: August 25, 2014

TO: Debi Savage, Gila County Treasurer

FROM: Marian Sheppard, Clerk of the Board *JK*

SUBJECT: Liquor License Application

Please be advised that the following Liquor License Application was filed with the Arizona Department of Liquor Licenses and Control (DLLC) on August 12, 2014. In accordance with A.R.S. §4-201, the Board of Supervisors is required to accept, deny, or return a "no recommendation" decision regarding this application to the DLLC **within 75 days of the filing date.**

Applicant: Thomas Edward Coons
 No. /Type: 12043089/#12 Restaurant
 Business Name: Maverick Smoked BBQ, Steaks & Seafood
 Location: 3885 N. Highway 87, Pine, AZ
 Current License Owner: N/A
 Location of License: N/A

Please indicate (below) whether this applicant is current on paying property taxes for this business and any other property he may own in Gila County and return to the Clerk of the Board Department as soon as possible.

No tax issues Tax Issues, as follows:

Exemption - Organizational Exemption

2013

Signed: *Martha Gonzales*



INTEROFFICE MEMORANDUM

DATE: August 25, 2014

TO: Amber Warden, Executive Administrative Assistant

FROM: Marian Sheppard, Clerk of the Board *MS*

SUBJECT: Liquor License Application

Please be advised that the following Liquor License Application was filed with the Arizona Department of Liquor Licenses and Control (DLLC) on August 12, 2014. In accordance with A.R.S. §4-201, the Board of Supervisors is required to accept, deny, or return a “no recommendation” decision regarding this application to the DLLC **within 75 days of the filing date.**

I’ve attached a copy of the Application for Liquor License, Notice of Hearing, and Affidavit of Posting pertaining to the following:

Applicant:	Thomas Edward Coons
No. /Type:	12043089/#12 Restaurant
Business Name:	Maverick Smoked BBQ, Steaks & Seafood
Location:	3885 N. Highway 87, Pine, AZ
Current License Owner:	N/A
Location of License:	N/A

Please post the Notice of Hearing and Application for Liquor License **INSIDE THE ESTABLISHMENT FACING OUT TOWARD THE PUBLIC** for a period of 20 days. If access to the establishment cannot be obtained, the Notice of Hearing and Application must be posted in a conspicuous place on the front of the premises where the business is proposed to be conducted. It is important to note that every attempt should be made to post the Notice of Hearing and Application inside the establishment to prevent the paperwork from being blown away or being removed by an unauthorized person.

POST THE APPLICATION DIRECTLY UNDER THE NOTICE.

August 25, 2014
Gila County Sheriff's Office
Page Two

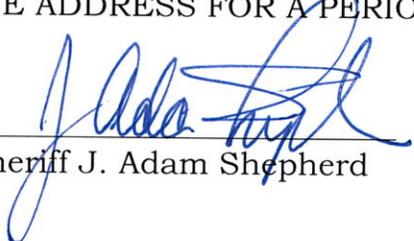
Please direct the Deputy Sheriff to immediately notify Amber Warden at the Globe Sheriff's Office of the posting date. Amber can be reached at (928) 425-3231 ext. 8584.

After the 20-day period has ended, I would appreciate the Notice being taken down as quickly as possible. (Note: The Notice must be taken down on the 21st day or after, not on the 20th day.) Upon removal of the Notice of Hearing and Application, the Deputy Sheriff should complete the Affidavit of Posting form and all of the paperwork should be immediately sent to Amber Warden, who will record the removal date and then forward all paperwork including this letter signed by the Sheriff or Designee to the Clerk of the Board Department.

I can be contacted at (928) 402-8757 if you have questions.

THE APPLICATION FOR LIQUOR LICENSE AND NOTICE WERE POSTED AT THE ABOVE ADDRESS FOR A PERIOD OF TWENTY DAYS AS REQUIRED BY LAW.

Signed: _____


Sheriff J. Adam Shepherd

ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
www.azliquor.gov
(602) 542-5141

AFFIDAVIT OF POSTING

Date of Posting: 8-26-14 Date of Posting Removal: 9-15-14

Applicant Name: Coons Thomas Edward
Last First Middle

Business Address: 3885 N. Highway 87 Pine 85544
Street City Zip

License #: 12043089

I hereby certify that pursuant to A.R.S. § 4-201, I posted notice in a conspicuous place on the premises proposed to be licensed by the above applicant and said notice was posted for at least twenty (20) days.

Gila County Sheriff Office Deputy 928 701 1550
Print Name of City/County Official Title Telephone #

Robert Ohwang 9-15-14
Signature Date Signed

Return this affidavit with your recommendation (i.e., Minutes of Meeting, Verbatim, etc.) or any other related documents.

If you have any questions please call (602) 542-5141 and ask for the Licensing Division.

Individuals requiring special accommodations please call (602) 542-9027

ARF-2771

Regular Agenda Item 3. A.

Regular BOS Meeting

Meeting Date: 09/16/2014

Submitted For: Don McDaniel Jr., County Manager
Submitted By: Don McDaniel Jr., County Manager, County Manager

Department: County Manager

Information

Request/Subject

Update on 2014 Gila County Property Tax Bills Mail-Out and Collection

Background Information

On November 5, 2013, Gila County Treasurer Debora Savage addressed the Board of Supervisors and provided information regarding the delay in mailing out 2013 property tax bills.

Subsequently the bills were mailed out late and it was determined that many had incorrect tax amounts on the bills.

At the Board of Supervisors' January 21, 2014, meeting, Chairman Pastor asked the County Manager to get in touch with Ms. Savage to request her to present a follow-up on this issue during the Board's February 4th meeting. That update was provided.

At the Regular Board meeting of March 4th, the Chairman indicated he had been advised that the problem with incorrect tax bills had not been corrected and asked for a report on the status of solving the problem by the Treasurer at the March 25, 2014, Board Work Session.

During the March 25, 2014, Board of Supervisors' work session, Debora Savage stated that the Treasurer's Office had been working diligently with Tyler Technologies and RealWare to make the necessary corrections to ensure that the tax bills are correct. The Treasurer's Office has collected \$2,356,000 for the first half of the property taxes assessed for 2013. There were 13 parcels that were identified as not having maps, no starting or ending point, and required adjustments. These issues were to be addressed by Tyler Technologies. The adjustments that were to be made to the tax bills would increase the exemption amount which would equate to a difference of \$217. The majority of tax payers would see an increase in property taxes and it was unlikely there would be refunds made to the tax payers. Chairman Pastor inquired if the software companies were working together with the County IT staff. Ms. Savage affirmed that was correct and stated that the second half taxes were payable and would become delinquent on May 1, 2014. Kelly Riggs, Information Technology Director, provided additional information stating that the issue with the 13 parcels should not occur again once the software systems interfaced properly. Vice-Chairman Martin requested that the County execute a test run of the data in order to ensure the tax bills be sent out accurately and in a timely fashion, Chairman Pastor and Mr. Riggs agreed.

A test run was conducted on Friday September 5, 2014 and various problems were identified. The County IT Director, County Assessor, County Treasurer and Tyler Technologies are all working on a solution.

Evaluation

N/A

Conclusion

N/A

Recommendation

N/A

Suggested Motion

Report on the status of the 2014 property tax bills and the findings of the September 5th test run. **(Kelly Riggs & Debi Savage)**

ARF-2752

Regular Agenda Item 3. B.

Regular BOS Meeting

Meeting Date: 09/16/2014

Submitted For: Kendall Dee

Rhyne, Chief
Probation
Officer

Submitted By:

Sylvia Hernandez, Probation Officer
Manager, Superior Court

Department: Superior Court Division: Probation Department

Information

Request/Subject

Award of the Substance Abuse and Mental Health Services Administration (SAMHSA) Grant

Background Information

The purpose of the SAMHSA grant is to expand and/or enhance substance abuse treatment services in existing Juvenile Treatment Drug Courts which use the treatment drug court model in order to provide alcohol and drug treatment to offenders. Grant funds will be used to address gaps in the continuum of treatment for those individuals in this court who have substance abuse and/or co-occurring disorders treatment needs. Gila County Superior Court has two existing Juvenile Treatment Drug Courts and will benefit from expansion of evidenced-based family counseling, a short-term residential program within Gila County and a more comprehensive after-care program to support youth and families in recovery.

Evaluation

In March 2014, the Gila County Probation Department submitted a grant application to be considered for funding up to \$325,000 per year over a period of three (3) years from the Department of Health and Human Services, Substance Abuse and Mental Health Services Administration. On August 18, 2014, the Gila County Probation Department received notification that Gila County on behalf of the Gila County Probation Department was awarded \$757,686 over a project period of three years in support of a Juvenile Evening/Weekend Resource Center. The award calculation is \$256,626 for the first year, \$250,530 for the second year and \$250,530 for the third year.

Conclusion

If the grant award is accepted by the Board of Supervisors, the funding will be used to operate a Juvenile Evening/Weekend Resource Center for high risk/high need individuals diagnosed with substance dependence or addiction to alcohol or other drugs.

Per the terms of the grant award, acceptance of this grant award including the "Terms and Conditions" is acknowledged by the grantee (Gila County) when funds are drawn down or otherwise obtained from the grant payment system; therefore, there is no document that needs to be signed by the Board of Supervisors.

Recommendation

The Gila County Probation Department recommends the acceptance of the SAMHSA grant from the Department of Health and Human Services, Substance Abuse and Mental Health Services Administration in the amount of \$757,686 for the project period of September 30, 2014, through September 29, 2017.

Suggested Motion

Information/Discussion/Action to accept Substance Abuse and Mental Health Services Administration Grant Award No. 1H79TI025497-01 from the Department of Health and Human Services, Substance Abuse and Mental Health Services, in the amount of \$757,686 for the project period of September 30, 2014, through September 29, 2017. **(Kendall Rhyne)**

Attachments

SAMHSA Grant Award

SAMHSA Project Narrative

SAMHSA Budget Narrative

SAMHSA Grant Application

Legal Explanation



Grant Number: 1H79TI025497-01
FAIN: TI025497

Program Director:
 Patrice Goodman

Project Title: Juvenile Evening/Weekend Resource Center

Grantee Address	Business Address
COUNTY OF GILA Program Manager 1400 E. Ash St. Globe, AZ 855011483	County of Gila, Superior Court Chief Probation Officer/Court Administrator 1400 E. Ash St. Globe, AZ 855011483

Budget Period: 09/30/2014 – 09/29/2015
Project Period: 09/30/2014 – 09/29/2017

Dear Grantee:

The Substance Abuse and Mental Health Services Administration hereby awards a grant in the amount of \$256,626 (see “Award Calculation” in Section I and “Terms and Conditions” in Section III) to COUNTY OF GILA in support of the above referenced project. This award is pursuant to the authority of Section 509 of the Public Health Service Act, as amended and is subject to the requirements of this statute and regulation and of other referenced, incorporated or attached terms and conditions.

Award recipients may access the SAMHSA website at www.samhsa.gov (click on “Grants” then SAMHSA Grants Management), which provides information relating to the Division of Payment Management System, HHS Division of Cost Allocation and Postaward Administration Requirements. Please use your grant number for reference.

Acceptance of this award including the “Terms and Conditions” is acknowledged by the grantee when funds are drawn down or otherwise obtained from the grant payment system.

If you have any questions about this award, please contact your Grants Management Specialist and your Government Project Officer listed in your terms and conditions.

Sincerely yours,

Eileen Bermudez
 Grants Management Officer
 Division of Grants Management

See additional information below

SECTION I – AWARD DATA – 1H79TI025497-01

Award Calculation (U.S. Dollars)

Salaries and Wages	\$37,823
Fringe Benefits	\$11,434
Personnel Costs (Subtotal)	\$49,257
Supplies	\$10,771
Consortium/Contractual Cost	\$172,852
Travel Costs	\$5,847
Other	\$3,811
Direct Cost	\$242,538
Indirect Cost	\$14,088
Approved Budget	\$256,626
Federal Share	\$256,626
Cumulative Prior Awards for this Budget Period	\$0
AMOUNT OF THIS ACTION (FEDERAL SHARE)	\$256,626

SUMMARY TOTALS FOR ALL YEARS	
YR	AMOUNT
1	\$256,626
2	\$250,530
3	\$250,530

*Recommended future year total cost support, subject to the availability of funds and satisfactory progress of the project.

Fiscal Information:

CFDA Number: 93.243
 EIN: 1866000444A2
 Document Number: 14TI25497A
 Fiscal Year: 2014

IC	CAN	Amount
TI	C96T511	\$256,626

IC	CAN	2014	2015	2016
TI	C96T511	\$256,626	\$250,530	\$250,530

TI Administrative Data:

PCC: DC-JDC / OC: 4145

SECTION II – PAYMENT/HOTLINE INFORMATION – 1H79TI025497-01

Payments under this award will be made available through the HHS Payment Management System (PMS). PMS is a centralized grants payment and cash management system, operated by the HHS Program Support Center (PSC), Division of Payment Management (DPM). Inquiries regarding payment should be directed to: The Division of Payment Management System, PO Box 6021, Rockville, MD 20852, Help Desk Support – Telephone Number: 1-877-614-5533.

The HHS Inspector General maintains a toll-free hotline for receiving information concerning fraud, waste, or abuse under grants and cooperative agreements. The telephone number is: 1-

800-HHS-TIPS (1-800-447-8477). The mailing address is: Office of Inspector General, Department of Health and Human Services, Attn: HOTLINE, 330 Independence Ave., SW, Washington, DC 20201.

SECTION III – TERMS AND CONDITIONS – 1H79TI025497-01

This award is based on the application submitted to, and as approved by, SAMHSA on the above-title project and is subject to the terms and conditions incorporated either directly or by reference in the following:

- a. The grant program legislation and program regulation cited in this Notice of Award.
- b. The restrictions on the expenditure of federal funds in appropriations acts to the extent those restrictions are pertinent to the award.
- c. 45 CFR Part 74 or 45 CFR Part 92 as applicable.
- d. The HHS Grants Policy Statement.
- e. This award notice, INCLUDING THE TERMS AND CONDITIONS CITED BELOW.

Treatment of Program Income:

Additional Costs

SECTION IV – TI Special Terms and Conditions – 1H79TI025497-01**REMARKS:**

This award reflects approval of the revised budget submitted on June 5, 2014, by your authorized representative in response to the application request.

SPECIAL TERM OF AWARD:

The Office of Financial Advisory Services (OFAS), SAMHSA is currently conducting a review of your organization's financial management system. If the review discloses material weaknesses or other financial management concerns, grant funding may be restricted in accordance with 45 CFR 74.14 or 45 CFR 92.12, as applicable. The restriction will affect the draw-down of funds from your organization's Payment Management Services account; subject to the review of (OFAS) and the approval of the applicable Grants Management Specialist and Government Project Officer.

SPECIAL CONDITION OF AWARD:**Disparity Impact Statement (DIS):**

By November 30, 2014, you must:

Submit an electronic copy of a disparity impact statement to the Government Project Officer (GPO) and Grants Management Specialist (GMS) as identified under Contacts on this notice of award. The disparity impact statement should be consistent with information in your application regarding access, *service use and outcomes for the program and include three components as described below. Questions about the disparity impact statement should be directed to your GPO. Examples of disparity impact statements can be found on the SAMHSA website at <http://beta.samhsa.gov/grants/grants-management/disparity-impact-statement>.

*Service use is inclusive of treatment services, prevention services as well as outreach, engagement, training and/or technical assistance activities.

The disparity impact statement, in response to the Special Condition of Award, consists of three components:

1. Proposed number of individuals to be reached by subpopulations in the grant implementation area should be provided in a table that covers the entire grant period. The disparate population(s) should be identified in a narrative that includes a description of the population and rationale for how the determination was made.

2. A quality improvement plan for how you will use your program (GPRA) data on access, use and outcomes to monitor and manage program outcomes by race, ethnicity and LGBT status, when possible. The quality improvement plan should include strategies for how processes and/or programmatic adjustments will support efforts to reduce disparities for the identified sub-populations.

3. The quality improvement plan should include methods for the development and implementation of policies and procedures to ensure adherence to the Enhanced Culturally and Linguistically Appropriate Services (CLAS) Standards and the provision of effective care and services that are responsive to:

1. Diverse cultural health beliefs and practices;
2. Preferred languages;
3. Health literacy and other communication needs of all sub-populations within the proposed geographic region.

STANDARD TERMS OF AWARD:

Refer to the following SAMHSA website for Standard Terms of Award:

<http://beta.samhsa.gov/grants/grants-management/notice-award-noa/standard-terms-conditions>

(NEW)

Key staff (or key staff positions, if staff has not been selected) are listed below:

Patrice Goodman, Project Director @ 25% level of effort

REPORTING REQUIREMENTS:

Submission of a Programmatic Semi-Annual Report is due no later than the dates as follows:

1st Report - April 30, 2015

2nd Report - October 31, 2015

Failure to comply with the above stated terms and conditions may result in suspension, classification as High Risk status, termination of this award or denial of funding in the future.

All responses to special terms and conditions of award and post award requests may be electronically mailed to the Grants Management Specialist and to the Government Program Official as identified on your Notice of Award.

It is essential that the Grant Number be included in the SUBJECT line of the email.

CONTACTS:

Gregory Torain, Program Official

Phone: (240) 276-1832 **Email:** Gregory.Torain@samhsa.hhs.gov **Fax:** (240) 276-2960

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Debbie Dunne, Grants Specialist

Phone: (240) 276-0409 **Email:** Debbie.Dunne@samhsa.hhs.gov **Fax:** (240) 276-1430

**County of Gila, Probation Department
SAMHSA Treatment Drug Courts Grant (TI-14-003)
DUNS Number: 0744621020000
Project Narrative**

ABSTRACT

Gila County Evening/Weekend Juvenile Resource Center

The target population includes 10- through 17-year-old Gila County youth of all racial and ethnic backgrounds, both male and female and of all gender identifications who enter the criminal justice system by referral from law enforcement and who indicate substance use or abuse.

Gila County, Arizona has a high youth substance use problem compared to the rest of the state. In contrast, it has a low number of treatment services options available. Combine these two facts with the higher likelihood for high risk juvenile crime in the evening and weekends make this proposed project a highly needed and appropriate intervention for drug court clients and other justice-involved youth. Outcomes will show reductions in youth drug use and crimes and increases in access and availability of services.

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Section A: Population of Focus and Statement of Need (10 pts)

Problem, Need, Gaps

Gila County has a youth substance abuse problem with data showing we have the highest number of youth admitting to use of illicit drugs than other counties in Arizona. Gila County has a need for expansion and enhancement of treatment services as shown by the Arizona Department of Health data of available outpatient, intensive outpatient and residential programs available in Arizona per county. Gila County has three outpatient-only providers which means providers outside of Gila County must travel to our rural county to help meet the needs of our youth. Additionally, according to the OJJDP, the U.S. Department of Justice and U.S. Department of Education, statistics show that most juvenile crime is committed between the hours of 2:00 p.m. and 9:00 p.m., peaking at different times within that range on school and non-school days. The substance use problem and need for expanded/ enhanced treatment services combined with the high risk juvenile crime period in the evening and weekends make this proposed project a highly needed and appropriate intervention for drug court clients and other justice-involved youth.

Demographic Profile

2012 GILA COUNTY CENSUS

Note: no data available for sexual orientation or gender identification

Population estimate	53,144	
Percentage of population under 18	11,372 (21%)	
Race/Ethnicity		
White alone	81.4%	
Black or African American alone	0.7%	
American Indian and Alaska Native alone	15.7%	
Asian alone	0.7%	
Native Hawaiian and other Pacific Islander alone	0.1%	
Two or more races	1.5%	
Hispanic or Latino	18.4%	
White alone, not Hispanic or Latino	65.65	
SOCIAL CHARACTERISTICS		
Number of grandparents living with own grandchildren under 18	1,204	
Number of grandparents responsible for grandchildren under 18	633	
Education		
Number of children 3 and older enrolled in school	10,294 (91%)	
	Preschool	6%
	Elementary School (grades 1-8)	43%
	High School (grades 9-12)	24%
	College	23%
Language Spoken at Home		
English only	84%	
Spanish	9%	

Indo-European	1%
Asian/Pacific Islander	Less than 1%
Other languages	5%
Economic	
Median income	\$38,504
Health Insurance for total population	
Private	55%
Public	46%
None	18%
Under 18 with no health insurance coverage	21%

Data Source: United States Census Bureau, State and County Quick Facts

Focus Population in Relation to County Population

Percentage of Youth High in Risk on the “Early Initiation of Drug Use” Scale, by Ethnicity

Ethnicity	State 2004	State 2006	State 2008	State 2010	State 2012	Gila 2004	Gila 2006	Gila 2008	Gila 2010	Gila 2012
Hispanic	42.8%	39.3%	36.3%	35.9%	31.5%	45.9%	49.1%	45.9%	48.8%	39.7%
Non-Hispanic			28.5%	26.0%	22.6%			38%	47.3%	41.0%

Data Source: AYS- Arizona Youth Survey (ACJC)

The percentages of Hispanic and Non-Hispanic youth in Gila County who have used drugs at an earlier initiation than the rest of the state combined show a real need for the intervention the Resource Center will provide. The difference in percentage between Hispanics in 2012 (39.7%) and Non-Hispanics (41%) is not great however in relation to overall population tallies this does show a large number of Hispanic youth are at high risk for early initiation of drug use. Compared to the overall population numbers with Hispanics making up 18.4% there is a disparate number of Hispanic youth who use drugs at an early age. The project addresses this disparity through the use of bi-lingual therapists for youth and/or parents who speak little English and providing documents in both English and Spanish.

Percentage of Youth Indicating Marijuana Use in Past 30 Days, by Gender

Gender	State 2004	State 2006	State 2008	State 2010	State 2012	Gila 2004	Gila 2006	Gila 2008	Gila 2010	Gila 2012
Male	15.3%	15%	13.6%	16.3%	16.0%	15.9%	13.8%	14.3%	22.7%	18.2%
Female	12.4%	11.5%	11.4%	13.3%	12.7%	16.7%	18.2%	14.6%	22.0%	17.1%

Data Source: AYS- Arizona Youth Survey

Compared to youth surveyed across the State of Arizona, 2.2% more of Gila County Males and 4.4% more females used marijuana in the 30 days prior to the survey. These percentages show a higher number of juveniles as a group use marijuana than other youth in the State.

Percentage of Youth Indicating Heroin Use in Past 30 Days, by Gender

Gender	State 2004	State 2006	State 2008	State 2010	State 2012	Gila 2004	Gila 2006	Gila 2008	Gila 2010	Gila 2012
Male	0.9%	0.9%	0.7%	0.9%	0.4%	1.5%	0.9%	0.3%	1.1%	0.8%
Female	0.5%	0.5%	0.5%	0.6%	0.3%	0.3%	0.3%	0.7%	0%	0.5%

Data Source: AYS- Arizona Youth Survey

While heroin use in the 30 days prior to the survey in 2012 was low percentage-wise in the State, it still registers and is a difficult drug to stay away from. Both males and females in Gila County were higher in use than the rest of the youth across the state, with twice as many Gila County males using heroine than their peers in other counties.

Youth Drug Severity Index Score

Year	State	State Max	State Min	Gila
2008	30.45	39.44	21.72	39.44
2010	26.99	35.80	22.80	35.80

Data Source: AYS- Arizona Youth Survey (ACJC)

The Youth Drug Severity Index (DSI) describes the severity of the current youth substance use problem based on: a) the number of youth using, b) frequency of use, and c) harm per substance. As a rule of thumb, a DSI over 20 is noteworthy; over 30 is considered problematic; over 40 is considered a substantial concern. By including these three components, the DSI moves beyond knowing basic percentages of youth substance use, and considers the breadth (i.e., frequency) and depth (i.e., harm) of that use. The DSI in Gila County in 2010 was in the “problematic” range. Gila County’s score is the highest severity of 15 counties in the State of Arizona. Through implementation of the proposed project, a goal is to reduce the DSI each year of the program.

Rate of Youth Drug Possession Arrests per 100,000 Population

Year	State	State Max	State Min	Gila
2000	352.03	828.31	130.93	364.71
2001	368.86	862.68	86.23	824.45
2002	301.28	763.01	118.05	276.92
2003	335.11	819.33	36.38	184.87
2004	343.04	839.95	57.62	251.24
2005	325.72	840.36	113.02	164.53
2006	298.11	726.33	133.56	266.16
2007	307.88	701.90	21.34	323.25
2008	310.67	709.38	0.00	131.63
2009	310.54	686.85	0.00	594.44
2010	296.7	640.30	0.00	260.88
2011	280.87	632.15	0.00	290.19

Data Source: Department of Public Safety, Crime in Arizona Reports

The rate of drug possession arrests of youth has consistently declined statewide since 2006 to 2011. In comparison, arrests of Gila County youth went up in 2007, dropped in 2008, peaked dramatically in 2009, dropped in 2010, and increased slightly in 2011. With every arrest, we have a potential client for the Gila County Evening/Weekend Resource Center.

Rate of Juveniles Referred for Processing by the Juvenile Justice System per 100,000 Youth 17 and Under

Year	State	State Max	State Min	Gila
2000	956.52	3761.06	561.15	3096.14
2001	971.96	3577.82	438.66	3577.82
2002	956.86	3829.42	468.28	3829.42
2003	888.56	2757.01	594.18	2757.01
2004	854.94	3598.35	571.40	3598.35
2005	790.20	2673.58	519.07	2673.58
2006	766.74	3742.83	483.59	3742.83
2007	753.34	3953.58	487.01	3953.58
2008	717.04	3759.77	528.44	3759.77
2009	651.01	1925.65	212.26	1925.65
2010	583.06	1276.67	319.06	1161.32

Data Source: Administrative Office of the Courts

Gila County reaches or exceeds the statewide maximum of number of juveniles referred to the criminal justice system. Through the intervention of the proposed project, recidivism by clients will be reduced and number of referrals will show a decrease.

Rate of Juveniles Detained Per 100, 000 Youth, 17 and under

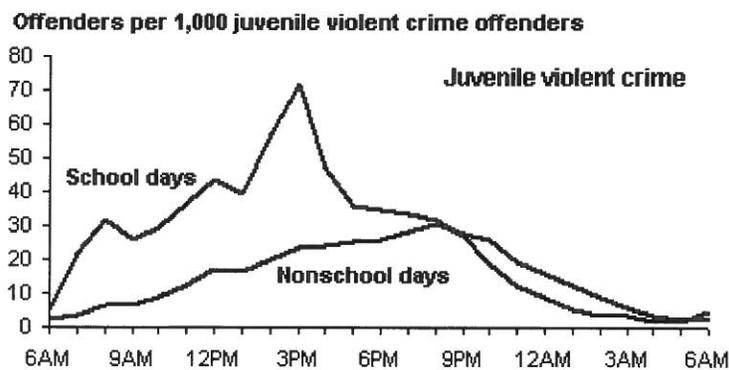
Year	State	State Max	State Min	Gila
2000	956.52	3761.06	561.15	3096.14
2001	971.96	3577.82	438.66	3577.82
2002	956.86	3829.42	468.28	3829.42
2003	888.56	2757.01	594.18	2757.01
2004	854.94	3598.35	571.40	3598.35
2005	790.20	2673.58	519.07	2673.58
2006	766.74	3742.83	483.59	3742.83
2007	753.34	3953.58	487.01	3953.58
2008	717.04	3759.77	528.44	3759.77
2009	651.01	1925.65	212.26	1925.65
2010	583.06	1276.67	319.06	1161.32

Data Source: Administrative Office of the Courts

Gila County detention numbers over a ten-year period have been at the state maximum number each year. With recent efforts at reducing detention holds through the Gila County Juvenile Detention Initiative, begun February, 2012, these numbers are rapidly decreasing. Data collection efforts through our JDAI sub-committee reveal that the majority of detention holds are due to Violation of Probation (VOP) and Drug Court sanctions. The proposed project will reduce these special detention cases as an alternative to detention for these populations.

These and more statistics show there is a need for evening and weekend resource centers to provide treatment and other pro-active, pro-social activities for the youth of Gila County.

Juvenile violent crime time-of-day profiles
(Offenders per 1,000 juvenile violent crime offenders)



Note: Violent crimes include murder, violent sexual assault, robbery, aggravated assault, and simple assault. Data are from law enforcement agencies in 35 states and the District of Columbia.

- Juvenile violence peaks in the afterschool hours on school days and in the evenings on nonschool days.
- On nonschool days, the incidence of juvenile violence increases through the afternoon and early evening hours, peaking between 7 p.m. and 9 p.m.
- The number of school days in a year is essentially equal to the number of nonschool days in a year. Despite this split, most (63%) violent crimes committed by juveniles occur on school days. Nearly one-fifth (19%) of juvenile violent crimes occur in the 4 hours between 3 p.m. and 7 p.m. on school days. A smaller proportion of juvenile violent crime (15%) occurs during the standard juvenile curfew hours of 10 p.m. to 6 a.m. (inclusive of both school and nonschool days).
- The annual number of hours in the curfew period (i.e., 8 hours every day in the year) is 4 times greater than the number of hours in the 3 p.m. to 7 p.m. period on school days (i.e., 4 hours in half of the days in the year). Therefore, the rate of juvenile violence in the afterschool period is 5 times the rate in the juvenile curfew period (inclusive of both school and nonschool days).
- Consequently, efforts to reduce juvenile crime after school would appear to have greater potential to decrease a community's violent crime rate than do juvenile curfews.

Internet citation: *OJJDP Statistical Briefing Book*. Online. Available:
<http://www.ojjdp.gov/ojstatbb/offenders/qa03301.asp?qaDate=2008>. Released on December 21, 2010.

Data Source: National Archive of Criminal Justice Data. *National Incident-Based Reporting System, 2008: Extract Files* [Computer file]. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 2010-08-13.

Section B: Proposed Evidence-Based Service/Practice (25 points)

Goals and Objectives

The purpose of the proposed Evening/Weekend Resource Center is to reduce youth drug use, increase treatment services for youth, provide protective factors for youth during statistically high crime-rate time periods between 4 P.M. and 9 P.M. three evenings per week and on weekends.

Performance Outcomes:

- Reduce drug use
- Reduce crime rates
- Reduce racial/ethnic disparities
- Increase youth access to treatment
- Expand treatment services for youth

Screening

Juveniles entering the program for the first time will have a brief, comprehensive evaluation of a youth across nine life screeners utilizing the GAIN-Q3 Standard. Jon Grossman has received certification to provide the GAIN-Q3 Standard which is a clinical assessment for diagnosis, placement, and treatment planning. This instrument is appropriate for use with adolescents from a variety of populations in various levels of care: Outpatient, Intensive outpatient, Short-term residential, Long-term residential, Therapeutic community, Justice Programs, School-based programs, Welfare programs, Co-occurring disorder programs, Primary health care programs.

The GAIN-Q3 Standard identifies and addresses a wide range of life problems (school problems, work problems, physical health, sources of stress, risk behaviors, mental health, substance use, crime and violence, and life impact measures) among adolescents and adults in both clinical and general populations. It is designed for use in diverse settings. It serves as its own monitoring assessment. Through the use of the GAIN ABS Web Application, a clinical report will be immediately generated following a Q3 interview which is accessible from anywhere with an internet connection and the data can be exported for analysis at any time. The overall aim of the GAIN-Q3 is to quickly sort people entering or being screened for services into three groups:

- Those who do not appear to have problems in need of attention
- Those who appear to have mild problems that can be addressed in a brief intervention
- Those whose results indicate the need for a more detailed assessment or specialized treatment

Programming

Group process-based counseling will utilize several theoretical approaches including CBT, MRT, Self-Regulation, and MET-CBT5). Therapy will focus on building strengths and effective coping strategies/skills.

The MET-CBT5 model will be used in individual and group therapy and focuses on addressing substance abuse by helping the client develop personal goals, helping the client understand their decision making process, developing refusal skills, increasing a social network, planning for emergencies and coping with relapse, constructive problem solving skills, and developing a personal emergency plan.

MRT is a SAMHSA and NREPP registered program and is a systemic step-by-step cognitive behavior model designed to alter how juveniles think and how they make decisions about right and wrong. MRT addresses the unique needs of juveniles including criminogenic factors, beliefs, values and attitudes. MRT enhances ego, social and moral growth in a step by step fashion, developing a stronger sense of personal identity with behavior and relationships based upon higher levels of moral judgment. Through research, MRT has been shown to substantially reduce recidivism.

Intake and Assessment involves an interview with both the juvenile and the parent(s), testing and determination of eligibility to participate in the program. If accepted, the juvenile and parent will sign agreements to follow the rules of probation, drug court and treatment. The juveniles progress through the drug court levels as determined by the drug court team. The treatment work is broken into phases which closely correspond to the drug court level system.

Treatment Components

Group Treatment - Effective group size should range from a minimum of 3 juveniles to a maximum of 10 juveniles. The group setting will be structured with limits and expectations for participation and the MRT framework will be consistently adhered to. Groups will be offered nightly in the program and the group is open entry, open exit to allow for changing clients. The group would be for 4 hours, 5 nights a week. In addition to the MRT Workbook, treatment will also utilize MET-CBT5 exercises (addressing substance abuse by helping the client develop personal goals, helping the client understand their decision making process, developing refusal skills, increasing a social network, planning for emergencies and coping with relapse, constructive problem solving skills, and developing a personal emergency plan) and cognitive behavioral/psychoeducational exercises related to skill building to address peer affiliation choices, effective and healthy communication skills, moral and value judgments, anger management and conflict resolution skills, self-regulation skills, increasing personal responsibility and accountability, decreasing school problems, identification of risk factors, and promoting involvement in community outreach support services.

Individual and Family Therapy: The therapist position will have an additional 7 hours a week beyond the scheduled groups session to meet individually with a client or with a client and their family in the home and school settings to address critical issues and provide transition and support. These sessions could focus on identifying individual risk factors, protective factors, and aftercare support services in the community. The therapist will use

motivational interviewing techniques to help the client identify what they want from treatment as well as begin to assess their readiness for change. The therapist will involve family and support persons in therapy sessions as indicated to develop a shared responsibility for growth and change. Therapy sessions will be arranged at times and locations amenable to the client/family and therapist schedules and the frequency and duration of the sessions can be modified in response to changing needs. At the end of each session, the therapist will review what was covered in the session and identify what the client/family will do between sessions, offering the opportunity for real life practice to reinforce skill development.

Modifications: for clients with developmental or academic delays, the therapist will modify the expectations for any written work or reading to their abilities. These modifications will not impact the fidelity of the programs but will allow the client to respond verbally to insure understanding and comprehension of treatment materials. The materials used do not discriminate for race, ethnicity, gender, socioeconomic or sexual identity.

Section C: Proposed Implementation Approach (30 points)

Results for Community

Implementing the Evening/Weekend Resource Center will increase access to youth services, making prevention, intervention, and treatment services available to more youth at risk for substance use. Pro-social activities and life-skill programs at the Resource Center will add layers of protective factors to at-risk youth. Protective factors contribute to reduction of substance use and crime. With a reduction in repeat offenders, the community will not only realize cost savings, but will benefit from lower juvenile crime.

Implementation and Sixteen Strategies for Juvenile Drug Courts

The Gila County Superior Court Juvenile Drug Court teams serve adolescents with Substance Use Disorders (SUD), and often times with SUD and co-occurring mental health disorders who are involved in the juvenile justice system, as well as their families or primary caregivers. Gila County Superior Court Juvenile Drug Courts provide services to juveniles found delinquent, and also provide services to the parents, siblings, and other important family members. Currently, the Drug Courts serve post-adjudicated youth. The project proposed will expand services to include pre-adjudicated youth and those at referral stage of the juvenile justice process. It will also enhance treatment services to include evidence-based treatment programs in the evenings and weekends when youth are at higher-risk for illicit drug use and other crimes.

Gila County Superior Court Drug Court Teams utilize the identified 16 strategies for effective drug courts.

1. Collaborative Planning: All stakeholders are engaged in an interdisciplinary, coordinated, and well documented systemic approach to working with youth and their families. Written policies and procedures exist for the implementation and operation of the juvenile drug court.

2. Teamwork: The Drug Court Teams maintain two interdisciplinary, non-adversarial work teams. The two Juvenile Treatment Drug Court teams located in the Northern and Southern parts of Gila County consist of the Presiding Judge, Deputy County Attorney, Defense Attorney, Probation Officer, Surveillance Officer, Therapist, Drug Court Secretary, and the Drug Court Coordinator. The teams meet weekly in a non-adversarial, collaborative, youth-centered environment.

3. Clearly Defined Target Population and Eligibility Criteria: The Drug Court Teams produced criteria for entry into drug court to be used as guidelines. These criteria are as follows: Identified reason why juvenile would benefit from Drug Court: risk score, number of dirty ua's, likelihood to continue using, individual and family history of drug use, underlying reason why juvenile began using. Age criteria: between 13 and 17; Family willingness to participate including juvenile: meeting to inform family of program requirements including brochure, handouts; Live within Gila County: w/no significant transportation issues that with ingenuity cannot be turned into manageable ones; At least one pro-social adult to support juvenile throughout program: could be parent, family member, friend of family, or others who can be involved with youth; All juveniles begin with four-week monitoring period; Juvenile has at least one adjudication for a delinquent offense.

4. Judicial Involvement and Supervision: Frequent judicial reviews occur on a weekly basis. The Drug Court Judge and the rest of the team are sensitive to the effect that court proceedings can have on youth and their families.

5. Monitoring and Evaluation: Drug Court Teams action planning produced data collection sets to monitor and evaluate the programs. These sets are: Percentage of youth who reoffend within six months of graduation; Percentage of youth who reoffend within six months of termination; Percentage of youth who reoffend within one year of graduation; Percentage of youth who reoffend within one year of termination; Percentage of youth who reoffend within one year of turning 18; Percentage of youth who reoffend within one year of being staffed but denied for drug court; While in level 4, monitor what weeks juveniles are relapsing; Decrease, increase or no change in school attendance rate and GPA or credits earned before and after participation in drug court.

6. Community Partnerships: The Drug Court Team maintains partnerships with community organizations to the range of opportunities available to youth and their families.

7. Comprehensive Treatment Planning: Drug Court Team therapists tailor interventions to the complex and varied needs of youth and their families.

8. Developmentally Appropriate Services: All services and programs are tailored to include limited English proficient individuals. Staff receive training to ensure capacity to provide services that are culturally, linguistically, and developmentally appropriate.

9. Gender-Appropriate Services: Treatment design addresses the separate and unique needs of males and females.

10. Cultural Competence: Interpreters and translated materials will be used for non-English speaking clients as well as those who speak English, but prefer materials in their primary language. Key documents will be translated into Spanish. Drug Court Teams have participated in Cultural Awareness training as a group.

11. Focus on Strengths: Drug Court Teams maintain a focus on the strengths of youth and their families during every interaction between the Court and those it serves, including incentives and sanctions that are used.

12. Family Engagement: The Gila County Drug Court teams identified areas to engage the family in the participation of their child's recovery. The following are those identified means for engagement: Greater focus by team on the *functioning* of the family; Family issues must be included in treatment; Build alliances with families, recognize their strengths, help them address barriers to help their children change; Intensify family interventions, especially early in treatment at intake; Use Motivational Interviewing approach to build rapport and engage them in a dialogue about what they hope to accomplish through the drug court process; Understand and incorporate parental goals to increase their motivation in the program; Weekly sessions w/parent/guardian to increase their participation as well as gain insight to home environment/family relationships (may require additional service authorizations); Define family to include parent(s), friends of family, caretakers, godparents, grandparents, other positive role models; Parent groups to provide advance parenting skills, coping strategies, enhancing family relationships, enlisting parental support of juvenile motivation and commitment to treatment, encouragement to hold their children responsible w/consequences and change in social environs; Link families to community resources and support during drug court involvement to expose them to resources they can use after graduation; Celebrate positive increase in social skills of children and families to encourage families to pay attention to celebrating positive changes in youth and shift away from past drug experiences and negative events to focus on achievement and hope; Constructively encourage non-compliant parents to be actively involved in drug court, i.e., order parent to attend DC parent group, provide certificates of completion to judge for parents who completed parent group program, provide intermittent incentives to parents who attend such as movie tickets, gas cards, grocery cards. Judge require parent accompany and stand w/youth especially for promotion and graduation, Judge's use of positive persuasion to secure compliance; Family project assignments to help with monitoring youth; Invite families to an individual staffing 1x per month to talk about progress, concerns, kudos. Rotate so one family highlighted per week/month OR on an as-needed basis to address a particular trend in youth's behavior; Positively recognize engaged parents in open court in front of other families (claps, kudos); Create a point system for parents completing various things and give gift card at certain number of points; Monthly perfect attendance reward for family such as gas card – court and counseling together; Reminders of possible fine waiver upon successful completion; Encourage multiple family members to

participate not just parents/guardians; Ask for family members' suggestions prior to implementation of incentives and/or sanctions.

13. Educational Linkages: Drug Court Teams coordinate with the school systems in Gila County to ensure that each participant enrolls in and attends an educational program that is appropriate to his or her needs.

14. Drug Testing: Drug testing occurs at frequent, random, and observed periods in the week, beginning with five times per week at the first level of drug court and lessening to one time a week at the final level. Testing policies and procedures are in place.

15. Goal-Oriented Incentives and Sanctions: The Drug Court Teams respond to compliance and noncompliance with incentives and sanctions that are designed to reinforce or modify the behavior of youth and their families.

16. Confidentiality: The Drug Court Team maintains a confidentiality policy and follows procedures that guard the privacy of the youth while allowing the team to access key information.

Trauma-informed Approach

Grossman & Grossman, Ltd. incorporates victim trauma therapy in their approaches with clients with the understanding that trauma is often a root cause of maladaptive coping responses and substance abuse. The agency uses the SITCAP-Trauma and Loss in Children Program. Treatment goals include:

1. Establish a therapeutic relationship that allows the client to build a level of trust necessary for disclosure and processing of difficult and often painful memories and behaviors related to the trauma/abuse.
2. Work successfully through the issues of the trauma with consequent understanding and demonstration of control of thinking, feelings and behaviors.
3. Build self-esteem and self-empowerment through the learning and utilizing of healthy coping skills to manage trauma related thoughts or urges.

Timeline of Proposed Project

Activities / Milestones	Date	Responsible Staff
Verify hiring process for case managers and evaluator has begun.	Upon award of funding	Clinical Director / Project Director
Hire Grant Project Assistant	Upon award of funding	Project Director / Probation Administration
Disseminate information of Resource Center to Drug Court staff, County Attorney,	Begin upon award of grant or August, 2014, whichever is sooner.	Project Director / Grant Project Assistant

Defense Attorney, law enforcement, probation staff, treatment providers, community at large		
Purchase supplies	Upon award of funding but at least one month before start of project.	Project Director / Grant Project Assistant
Train officers in facilitation process of Resource Center	Before September 1, 2014	Project Director/Clinical Director
Conduct client intakes	September 1, 2014 and ongoing	Case Managers
Six month client interviews	Ongoing	Case Managers / Project Director
Discharge client interviews	Ongoing	Case Managers / Project Director
Regular meeting with Evaluator and Staff, to identify successes and barriers of project implementation.	Bi-weekly	Evaluator / All Project Staff
Data Analysis and Reporting	Quarterly	Project Director / Evaluator
Annual grantee meeting	Once per year – 3 day meeting. 2014-Washington, DC	Project Director / 2 members of Drug Court Team
Submit Annual Report to SAMHSA	October, 2015	Project Director / Evaluator

Screening and Assessing for Presence of Co-Occurring Disorders

The GAIN-Q3 Standard identifies and addresses a wide range of life problems (school problems, work problems, physical health, sources of stress, risk behaviors, mental health, substance use, crime and violence, and life impact measures) among adolescents and adults in both clinical and general populations. It is designed for use in diverse settings. It serves as its own monitoring assessment. Through the use of the GAIN ABS Web Application, a clinical report will be immediately generated following a Q3 interview which is accessible from anywhere with an internet connection and the data can be exported for analysis at any time. The overall aim of the GAIN-Q3 is to quickly sort people entering or being screened for services into three groups:

- Those who do not appear to have problems in need of attention
- Those who appear to have mild problems that can be addressed in a brief intervention

- Those whose results indicate the need for a more detailed assessment or specialized treatment

Outreach, Engagement, Delivery

Program staff shall develop and execute a measurable, strategic marketing plan. Included in the plan will be the development of marketing materials targeted to key audiences, and strategies to utilize the materials to achieve key objectives. The question becomes, “How does the Project Director communicate the services available to the youth involved in the justice system at all levels to schools, law enforcement, and the community at large?” Staff will develop an informative marketing approach focusing on the benefits to the youth and the community who partner with the Courts, probation, and treatment agencies while establishing a meaningful working relationship.

Marketing tools to be identified to outreach, engage and deliver programs to the population of focus and to key audiences are listed below. Any communication materials will incorporate key messages to primary audiences and will simply and clearly provide information. These tools may include:

- develop brochures, flyers, etc. and update as necessary for all Steering Committee members and Resource Center staff to use in presentations. Develop documents that are factual but informative;
- develop a video and/or PowerPoint presentation and distribute to Steering Committee members and Resource Center staff;
- create a newsletter that provides information of JV Drug Court services, recognition, success stories, and send to stakeholders;

Client Input in Assessing, Planning, Implementing Proposed Project

We will develop an exit survey of youth and parents to elicit their input regarding assessing, planning, and implementation of the Resource Center. We will establish a Feedback Group of former participants of JV Drug Court and their parents with the purpose of developing and recommending local youth activities to promote abstinence from drugs and alcohol to address what barriers and challenges they faced, how they overcame the barriers and challenges, how the Resource Center contributed to their success, what types of programs/activities would benefit future Resource Center participants.

Substance Abuse Treatment Provider Support (Attachment 1)

Grossman & Grossman will participate in the proposed project and is the primary service provider.

Sustainability of Project

After the funding period ends in three years, probation staff will continue to facilitate programs at both the Northern and Southern Evening/Weekend Resource Center. Funding for the treatment

portion of the program will be provided through state funds received each fiscal year for juvenile treatment.

Estimated Number of Individuals to be Served

The number of unduplicated individuals we propose to serve, including sub-populations, with grant funds are 126 annually and 369 over the entire project period of three years.

Per-Unit Cost for Program

\$1,643 (calculated by total amount for life of three-year grant minus 20% for data collection and performance measurement then dividing by total number of unduplicated participants over the 3-year period.)

Third Party Revenue for Substance Abuse Treatment Services

AHCCCS screening, SAPT funding availability, Insurance coverage

Facilitating Health Insurance Application and Enrollment

For Arizona Healthcare Cost Containment System application assistance, clients will be referred to the nearest location.

Medical Assistance - Payson 100 N Tonto St Ste B Payson, AZ 85541-4302 (928) 468-9800 http://www.azdes.gov/faa	Medical Assistance - Globe 605 S 7th St Globe, AZ 85501-1405 (928) 425-3101 http://www.azdes.gov/faa
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Section D: Staff and Organizational Experience (10 points)

Organizational Ties to the Community

The collaborative Steering Committee who will act as Board of Directors for the project consists of eleven members of the community with deep ties to the community. They are invested in the success of the youth in Gila County. The committee is made up of capable and experienced individuals who represent organizations with a vested interest in realizing the performance measures of the project. These members understand the community and its varied cultures and customs. They work with youth as well as the whole of the population of Gila County on a daily basis. The committee consists of representatives from the Gila County Sheriff's Office, Payson Police Department, Globe Police Department, Gila County Superior Court, Gila County Probation, Payson High School, Liberty High School, Boys&Girls Club, and Freeport-McMoRan. A complete list of members is listed in Section G of this narrative.

Project Staff

Position	Role	Qualifications	Level of Effort
Project Director	Daily oversight of Project, Data collection, reporting.	Master-level, Education background, Experience working with youth-20 years.	25%
Grant Project Assistant	Support staff for Project Director, Probation/Detention Facilitators, Therapists, Evaluator. Translation services as necessary.	Administrative assistant experience, including data collection/management, bi-lingual.	100%
Probation Officer Facilitator (Northern and Southern on rotating weekly schedule)	Facilitate program on-site from 4:00 – 8:00 PM M, T, F, Sa, Su. Meet bi-weekly with Evaluator and based on evaluation, adjust or modify project services to maximize project success.	Bachelor-level, State Certified Probation Officer with at least one year experience working in Juvenile Justice directly with youth.	10%
Detention Officer Facilitator (Northern and Southern on rotating weekly schedule)	Facilitate program on-site from 4:00 – 8:00 PM M, T, F, Sa, Su Meet bi-weekly with Evaluator and based on evaluation, adjust or modify project services to maximize project success.	State Certified Detention Officer with at least one year experience working in Juvenile Justice directly with youth.	
Masters-level Therapists (Northern and Southern)	Provide EBP treatment services at each site from 4:00 – 8:00 PM M, T, F, Sa, Su. Provide additional individual, family, group in the home of participants, as necessary. Contribute to data collection, reporting. Translation services as necessary.	Master-level, State Certified Counselor, certification in administering EBP treatment services: MRT, MET/CBT-5, bi-lingual.	100%
Evaluator	Meet with staff on bi-weekly basis to identify successes and barriers encountered in the	PhD level, Experienced as an Evaluator of programs and services in a Juvenile Justice	20%

	process of project implementation. Hold discussions of evaluation findings, allowing staff to adjust or modify project services to maximize project success.	Treatment setting, bilingual.	
Clinical Director	Provide necessary behavioral health direction and guidance to staff for 540 clients served under this project. Translation services as necessary.	Master-level, State Certified and Licensed Practitioner with over 10 years experience, bilingual.	10%

Section E: Data Collection and Performance Measurement (20 points)

Performance Measures

Gila County Probation presently collects

State and County data will be available annually along with locally collected statistics of measurement. State data is provided through Arizona Criminal Justice Commission, Arizona Supreme Court Administrative Office of the Courts, Arizona Department of Health Services, Arizona Department of Public Safety.

Local data being collected will be managed by the Project Director and Grant Project Assistant. Data sets currently collected are:

- Detention Population Report by Race/Ethnicity/Gender/Offense
 - Offenses at pre-adjudication
 - Technical reasons for detention, both pre-/post-adjudication
 - Transfer/Waiver Cases at pre-adjudication
 - Post-adjudicated excluding technical violations
- Average Length of Stay by Race/Ethnicity
 - Type of offenses at pre-adjudication
 - Technical reasons for detention, both pre-/post-adjudication
 - Transfer//Waiver Cases at pre-adjudication
 - Post-adjudicated excluding technical violations
- Risk Assesment Instrument (RAI)
 - Ethnicity, age, gender
 - Zip code
 - Average RAI scores
 - Actual RAI scores
 - Referred or Detained

- Actual overrides of scores, reason
- Youth referred after non-detention
- Youth received a FTA warrant within 45 days of non-detention
- Juvenile Lives with at Time of Detention
 - Relationship (mom, dad, uncle, friend, guardian, foster parent, etc.)
 - Natural parent status (deceased, divorced, married, remarried, separated, etc.)
- Juvenile Treatment Drug Court monthly statistics:
 - Youth screened, admitted, exited, promoted, graduated, retained
 - Youth who maintained school attendance and/or employment
 - Youth who had no commission of a new crime / recidivism
 - Total number of rewards/sanctions administered during reporting period
 - Total number of male, female participants
 - Total number of participants per ethnicity
 - Total number of graduates who had no commission of a new crime after 3, 6, 9, and 12 months
 - Days abstinent from drugs
 - Number of consecutive clean drug tests, missed tests, diluted tests
 - Number of individual, family, group sessions attended
 - Number of AA/NA meetings

Data sets to be collected:

- Number of individuals served through Resource Center
- Housing stability
- Social Connectedness

Data will be collected on all clients via a face-to-face interview using the CSAT GPRA Client Outcome Measures for Discretionary Programs GPRA tool. The tool will be administered at three data collection points: intake to services, six months post intake, and at discharge. Performance data will be reported to staff, stakeholders, partners, and the public at large.

Quality Improvement Process

All of the data sets collected will be analyzed on a quarterly basis to identify existing or emerging disparities not recognized sooner and gauge level of effectiveness in addressing known disparities.

Local Performance Assessment

A local performance assessment will be conducted on a bi-annual basis to to assess progress and use the information retrieved to improve the management of the Evening/Weekend Resource Center. Outcome questions to be used in the performance assessment are as follows:

- What was the effect of the intervention on key outcome goals?
- What program/contextual factors were associated with outcomes?
- What individual factors were associated with outcomes, including race/ethnicity/ sexual identity (sexual orientation/gender identity)?
- How durable were the effects?

- Was the intervention effective in maintaining the project outcomes at 6-month follow-up?

Section F: Electronic Health Record (EHR) Technology (5 points)

Existing EHR System (Attachment 6)

Grossman and Grossman utilizes BOX.com, an online secure cloud platform for file storage, collaboration, external sharing and mobile productivity that is compliant with HIPAA and HITECH obligations. The BOX provides data encryption in transit and at rest, strict logical system access controls, administrative ability to restrict authorization regarding reading, downloading, editing, locking and password protection of files, as well as the ability to monitor all access with audit trail of all account activities. All open and closed client files since 2010 are in the BOX. Previous closed client records are in a locked, secure storage facility. Working case notes kept on individual therapist laptops are kept under client codes without identifying names until uploaded to the BOX. All agency computers are password protected.

NOTE: Although the budget for the proposed project is not a scored review criterion, the Review Group will be asked to comment on the appropriateness of the budget after the merits of the application have been considered.

Section G

Collaborative Steering Committee Member List

GILA COUNTY JDAI STEERING COMMITTEE 2014

<p>Colleen S. DeRose Liberty High School Director</p> <p>(928) 402-8024 Work (928) 812-3550 Mobile colleend@liberty-high.net 1438 Hagen Rd. Globe, AZ 85501</p>	<p>C. Michelle Duenas Boys&Girls Club Grants Manager</p> <p>(480) 820-3688 Work (602) 568-0769 Mobile michelled@dubzona.org 1405 E. Guadalupe Rd. #4 Tempe, AZ 85283 www.dubzona.org</p>	<p>Don Engler Payson Police Department Chief of Police</p> <p>(928) 474-5177 Work DEngler@paysonaz.gov</p> <p>303 N. Beeline Highway Payson, AZ 85541</p>
<p>Patrice E. Goodman Gila County Probation Department Program Manager</p> <p>(928) 425-7971 Ext 35 Work (928) 701-3665 Mobile PGoodman@courts.az.gov 1100 E. Monroe St., Ste 200 Globe, AZ 85501</p>	<p>Horta, Robin L. Freeport-McMoRan Social Responsibility & Community Deve...</p> <p>928) 473-7507 Work Robin_Horta@FMI.com</p> <p>PO Box 4444 Claypool, AZ 85532</p>	<p>Mike Johnson Gila County Sheriff's Office Undersheriff</p> <p>(928) 402-8573 Work mjohnson@gilacountyaz.gov</p> <p>1100 South St. Globe, AZ 85501</p>
<p>Brian Mabb Payson High School Principal</p> <p>(928) 474-2233 ex 2017 Work brian.mabb@pusd.com</p> <p>301 S Mclane Rd. Payson, AZ 85541</p>	<p>Pfeiffer, Patricia Gila County Attorney's Office Deputy County Attorney</p> <p>(928) 402-8840 Work ppfeiffer@gilacountyaz.gov</p> <p>1400 E. Ash Street Globe, Arizona 85501</p>	<p>Kendall Rhyne Gila County Probation Department Chief Probation Officer/Court Administr...</p> <p>(928) 425-7971 , ext 14 Work KRhyne@courts.az.gov</p> <p>1100 E. Monroe St., Ste 200 Globe, AZ 85501</p>
<p>Solberg, Justin (Matt) Gila County Sheriff's Office Major</p> <p>(928) 402-4374 Work (928) 812-2497 (Cell) Mobile jsolberg@gilacountyaz.gov 1100 South St. Globe, AZ 85501</p>		<p>Tim Truett Globe Police Department Chief of Police</p> <p>(928) 425-5751 Work ttruett@globeaz.gov</p> <p>175 N Pine St. Globe, AZ 85501</p>

Section H

Biographical Sketches/Resumes

Jon B. Grossman, LMFT, LCSW

PO Box 14948, Scottsdale AZ 85260
Cell phone 602-410-6637
Email: j.grossman@grossmantherapy.com

Education	Masters in Social Work, Arizona State University 1979 Masters in Education, Oregon State University 1974
Certification	Clinical Member AAMFT (American Association of Marriage and Family Therapists) Board Certified Diplomat (American Board of Examiners in Clinical Social Work BCD 0668610) Licensed Marriage and Family Therapist (AZBBHE LMFT-0182) Licensed Clinical Social Work (AZBBHE LCSW-07554I) GAIN-Q3 Administrator (Global Appraisal of Individual Needs) MRT Facilitator (Moral Reconciliation Treatment) MET-CBT5 Facilitator (Moral Enhancement Therapy – Cognitive Behavioral Therapy 5 session Program)
Professional Affiliations	Clinical Member AAMFT (American Association of Marriage and Family Therapists) Clinical Member ATSA (Association for the Treatment of Sexual Abusers) Clinical Member of NADCP (National Association of Drug Court Professionals)

In private practice since 1984 with incorporation in 1990, providing counseling services under contract to various agencies. Counseling specializations with training and experience include juvenile, young adult and adult offenders, Native American youth and their families both on- and off-reservation, sexual offenders, sexual abuse victims, childhood trauma, physical abuse, death and dying grief issues, substance abuse prevention, violent offenders, youth remanded to adult court for sexual offenses and marital therapy.

Current Contracts:

- Supreme Court Administrative Office of the Courts Juvenile Justice Services Division – providing services to juvenile probation clients in the counties of Maricopa, Pinal, and Gila counties: drug court treatment programs (Maricopa, Pinal and Gila courts), sex offender treatment, intensive in-

home treatment, and counseling for youth and families referred for a variety of general mental health and conduct disorders. F.A.S.T. Program – Family Assessment & Strategic Therapy – an intensive in-home family therapy program designed to maintain at-risk youth in their homes offered in Pinal County.

- Gila River Indian Community – providing counseling for detained youth.
- Cenpatico and NARBHA (Northern Arizona Regional Behavioral Health Authority) in-house provider of specialized therapy for children and youth who are victims of trauma or sexually acting out.
- Single Case Agreements under Southwest Network, Quality Care Network and Casey Foundation, Gila River Indian Community Behavioral Health, Salt River Pima Maricopa Indian Community.

Relevant Trainings	2005 ongoing	Interlingua Spanish language classes/Immersion Programs
	2013	Arizona Problem Solving Courts – Presentation: Innovations in Helping Juvenile Drug Court Participants Access Local Community
	2012	Motivational Interviewing Practicum (6ceu)
	2012	ATSA 2012 Annual Conference, Denver CO
	2012	GAIN Q3 Administration Certification
	2012	National Association of Drug Court Professionals Annual Conference, Nashville, TN
	2012	Presenter at the Arizona Problem Solving Courts Conference
	2012	Moving Juvenile Drug Courts from Where it is -To be where you want it to be (AOC Workshop)
	2012	Reducing Recidivism: the Principles of Effective Assessment and Intervention – workshop by Dr. Latessa at AZDBHS
	2011	11 th International Congress on Ericksonian Approaches
	2011	Motivational Interviewing: Putting it All Together – AOC
	2011	Treating and Assessing Sexual Offenders –AzATSA seminar
	2011	Specialty Court Conference: Back to Basics and Beyond AOC/ASU
	2011	MET/CBT5 EBP Training (AOC/NDC/CSAT)
	2011	Moral Reconciliation Therapy Facilitator Training, Memphis TN
	2010	ATSA 2010 Annual Conference, Phoenix AZ
	2010	Structured Sensory Interventions SITCAP-ART (National Institute for Trauma and Loss in Children) San Antonio, TX
	2009	12 th Training Conference California Coalition Against Sexual Assault
	2007	Milton Erickson 9 th International Congress
	2002-3	SFI Institute Treating Difficult Teenager Facilitator Training Savannah, GA
	1998	Effective Sex Offender Management Conference
	1995	ATSA National Conference
	1994	ATSA National Conference

PATRICE E. GOODMAN

Accomplished, achievement-driven, results-oriented, team-building professional

WORK HISTORY

GILA COUNTY SUPERIOR COURT

PROBATION DEPARTMENT, Globe, AZ

Jan, 2003 – Present

Program Manager, Training Coordinator, Treatment Coordinator, Drug Court Coordinator, DTEF Coordinator, Safety Coordinator, IPS/JIPS Unit Supervisor, Probation Officer

- ❖ Weighed and ranked multiple tasks, projects and demands.
- ❖ Governed, monitored, and projected program budgets.
- ❖ Conceived, reviewed and approved special and recurring reports, including grant-funded projects.
- ❖ Negotiated new and recurring contracts with vendors each fiscal year.
- ❖ Spearheaded change initiatives within the department and developed evidence-based practices and procedures.
- ❖ Interpreted laws and regulations and assured compliance with department goals and objectives.
- ❖ Developed and applied program standards, procedures, and performance measures.
- ❖ Planned, guided, established, and evaluated juvenile and adult probation projects.
- ❖ Produced and implemented policies and procedures to carry out programs.
- ❖ Conducted research projects, analyzed data and findings, prepared reports, and provided recommendations to Chief Probation Officer and Presiding Judge.
- ❖ Improved and managed treatment and education programs to meet the needs of probationers.
- ❖ Prioritized and coordinated the development of treatment plans in conjunction with behavioral health, social services and other related agencies.
- ❖ Organized collaborative training activities with local, state, and national organizations.
- ❖ Created, coordinated and tracked curriculum and training for all department staff and officer safety requirements to meet or exceed requirements.
- ❖ Trained, directed, and motivated staff department-wide.
- ❖ Supervised and led a team of adult and juvenile probation and surveillance officers located across multiple sites.
- ❖ Enlisted volunteers for the Court Appointed Special Advocate (CASA) program.
- ❖ Communicated effectively in written and verbal forms.
- ❖ Utilized proficiently Adobe Acrobat and Microsoft Office programs: Outlook, Word, Excel, PowerPoint, Publisher.

EVANS NEWTON, INCORPORATED, Scottsdale, AZ

Dec, 1999 – Sep, 2002

Curriculum Department Supervisor

- ❖ Recruited and hired highly educated and talented staff.
- ❖ Authored and facilitated in-house, state-wide, and national training curriculum.
- ❖ Assigned projects and oversaw staff at numerous remote locations.
- ❖ Deciphered K-12 school standards and created high-quality curriculum and testing materials to meet and exceed the standards.
- ❖ Interacted with people of different social, economic and ethnic backgrounds.

- ❖ Formulated clear, comprehensive and accurate reports.
- ❖ Expressed ideas clearly and effectively in written and verbal forms.
- ❖ Applied skills using Microsoft Office programs: Outlook, Word, Excel, PowerPoint.

MIAMI UNIFIED SCHOOL DISTRICT, Miami, AZ
Certified Teacher

Jan, 1993 – May, 1999

- ❖ Authored KIDS 2000 grant providing district-wide math training and textbooks for grades 5 – 12.
- ❖ Scripted and facilitated in-house, state-wide, and national training curriculum.
- ❖ Devised and executed policies and procedures to carry out programs.
- ❖ Cooperated with people of different social, economic and ethnic backgrounds.
- ❖ Deciphered laws and regulations assuring compliance with district goals and objectives.
- ❖ Coordinated collaborative activities with local, state, and national organizations.

EDUCATION

GRAND CANYON UNIVERSITY, Phoenix, AZ
MBA with Leadership Emphasis

June 2012

AMERICAN PROBATION AND PAROLE ASSOCIATION (APPA), Lexington, KY
Leadership Institute Graduate,

August 2010

NATIONAL CENTER FOR STATE COURTS, Williamsburg, VA
Court Manager Certificate, Institute for Court Management,
Court Executive Certificate: Two courses remaining for completion (2014)

February 2010

NORTHERN ARIZONA UNIVERSITY, Flagstaff, AZ
BS in Elementary Education, Summa cum laude

December 1992

ADDITIONAL CERTIFICATIONS

- Evidence-Based Practices Master Trainer
- Offender Screening Tool Master Trainer
- Motivational Interviewing Master Trainer
- Defensive Tactics Instructor
- Firearms Instructor (expired)
- CPR / First Aid Instructor-Trainer

PROFESSIONAL COMMITTEES AND MEMBERSHIPS

- Administrative Office of the Courts (AOC) Committee on Probation Education Subcommittee
 - AOC Intensive Probation Curriculum Subcommittee
 - AOC Youthful Offender Workgroup
 - APPA Training Accreditation Committee
 - APPA Gender Issues Committee
 - Project Safe Neighborhood Executive Council
 - JDAI Coordinator / JDAI Steering Committee Member
 - Mental Health Task Force
 - AZ Detention Education Advisory Council
 - Judicial Track Chair – APPA 38th Annual Training Institute, Baltimore, MD, July, 2013
-

Section I

Gila County Superior Court Commitment to Quality

A Commitment To Quality

Gila

County

Superior

Court

We will provide the highest quality services to children and their families.

We will meet – and we will try to exceed – all accepted guidelines for best practices in delinquency, dependency and family law cases. We will develop and implement new and different ways to provide better, more effective services to provide help for more children.

We will measure and count what we do, and we will hold ourselves accountable to our commitments.

Delinquency cases will result in fair and timely resolution to children, families and victims; our communities deserve fair and prompt justice.

Dependency cases will be processed in a prompt and just manner. We will protect children and make sure families get the services they need. The health and safety of children in foster care is a paramount concern.

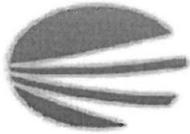
In Family law cases, we will provide prompt and efficient judicial services to families. We will use the tools available under the Rules of Family Law Procedure to ensure that family law cases are dealt with promptly and efficiently.

We will work collaboratively with others in the court systems who provide services to families and children. We will involve members of our communities in our efforts to improve how we deliver justice in cases involving children.

Our employees are experienced, well-trained and dedicated. We recognize that they are in a unique position to change children's lives for the better. We will support their efforts with training, good working conditions, and compensation that reflects their dedication to providing high quality services to children and families.

Attachment 1

Provider Organization Letter of Support



providing community based therapy since 1983

Grossman & Grossman, Ltd.

February 27, 2014

Patrice Goodman, Program Manager
Gila County Juvenile Probation

Re: Letter of Commitment for SAMHSA Project

Grossman & Grossman, Ltd. agrees to participate in the Gila County Juvenile Probation / SAMHSA Project. Grossman & Grossman, Ltd. will provide the treatment portion of the project which will involve a master's level therapist in both Payson and Globe, to provide treatment five nights weekly at the two centers established by Gila County Juvenile Probation and for the time span agreed (4 hours per night) and also be available (total of 7 hours weekly) to go into the community to follow juveniles and meet with them individually and with their families to provide on-going or aftercare therapy.

Grossman & Grossman, Ltd. agrees to comply with all reporting requirements including reporting of number of juveniles served, abstinence from substance use, constructive school or work involvement, criminal justice involvement, engagement in risk behaviors and improved use of positive coping skills and social connections. This data will be provided at intake, 6 months post intake, discharge and 6 months post discharge in follow-up.

Phyllis Grossman, LPC
Administrative Director
Grossman & Grossman, Ltd.

Attachment 2

Data Collection Instruments/Interview Protocol

**GILA COUNTY JUVENILE DRUG COURT
 PROGRESS REPORT
 COURT DATE: FEBRUARY 27, 2014**

PARTICIPANT: PROTECTED	JOLTS #: IDENTIFYING INFORMATION	PREV. DRUG COURT DATE 2/13/14	
START DATE: 11/6/13	DETENTION: 12/60	JV#: [REDACTED]	
LEVEL: ONE COLOR: RED	DATE OF LEVEL: 11/6/13	DOB: IDENTIFYING (17 YRS OLD) PROBATION TERM DATE: 11/04/14	
CHARGES: DUI - DRUGS	CLEAN & SOBER: 10/10 <u>CALCULATED FROM HIS FIRST CLEAN TEST</u> AS REPORTED BY JUVENILE:	PARENT/GUARDIAN NAME: PROTECTED	
CONSECUTIVE CLEAN DT'S: 2		POSITIVE DT'S: 4 (2/11, 2/12, 2/13, 2/19) MISSED TESTS: 0 DILUTED TESTS: 0	
NEG DT'S IN LEVEL I: 30 NEG DT'S LEVEL II:		NEG DT'S LEVEL III: NEG DT'S LEVEL IV: -	
DRUG COURT REPORT RESULTS:	DIRECTED:	ACHIEVED:	COMMENTS:
INDIVIDUAL ATTENDANCE:	2	1	
FAMILY COUNSELING ATTENDANCE:	2	2	
GROUP COUNSELING ATTENDANCE (YOUTH & FAMILY):	2	2	
12-STEP ATTENDANCE:	2	2	
SCHOOL: LIBERTY			
LAST COURT ACTION:	<i>Juvenile is doing all right in school and in his college course. He has turned in his NA meetings. His last reported marijuana use was Sunday the day after he was released from detention. The juvenile is being honest, but continues to use at will. Next Drug Court: February 27th.</i>		
RECOMMENDATIONS: FISH BOWL: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Juvenile was released from detention on [REDACTED] While detained he continued to attend his [REDACTED] college class. He needs to finish up his court ordered community restitution. He does his meetings and counseling. He's been clean and sober for 10 days now. Next drug court: March 13 th		
COURT ACTION:			

NORTHERN GILA COUNTY JUVENILE DRUG COURT PROGRAM
JUVENILE DRUG COURT 2013

Drug Court GILA COUNTY SUPERIOR COURT

Reporting Period **JUNE, 2013**

JUVENILE DRUG COURT MONTHLY DATA

GOAL: To increase or expand alternatives to incarceration by expanding Drug Court.

OBJECTIVE: To increase the rate of Drug Court graduates by 3% by June 30, 2014. (current overall rate is 37% as of 12/31/12)

1	Total number of Drug Court participants at the beginning of the month.				6	
2	Total number of Drug Court admissions during the reporting period.				0	
3	Total number of Drug Court exits during the reporting period.				0	
4	Total number of Drug Court promotions during the reporting period.				1	
5	Total number of Drug Court graduates during the reporting period.				0	
6	Total number of Drug Court participants who maintained school attendance and/or employment during their participation.				1	
7	Total number of Drug Court participants who had no commission of a new offense/ recidivism during participation.				4	
8	Total number of Drug Court participants retained at the end of the reporting period.				6	
9	Total number of rewards / sanctions administered during the reporting period.				Rewards: 6	Sanctions: 4
10	Total number of male Drug Court participants and total number of female Drug Court participants.				M: 3	F: 3
11	Total number of Drug Court graduates who had no commission of a new offense/recidivism after graduation (cumulative as of JAN, 2013)					
	1 - 3 months	4 - 6 months	7 - 9 months	10 - 12 months		
12	Total number of Drug Court participants per Ethnicity.					
	Asian	Black	Hispanic	Native Amer.	Other	White
			1			5

The rate of drug court graduates during the reporting period.

0%

SOUTHERN GILA COUNTY JUVENILE DRUG COURT PROGRAM
JUVENILE DRUG COURT 2013

Drug Court GILA COUNTY SUPERIOR COURT

Reporting Period

NOVEMBER, 2013

JUVENILE DRUG COURT MONTHLY DATA

GOAL: To increase or expand alternatives to incarceration by expanding Drug Court.

OBJECTIVE: To increase the rate of Drug Court graduates by 3% by June 30, 2014. (current overall rate is 37% as of 12/31/12)

1	Total number of Drug Court participants at the beginning of the month.					2
2	Total number of Drug Court admissions during the reporting period.					3
3	Total number of Drug Court exits during the reporting period.					1
4	Total number of Drug Court promotions during the reporting period.					0
5	Total number of Drug Court graduates during the reporting period.					1
6	Total number of Drug Court participants who maintained school attendance and/or employment during their participation.					4
7	Total number of Drug Court participants who had no commission of a new offense/ recidivism during participation.					4
8	Total number of Drug Court participants retained at the end of the reporting period.					4
9	Total number of rewards / sanctions administered during the reporting period.					Rewards: 2 Sanctions: 2
10	Total number of male Drug Court participants and total number of female Drug Court participants.					M: 4 F: 0
11	Total number of Drug Court graduates who had no commission of a new offense/recidivism after graduation (cumulative as of July 1, 2012)					
	1 - 3 months	4 - 6 months	7 - 9 months	10 - 12 months		
		1				
12	Total number of Drug Court participants per Ethnicity.					
	Asian	Black	Hispanic	Native Amer.	Other	White
	0	0	1	0	0	3

The rate of drug court graduates during the reporting period.

25%

**Gila County Juvenile Detention/Probation
List of JDAI Tracking information**

REPORT NAME	TRACKING INFORMATION
DETENTION POPULATION REPORT	Gender
	Race/Ethnicity
	Offenses (pre-adjudicated)
	Technical Offenses (warrants, court orders, Violation of Probation)
	Post Adjudication Holds (pending placement)
	Average Length of State
	Average Daily Population
	Average Age
RISK INITIATIVE ALTERNATIVE SCORES (RAI)	Ethnicity
	Average Age
	Gender
	Zip Codes
	Average RAI Scores
	Actual RAI Scores
	Referred and Detained Yes or No
	Actual Overrides
	Referred Again after Non-Detention
	Received a FTA Warrant within 45 days of non-detention
JUVENILE LIVES WITH AT TIME OF DETENTION	Relationship (mom, dad, uncle, friend, guardian, foster parent, etc.)
	Natural Parent Status (deceased, divorced, married, remarried, separated, etc.)
DETENTION DAILY ROSTER	Juvenile
	Date of Birth
	Ethnicity
	Gender
	Detention Length (actual)
	Reason for Detention
	RAI #/Level/Overrides
	Intake Officer

Detention Crosstab: Second Layer Drill-Down Analysis
Gila County Average Length of Stay by Race/Ethnicity
4th Quarter 2013

	Total			African American or Black			Asian			Hispanic/Latino			American Indian or Alaska Native			Native Hawaiian or Other Pacific Islander			White			Other			Male			Female		
	Avg.	Med.	Rel.s	Avg.	Med.	Rel.s	Avg.	Med.	Rel.s	Avg.	Med.	Rel.s	Avg.	Med.	Rel.s	Avg.	Med.	Rel.s	Avg.	Med.	Rel.s	Avg.	Med.	Rel.s	Avg.	Med.	Rel.s	Avg.	Med.	Rel.s
Offenses (pre-adjudicated)	14.6	14.0	10	-	-	0	-	-	0	-	-	0	2.0	2.0	1	-	-	0	16.0	14.0	9	-	-	0	14.6	14.0	10	-	-	0
Felony Person	44.0	44.0	1	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	44.0	44.0	1	-	-	0	44.0	44.0	1	-	-	0
Felony Property	15.3	15.5	4	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	15.3	15.5	4	-	-	0	15.3	15.5	4	-	-	0
Felony Drugs	7.0	7.0	1	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	7.0	7.0	1	-	-	0	7.0	7.0	1	-	-	0
Felony Weapons	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0
Other Felony	14.0	14.0	1	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0
Misdemeanor Person	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	14.0	14.0	1	-	-	0	14.0	14.0	1	-	-	0
Misdemeanor Property	2.0	2.0	1	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	2.0	2.0	1	-	-	0	2.0	2.0	1	-	-	0
Misdemeanor Drugs	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0
Misdemeanor Weapons	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0
Other Misdemeanor	9.0	9.0	2	-	-	0	-	-	0	-	-	0	2.0	2.0	1	-	-	0	16.0	16.0	1	-	-	0	9.0	9.0	2	-	-	0
Status Offense	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0
Other Offense	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0
Tech. Reasons for Deten. (pre-adjud. & post-adjud.)	18.3	13.0	23	-	-	0	-	-	0	18.5	15.0	8	-	-	0	-	-	0	18.1	12.0	15	-	-	0	16.4	12.5	20	30.7	15.0	3
Warrant	8.0	8.0	1	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	8.0	8.0	1	-	-	0	8.0	8.0	1	-	-	0
Court Order	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0
Contempt of Court	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0
Probation Violation	23.3	15.0	14	-	-	0	-	-	0	20.6	15.0	7	-	-	0	-	-	0	26.0	15.0	7	-	-	0	21.3	15.0	11	30.7	15.0	3
Drug Court	10.8	3.5	8	-	-	0	-	-	0	4.0	4.0	1	-	-	0	-	-	0	11.7	3.0	7	-	-	0	10.8	3.5	8	-	-	0
Placement Failure	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0
Other Technical Violation	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0
Transfer/Waiver (pre-adj.)	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0
Post-adjud. (excl. tech.)	9.0	10.0	3	-	-	0	-	-	0	15.0	15.0	1	-	-	0	-	-	0	6.0	6.0	2	-	-	0	9.0	10.0	3	-	-	0
Awaiting Placement	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0
Commit. to Deten. Facility	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0
Other Post-adjud. Status	9.0	10.0	3	-	-	0	-	-	0	15.0	15.0	1	-	-	0	-	-	0	6.0	6.0	2	-	-	0	9.0	10.0	3	-	-	0
Unknown	13.6	8.5	10	-	-	0	-	-	0	-	-	0	13.6	8.5	10	-	-	0	-	-	0	-	-	0	13.6	8.5	10	-	-	0
Total	15.8	11.5	46	-	-	0	-	-	0	18.1	15.0	9	12.5	8.0	11	-	-	0	16.5	12.5	26	-	-	0	14.8	11.0	43	30.7	15.0	3
Offense & Tech. Subtotal	17.2	14.0	33	-	-	0	-	-	0	18.5	15.0	8	2.0	2.0	1	-	-	0	17.3	13.5	24	-	-	0	15.8	13.5	30	30.7	15.0	3

Detention Crosstab: Second Layer Drill-Down Analysis
Gila County Average Daily Population by Race/Ethnicity/Gender & Offense
4th Quarter 2013

percentages by column:

	Total		African American or Black		Asian		Hispanic/Latino		American Indian or Alaska Native		Native Hawaiian or Other Pacific		White		Other		Male		Female	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
	Offenses (pre-adjudicated)	1.2	14%	0.0	-	0.0	-	0.2	7%	0.0	1%	0.0	-	1.0	25%	0.0	-	1.2	16%	0.0
Felony Person	0.1	1%	0.0	-	0.0	-	0.0	0%	0.0	0%	0.0	-	0.1	2%	0.0	-	0.1	1%	0.0	0%
Felony Property	0.7	8%	0.0	-	0.0	-	0.0	0%	0.0	0%	0.0	-	0.7	16%	0.0	-	0.7	9%	0.0	0%
Felony Drugs	0.2	3%	0.0	-	0.0	-	0.2	7%	0.0	0%	0.0	-	0.1	2%	0.0	-	0.2	3%	0.0	0%
Felony Weapons	0.0	0%	0.0	-	0.0	-	0.0	0%	0.0	0%	0.0	-	0.0	0%	0.0	-	0.0	0%	0.0	0%
Other Felony	0.2	2%	0.0	-	0.0	-	0.0	0%	0.0	0%	0.0	-	0.2	4%	0.0	-	0.2	2%	0.0	0%
Misdemeanor Person	0.0	0%	0.0	-	0.0	-	0.0	0%	0.0	0%	0.0	-	0.0	0%	0.0	-	0.0	0%	0.0	0%
Misdemeanor Property	0.0	0%	0.0	-	0.0	-	0.0	0%	0.0	0%	0.0	-	0.0	1%	0.0	-	0.0	0%	0.0	0%
Misdemeanor Drugs	0.0	0%	0.0	-	0.0	-	0.0	0%	0.0	0%	0.0	-	0.0	0%	0.0	-	0.0	0%	0.0	0%
Misdemeanor Weapons	0.0	0%	0.0	-	0.0	-	0.0	0%	0.0	0%	0.0	-	0.0	0%	0.0	-	0.0	0%	0.0	0%
Other Misdemeanor	0.0	1%	0.0	-	0.0	-	0.0	0%	0.0	1%	0.0	-	0.0	1%	0.0	-	0.0	1%	0.0	0%
Status Offense	0.0	0%	0.0	-	0.0	-	0.0	0%	0.0	0%	0.0	-	0.0	0%	0.0	-	0.0	0%	0.0	0%
Other Offense	0.0	0%	0.0	-	0.0	-	0.0	0%	0.0	0%	0.0	-	0.0	0%	0.0	-	0.0	0%	0.0	0%
Technical Reasons for Detention (pre-adjudicated & post-adjud.)	4.8	56%	0.0	-	0.0	-	2.0	87%	0.0	0%	0.0	-	2.8	69%	0.0	-	3.8	50%	1.1	100%
Warrant	0.1	1%	0.0	-	0.0	-	0.0	0%	0.0	0%	0.0	-	0.1	2%	0.0	-	0.1	1%	0.0	0%
Court Order	0.0	0%	0.0	-	0.0	-	0.0	0%	0.0	0%	0.0	-	0.0	0%	0.0	-	0.0	0%	0.0	0%
Contempt of Court	0.0	0%	0.0	-	0.0	-	0.0	0%	0.0	0%	0.0	-	0.0	0%	0.0	-	0.0	0%	0.0	0%
Probation Violation	3.6	42%	0.0	-	0.0	-	1.8	78%	0.0	0%	0.0	-	1.8	45%	0.0	-	2.6	34%	1.1	100%
Drug Court	1.1	13%	0.0	-	0.0	-	0.2	9%	0.0	0%	0.0	-	0.9	22%	0.0	-	1.1	14%	0.0	0%
Placement Failure	0.0	0%	0.0	-	0.0	-	0.0	0%	0.0	0%	0.0	-	0.0	0%	0.0	-	0.0	0%	0.0	0%
Other Technical Violation	0.0	0%	0.0	-	0.0	-	0.0	0%	0.0	0%	0.0	-	0.0	0%	0.0	-	0.0	0%	0.0	0%
Transfer/Waiver Cases (pre-adjud.)	0.0	0%	0.0	-	0.0	-	0.0	0%	0.0	0%	0.0	-	0.0	0%	0.0	-	0.0	0%	0.0	0%
Post-adjudicated (excluding tech.)	0.2	3%	0.0	-	0.0	-	0.1	5%	0.0	0%	0.0	-	0.1	3%	0.0	-	0.2	3%	0.0	0%
Awaiting Placement	0.0	0%	0.0	-	0.0	-	0.0	0%	0.0	0%	0.0	-	0.0	0%	0.0	-	0.0	0%	0.0	0%
Commitment to Detention Facility	0.0	0%	0.0	-	0.0	-	0.0	0%	0.0	0%	0.0	-	0.0	0%	0.0	-	0.0	0%	0.0	0%
Other Post-adjudicated Status	0.2	3%	0.0	-	0.0	-	0.1	5%	0.0	0%	0.0	-	0.1	3%	0.0	-	0.2	3%	0.0	0%
Unknown	0.0	0%	0.0	-	0.0	-	0.0	0%	0.0	0%	0.0	-	0.0	0%	0.0	-	0.0	0%	0.0	0%
Unknown	2.4	28%	0.0	-	0.0	-	0.0	1%	2.2	99%	0.0	-	0.1	3%	0.0	-	2.4	31%	0.0	0%
Total	8.6	100%	0.0	-	0.0	-	2.3	100%	2.3	100%	0.0	-	4.1	100%	0.0	-	7.6	100%	1.1	100%
Offenses & Technicals Subtotal	6.0	70%	0.0	-	0.0	-	2.2	94%	0.0	1%	0.0	-	3.8	94%	0.0	-	5.0	65%	1.1	100%

Referring Agency	FNBR	Offense	Intake_date	Admission_date	Release_date
Pinal County Juvenile Court	0004130267	Hold for Pinal County	10-Dec-13	10-Dec-13	12/17/2013
Bureau of Indian Affairs (Contract Hold)	0004100121	Hold for Indian Reservation	04-Sep-13	04-Sep-13	10/9/2013
	0004110182	Hold for Indian Reservation	23-Oct-13	23-Oct-13	10/24/2013
	0004130015	Hold for Indian Reservation	25-Sep-13	25-Sep-13	10/3/2013
			07-Oct-13	07-Oct-13	11/5/2013
	0004130230	Hold for Indian Reservation	28-Sep-13	28-Sep-13	10/7/2013
			09-Oct-13	09-Oct-13	10/16/2013
	0004130280	Hold for Indian Reservation	22-Nov-13	22-Nov-13	11/22/2013
Gila County Juvenile Court (Probation)	0004070085	08-241.B Probation Violation - Technical	03-Oct-13	03-Oct-13	11/7/2013
			07-Nov-13	07-Nov-13	11/19/2013
	0004090310	08-241.B Probation Violation	01-Oct-13	01-Oct-13	10/1/2013
	0004100281	08-241.B Probation Violation	13-Dec-13	13-Dec-13	12/27/2013
			27-Dec-13	27-Dec-13	1/10/2014
	0004100305	08-241.B Probation Violation - Technical	24-Dec-13	24-Dec-13	1/14/2014
			14-Jan-14	14-Jan-14	1/21/2014
	0004110032	Hold for ADJC	26-Nov-13	26-Nov-13	12/3/2013
	0004110168	PROB	10-Sep-13	10-Sep-13	10/15/2013
	0004130011	13-3405.A1 Marijuana-Possess <2 lbs. F6	17-Dec-13	17-Dec-13	1/16/2014
	0004130140	08-241.B Probation Violation - Technical	27-Sep-13	27-Sep-13	10/1/2013
	0004130202	PROB	14-Nov-13	14-Nov-13	12/3/2013
	0004130206	13-1405 Sexual Conduct w/Minor Under 15 F2	26-Aug-13	26-Aug-13	10/8/2013
	0004130229	13-3415 Drug Paraphernalia F6	11-Dec-13	11-Dec-13	12/17/2013
Gila County Juvenile Drug Court	0004050319	DC-COND	05-Nov-13	05-Nov-13	11/7/2013
		DC-UA	15-Nov-13	15-Nov-13	11/16/2013
			22-Nov-13	22-Nov-13	11/23/2013
	0004100305	DC-UA	07-Nov-13	07-Nov-13	12/13/2013
	0004110001	JUV is likely to commit an offense injurious to self/others	20-Dec-13	20-Dec-13	1/1/2014
	0004110030	DC-COND	01-Nov-13	01-Nov-13	11/12/2013
			25-Nov-13	25-Nov-13	12/17/2013
	0004130030	DC-UA	05-Dec-13	05-Dec-13	12/8/2013
			17-Dec-13	17-Dec-13	1/9/2014
	0004130158	DC-UA	17-Dec-13	17-Dec-13	12/19/2013
Gila County Sheriff's Office (Payson)	0004130294	13-1805H Shoplifting Value <\$1,000 M1	22-Dec-13	22-Dec-13	12/23/2013
Globe Police Department	0004070226	13-1602.A1-4, B4 Criminal Damage \$250-\$999 M1	19-Sep-13	19-Sep-13	9/26/2013
			26-Sep-13	26-Sep-13	10/10/2013
	0004080599	08-241.B Probation Violation	26-Oct-13	26-Oct-13	12/12/2013
			12-Dec-13	12-Dec-13	1/7/2014
	0004100331	13-2002 Forgery of checks/other instrument F4	06-Dec-13	06-Dec-13	12/19/2013
	0004130011	08-241.B Probation Violation	17-Oct-13	17-Oct-13	10/31/2013
			31-Oct-13	31-Oct-13	11/14/2013
	0004130101	04-244.9 Alcohol Under Age Consumption M1	08-Dec-13	08-Dec-13	12/9/2013
	0004130127	08-241.B Probation Violation	17-Oct-13	17-Oct-13	11/28/2013
	0004130326	Hold for Maricopa County	30-Dec-13	30-Dec-13	1/1/2014
Pascua Yaqui Tribe	0004130289	Hold for Indian Reservation	05-Dec-13	05-Dec-13	12/10/2013
	0004130314	Hold for Indian Reservation	19-Dec-13	19-Dec-13	1/26/2014
Payson Police Department	0004100108	08-241.B Probation Violation - Technical	12-Oct-13	12-Oct-13	12/23/2013
			23-Dec-13	23-Dec-13	12/26/2013
	0004110323	08-241.B Probation Violation	29-Nov-13	29-Nov-13	11/30/2013
	0004120001	13-2904.A1,2,3,4,5 DV Disorderly Conduct M1	17-Sep-13	17-Sep-13	10/2/2013
	0004120060	13-2911.A1,2 Interfer w/ Peaceful Conduct @ School	02-Oct-13	02-Oct-13	10/15/2013
	0004130248	13-1802.A5 Poss \$4,000 to \$24,999 F3	27-Oct-13	27-Oct-13	11/6/2013
	0004130249	13-1802.A5 Poss \$4,000 to \$24,999 F3	27-Oct-13	27-Oct-13	11/14/2013
			14-Nov-13	14-Nov-13	11/15/2013
	0004130250	13-1802.A5 Poss \$4,000 to \$24,999 F3	27-Oct-13	27-Oct-13	11/12/2013
			12-Nov-13	12-Nov-13	11/21/2013
Tucson Police Department	0004130267	Hold for Pinal County	15-Nov-13	15-Nov-13	12/10/2013
U.S. Marshall's Office	0004130180	Hold for US Marshall	22-Jul-13	22-Jul-13 (blank)	

JDAI Gila County Detention Population (Age, Gender & Referring Agency)
10/1/13 through 12/31/13

Average Length of Stay in Detention by Age & Gender					
Age	14	15	16	17	Totals
Female		14.0	72.0	3.0	25.8
Male	16.2	16.8	14.0	11.4	14.6
Average Length of Stay					
by age	16.2	16.4	17.6	10.8	15.4

Average 'Age at Detention' for Females and Males	
Female	= 15.75 yrs
Male	= 15.51 yrs

Notes:

- 1) Data represents detentions for 10/1/13 through 12/31/13
- 2) Days Detained is calculated as follows:
 - a. 0 to 4 Hours = 0 days
 - b. 4 to 24 Hours = 1 day
 - c. > 24 Hours = Difference between start and end dates
 - d. ALOS may differ from JDAI QRS due to the above rules.
- 3) Age at Detention does not include months.
- 4) Average Length of Stay is for all juveniles released during the period.
- 5) Referral Id's with a PA are counted as post-adjudicated.
- 6) Data Date: 10/30/2012

Attachment 3
Sample Consent Forms
(In Process)

Attachment 4
Letter from the SSA
(In Process)

Attachment 5

Gila County Strategic Plan



Gila County Arizona

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Gila County Strategic Plan

County Manager

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The Gila County Board of Supervisors, Elected Officials and Appointed Department Heads are committed to developing, implementing and maintaining a Strategic Plan which serves three (3) Objectives:

1. Set priorities for the annual **budget** process.
2. Provide a continuous five (5) year strategic **direction** for Gila County.
3. Encourage **collaboration and cooperation** across the entire county governmental structure.

The Plan identifies a county wide Goal for each of seven (7) Focus Areas as follows:

1. To maintain and enhance our **Financial Sustainability**.
2. To improve our commitment to **Organizational Development** by supporting the highest level of management principles and practices.
3. To provide a safe and **Secure Workplace** environment for employees and residents.
4. To ensure a **Healthy Environment** within Gila County and promote healthy lifestyles for residents.
5. To guarantee that Gila County is a **Safe County** in which visitors, businesses and residents can live, work and play.
6. To foster a comprehensive county wide commitment to superior **Communications** to our tax payers, citizens and visitors as well as our employees and contractors.
7. To support economic expansion, growth and diversification so that Gila County is recognized as place of **Economic Opportunity**.

Each of the seven (7) Goals is supported by Key Initiatives listed in priority order and assigned to specific Elected Officials and Appointed Department Heads with the anticipated time frame for accomplishment.

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Attachment 6

Electronic Health Records Contract

BUSINESS ASSOCIATE ADDENDUM TO THE BOX SERVICE AGREEMENT

This Business Associate Addendum (this "Addendum") is entered into on January 30, 2014, _____ ("Effective Date") by and between Box, Inc. a Delaware corporation with a place of business at 4440 El Camino Real, Los Altos, CA 94022 ("Box") and Grossman and Grossman, Ltd. _____ a(n) _____, with a place of business at _____ 5929 E Charter Oak Rd. Scottsdale, AZ 85254 _____ ("Customer").

RECITALS

WHEREAS, Customer and Box have entered into the Service Agreement, as defined below.

NOW, THEREFORE, in consideration of the mutual promises below and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties agree as follows:

1. DEFINITIONS

Terms used in this Addendum that are specifically defined in HIPAA shall have the same meaning as set forth in HIPAA. A change to HIPAA which modifies any defined HIPAA term, or which alters the regulatory citation for the definition shall be deemed incorporated into this Addendum.

1.1 "Breach" means the unauthorized acquisition, access, use, or disclosure of Protected Health Information in a manner not permitted by the Privacy Rule which compromises the security or privacy of such information, except where an unauthorized person to whom such information is disclosed would not reasonably have been able to retain such information. The term "breach" does not include the exceptions described in 45 CFR § 164.402.

1.2 "Electronic Protected Health Information" and/or "EPHI" has the same meaning as the term "electronic protected health information" in 45 CFR § 160.103, and includes, without limitation, any EPHI provided by Customer or created or received by Box on behalf of Customer.

1.3 "HIPAA" means the Health Insurance Portability and Accountability Act of 1996, Public Law 104-91, as amended, and related HIPAA regulations (45 C.F.R. Parts 160-164).

1.4 "HITECH" means the Health Information Technology for Economic and Clinical Health Act, found in Title XIII of the American Recovery and Reinvestment Act of 2009, Public Law 111-005.

1.5 "Individual" has the meaning given to the term under the Privacy Rule, including, but not limited to, 45 C.F.R. § 160.103. It also includes a person who qualifies as a personal representative in accordance with 45 CFR § 164.502(g).

1.6 "Privacy Rule" means the Standards for Privacy of Individually Identifiable Health Information codified at 45 C.F.R. §§ 160 and 164 (Subpart E) and any other applicable provision of HIPAA and any amendments to HIPAA, including HITECH.

1.7 "Protected Health Information" and/or "PHI" has the meaning given to the term under the Privacy Rule, including but not limited to, 45 CFR § 164.103, and includes, without limitation, any PHI provided by Customer or created or received by Box on behalf of Customer. Unless otherwise stated in this Addendum, any provision, restriction, or obligation in this Addendum related to the use of PHI shall apply equally to EPHI.

1.8 "Required By Law" has the meaning given to the term under the Privacy Rule, including but not limited to, 45 CFR § 164.103, and any additional requirements created under HITECH.

1.9 "Secretary" means the Secretary of the Department of Health and Human Services or his designee.

1.10 “Security Incident” means the attempted or successful unauthorized access, use, disclosure, modification, or destruction of information or interference with system operations in an information system as provided in 45 CFR § 164.304.

1.11 “Security Rule” means the Security Standards for the Protection of Electronic Protected Health Information codified at 45 C.F.R. §§ 160 and 164 (Subpart C) and any other applicable provision of HIPAA and any amendments to HIPAA, including HITECH.

1.12 “Service Agreement” means the underlying agreement(s) that outline the terms of the services that Box agrees to provide to Customer and that fall within the functions, activities or services described in the definition of “Business Associate” at 45 CFR § 160.103.

1.13 “Unsecured PHI” shall mean PHI that is not rendered unusable, unreadable, or indecipherable to unauthorized individuals through the use of a technology or methodology specified by the Secretary under 42 U.S.C. § 13402(h)(2), as described in the definition of “Unsecured PHI” at 45 CFR § 164.402.

2. BOX OBLIGATIONS

2.1 Box agrees that it will only use and disclose PHI in accordance with the terms of this Addendum or as is Required By Law.

2.2 Box will not use or disclose PHI except for the purpose of performing Box 's obligations to Customer as described in the Service Agreement and for other uses and disclosures permitted under this Addendum .

2.3 Box will not use or disclose PHI in any manner that constitutes a violation of the Privacy Rule. So long as such use or disclosure does not violate the Privacy Rule or this Addendum , Box may use or disclose PHI: (a) as is necessary for the proper management and administration of Box 's organization, or (b) to carry out the legal responsibilities of Box , as provided in 45 C.F.R. § 164.504(e)(4). Box may only disclose PHI for these purposes, in accordance with the provisions of 45 C.F.R. § 164.504(e)(4)(ii), if either (i) the disclosure is required by law, or (ii) Box obtains reasonable assurances from the person to whom Box discloses the PHI that the PHI will be held confidentially and used or further disclosed only as required by law or for the purposes for which it was disclosed to the person and that the person will notify Box of any instances of which it is aware in which the confidentiality of the information has been breached.

2.4 Box will develop, implement, maintain, and use appropriate safeguards to prevent any use or disclosure of the PHI other than as provided by this Addendum. Box will comply with the Security Rule and implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity and availability of EPHI.

2.5 Box will, to the extent feasible, adopt a technology or methodology specified by the Secretary pursuant to 42 U.S.C. § 17932(h) that renders PHI unusable, unreadable, or indecipherable to unauthorized individuals.

2.6 Box will report, in writing, to Customer any use or disclosure of PHI of which it becomes aware that is not authorized by this Addendum. In addition, Box will report in writing, to Customer any Security Incident of which it becomes aware that it experiences involving or potentially involving Customer EPHI. The written notice shall be provided to Customer within five (5) business days of becoming aware of the non-authorized use or disclosure or Security Incident.

2.7 Box will provide written notification to Customer within seventy-two (72) hours of discovering a Breach of Unsecured PHI. To the extent possible, this notice will include the identification of each individual whose Unsecured PHI has been or is reasonably believed to have been accessed, acquired, disclosed, or used during the Breach. Box will implement a reasonable system for discovery of Breaches.

2.8 Box agrees that Box does not and will not have any ownership rights in any of the PHI.

2.9 Box agrees to ensure that any agent or subcontractor that creates, receives, maintains, or transmits unencrypted PHI on behalf of Box provides reasonable assurances that the agent or subcontractor will comply with substantially the same restrictions and conditions as apply to Box, to the extent those obligations relate to Customer's PHI.

2.10 Box agrees to ensure that any agent or subcontractor that has access to the PHI to which it discloses EPHI agrees to implement reasonable and appropriate safeguards to protect the EPHI.

2.11 Box agrees to comply with the Privacy Rule to the extent that it is carrying out Customer's obligations under the Privacy Rule.

2.12 Box agrees to make available to Customer, within a reasonable time after receipt of a written request, PHI contained in a Designated Record Set that is necessary for Customer to respond to (a) an Individual's request for access to PHI in accordance with 45 C.F.R. § 164.524 or (b) an Individual's request for amendment of PHI in accordance with 45 C.F.R. § 164.526, provided that Customer's written request reasonably identifies the PHI requested. Box agrees to permit Customer to incorporate in the PHI any amendments that Customer makes.

2.13 Box agrees to document and make available to Customer, within a reasonable time after receipt of a written request, information related to any disclosures of PHI as may be required for Customer to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

2.14 Box agrees to make available to the Secretary, upon proper demand, its internal practices, books, and records relating to the use or disclosure of Customer's PHI, for the purpose of determining Customer's compliance with the Privacy Rule.

3. CUSTOMER OBLIGATIONS

3.1 Customer shall not provide to Box any PHI that is subject to conditions, restrictions, or limits permitted by Customer, including but not limited to any arrangements agreed to by Customer under 45 CFR 164.522

3.2 Customer shall not instruct or request that Box use or disclose any PHI in any manner not permitted by this Addendum.

4. TERMINATION

4.1 The term of this Addendum shall be effective as of the Effective Date of this Addendum and continue until terminated by Customer or any underlying Service Agreement expires or is terminated.

4.2 If Customer determines that there has been a breach of a material term of this Addendum, Customer shall: (a) provide to Box sufficient information to identify and investigate the alleged breach and provide Box a reasonable opportunity of not less than thirty (30) days to cure the breach; (b) terminate the Agreement, but only if cure is not possible; or (3) if cure is not possible and termination is not feasible, report the violation to the Secretary.

4.3 (a) Upon termination of this Addendum for any reason, Box shall return or, at Customer's request, destroy all PHI received from Customer or created or received by Box on behalf of Customer that Box still maintains in any form. If Box destroys the PHI, Box shall certify in writing to Customer that such PHI has been destroyed.

(b) If Box determines that returning or destroying the PHI is not feasible, Box shall explain to Customer why conditions make the return or destruction of the PHI not feasible. If Customer agrees that the return or destruction of PHI is not feasible, Box will retain the PHI, subject to all of the protections of this Addendum, and limit further uses and disclosures of the PHI to those purposes that make the return or destruction of the PHI infeasible for so long as Box maintains the PHI.

5. MISCELLANEOUS

5.1 Nothing express or implied in this Addendum is intended to confer, nor shall anything herein confer, upon any person other than Customer, Box, or their respective successors or assigns, any rights, remedies, obligations or liabilities whatsoever.

5.2 The parties are independent contractors and nothing in this Addendum shall be deemed to make them partners or joint venturers.

5.3 Box will comply with all appropriate federal and state security and privacy laws, to the extent that such laws apply to Box and are more protective of Individual privacy than are the HIPAA laws.

5.4 All notices which are required or permitted to be given pursuant to this Addendum shall be in writing and shall be sufficient in all respects if delivered personally, by electronic facsimile (with a confirmation by registered or certified mail placed in the mail no later than the following day), or by registered or certified mail, postage prepaid, addressed to a party as indicated below:

If to Box:

Box, Inc.
C/o Global Legal Ops.
4440 El Camino Real
Los Altos, CA 94022

If to Customer, to:

__Grossman and Grossman, Ltd.____
__5929 E Charter Oak Rd_____
__Scottsdale, AZ 85254_____

Notice shall be deemed to have been given upon transmittal thereof as to communications which are personally delivered or transmitted by electronic facsimile and, as to communications made by United States mail, on the third (3rd) day after mailing. The above addresses may be changed by giving notice of such change in the manner provided above for giving notice.

5.5 If any provision of this Addendum is determined by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions hereof shall continue in full force and effect.

5.6 Unless otherwise specified in the Service Agreement this Addendum shall be governed by federal law except to the extent that federal law is pre-empted by state law in which case the law of the State of California shall apply without regard to its conflict of laws principles.

5.7 Box and Customer agree that this Addendum is intended to assist them in complying with the Privacy Rule, Security Rule, and the rule relating to Breach notification under HIPAA and HITECH. In the event that any amendments to any of those rules change the compliance requirements that apply to either Box or Customer, Box and Customer will negotiate in good faith to amend this Addendum to permit them to continue their contractual relationship in compliance with any such amended requirements. However, if Box and Customer are not able, after negotiating in good faith, to reach agreement on amendments to this Addendum, either may terminate their contractual relationship by giving written notice at least 90 days prior to the termination date specified in such notice.

IN WITNESS WHEREOF, the parties have caused this Addendum to be executed by their respective duly authorized representatives as of the dates set forth below.

BOX, INC.

DocuSigned by:
By: Lesley Young
86F0C5BF3F23445...
Name: Lesley Young
Title: Sr.V.P. Corporate Sales
Date: January 31, 2014

CUSTOMER

DocuSigned by:
By: Phyllis Grossman
7604848B0AD34DA...
Name: Phyllis Grossman
Title: Administrative Director
Date: January 30, 2014

**Gila County Juvenile Evening/Weekend Resource Center
SAMHSA Treatment Drug Courts Grant (TI-14-003)
Budget Narrative**

Appendix H –Budget and Justification (no match required)

A. Personnel: Provide employee(s) (including names for each identified position) of the applicant/recipient organization, including in-kind costs for those positions whose work is tied to the grant project.

FEDERAL REQUEST

Position	Name	Annual Salary/Rate	Level of Effort	Cost
(1) Project Director	Patrice Goodman	\$51,293	25%	\$12,823
(2) Probation Officer x2	Rotating	In-kind cost	10%	0
(3) Detention Officer x2	Rotating	In-kind cost	10%	0
(4) Grant Project Assistant	To be selected	\$25,000	100%	\$25,000
(6) Clinical Director	John Grossman	In-kind cost	20%	0
			TOTAL	\$37,823

JUSTIFICATION:

- (1) The Project Director will provide daily oversight of the grant and coordinate project services and activities, including training, communication and information dissemination.
- (2) The Probation and Detention Officers will facilitate and oversee activities at each resource site on a rotating schedule.
- (3) The Grant Project Assistant will assist the Project Director, Probation Officers and Detention Officers with clerical support, scheduling, communication, and information dissemination and translate as necessary.

(4) The Clinical Director will provide necessary behavioral health direction and guidance to staff for 378 clients served under this project and translate as necessary.

Key staff positions require prior approval by SAMHSA after review of credentials of resume and job description.

FEDERAL REQUEST (enter in Section B column 1 line 6a of form S-424A) **\$37,823**

B. Fringe Benefits: List all components that make up the fringe benefits rate

FEDERAL REQUEST

Component	Rate	Wage	Cost
ERE	23.23%	\$37,823	\$8,786
Insurance	7%	\$37,823	\$2,648
		TOTAL	\$11,434

JUSTIFICATION: Fringe reflects current rate for agency.

FEDERAL REQUEST (enter in Section B column 1 line 6b of form SF-424A) **\$11,434**

C. Travel: Explain need for all travel other than that required by this application. Local travel policies prevail.

FEDERAL REQUEST

Purpose of Travel	Location	Item	Rate	Cost
(1) Grantee Conference	Washington, DC	Airfare	\$500/flight x 2 persons	\$1,000
		Hotel	\$180/night x 2 persons x 4 nights	\$1,440
		Per Diem (meals and incidentals)	\$71/day x 2 persons x 4 days	\$568
(2) Local travel		Mileage	3,000 miles @ .445/mile	\$1,335
			TOTAL	\$4,343

JUSTIFICATION: Describe the purpose of travel and how costs were determined.

(1) Two staff (Project Director and Evaluator) to attend mandatory grantee meeting in Washington, DC.

(2) Local travel is needed to attend local meetings, project activities, and training events. Local travel rate is based on the State rate for privately owned vehicle reimbursement rate.

FEDERAL REQUEST (enter in Section B column 1 line 6c of form SF-424A) **\$4,343**

D. Equipment: An article of tangible, nonexpendable, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit (federal definition).

FEDERAL REQUEST – (enter in Section B column 1 line 6d of form SF-424A) **\$ 0**

E. Supplies: Materials costing less than \$5,000 per unit and often having one-time use

FEDERAL REQUEST

Item(s)	Rate	Cost
General office supplies	\$50/mo. x 12 mo.	\$600
Postage	\$37/mo. x 8 mo.	\$296
Laptop Computer (3)	\$900 each	\$2,700
Printer (2)	\$300 each	\$600
Microsoft Office Suite for up to 5 computers	\$99/yr. subscription service	\$99
WinWay Resume Deluxe 14 - Site/Network for unlimited computers	\$240	\$240
Wireless Internet Access – two sites	\$120/mon X 12 mo. per site	\$2,880
Systram Premium Translation Software – up to 5 computers	\$800 for software and \$1,696 for license	\$2,496
Copies	8000 copies x .10/copy	\$800
	TOTAL	\$10,771

JUSTIFICATION: Describe the need and include an adequate justification of how each cost was estimated.

- (1) Office supplies, copies and postage are needed for general operation of the project.
- (2) The laptop computers and printers are needed for both project work and presentations at each site and by Project Director.
- (3) The Microsoft and WinWay software is needed for laptops at each site.
- (4) The wireless internet connections are needed at each site for assessment completions by clients and for project activities.
- (5) The translation software is needed to translate documents from English to Spanish and vice versa for non-English speaking parents and youth.

FEDERAL REQUEST – (enter in Section B column 1 line 6e of form SF-424A) \$10,771

F. Contract: A contractual arrangement to carry out a portion of the programmatic effort or for the acquisition of routine goods or services under the grant. Such arrangements may be in the form of consortium agreements or contracts. A consultant is an individual retained to provide professional advice or services for a fee. The applicant/grantee must establish written procurement policies and procedures that are consistently applied. All procurement transactions shall be conducted in a manner to provide to the maximum extent practical, open and free competition.

FEDERAL REQUEST

Name	Service	Rate	Other	Cost
(1) Treatment Services	1248 Client hours per year	\$28/hour per year		\$34,944

Name	Service	Rate	Other	Cost
(2) To Be Determined (Case Manager Northern Site)	Treatment Client Services	1FTE @ \$55,000 + Fringe Benefits of \$2,104 = \$57,104	* Travel at 41,600 @ .445 per mile = \$18,512 *Training course \$600 *Indirect costs = \$5,710 Agency related insurance/supervision/training costs (10%)	\$81,926
(3) To Be Determined (Case Manager Southern Site)	Treatment Client Services	1FTE @ \$55,000 + Fringe Benefits of \$2,104 = \$57,104	*Travel at 41,600 @ .445 per mile = \$18,512 *Training course \$600 *Indirect costs = \$5,710 Agency related insurance/supervision/training costs (10%)	\$81,926
(4) To be determined	Evaluator	\$40 per hour x 225 hours	12 month period	\$9,000
			TOTAL	\$172,852

JUSTIFICATION: Explain the need for each contractual agreement and how it relates to the overall project.

- (1) Treatment services for clients to be served based on organizational history of expenses.
- (2) Bi-lingual case managers are vital to client services related to the program and outcomes in each site. The Northern case manager will provide 20 hours per week at the project center with 7 additional hours weekly to follow the youth into the community and meet individually with the youth, with their families and to network with local authorities about the program, i.e, law enforcement, probation staff, drug court staff.

- (3) Bi-lingual case managers are vital to client services related to the program and outcomes in each site. The Southern case manager will provide 20 hours per week at the project center with 7 additional hours weekly to follow the youth into the community and meet individually with the youth, with their families and to network with local authorities about the program, i.e, law enforcement, probation staff, drug court staff.
- (4) Evaluator is provided by an experienced individual (Ph.D. level) with expertise in substance abuse, research and evaluation, is knowledgeable about the population of focus, and will report GPRA data.

***Represents separate/distinct requested funds by cost category**

FEDERAL REQUEST – (enter in Section B column 1 line 6f of form SF-424A) **\$172,852**

G. Construction: NOT ALLOWED – Leave Section B columns 1& 2 line 6g on SF-424A blank.

H. Other: Expenses not covered in any of the previous budget categories

FEDERAL REQUEST

Item	Rate	Cost
(1) Telephone	\$100/mo. x 12 mo.	\$1,200
(2) Client Incentives	\$10/client follow up x 278 clients	\$2,780
(3) Brochures	.89/brochure X 1500 brochures	\$1,335
	TOTAL	\$5,315

JUSTIFICATION:

- (1) The monthly telephone costs reflect the percent of effort for the personnel listed in this application for the SAMHSA project only.
- (2) The \$10 incentive is provided to encourage attendance to meet program goals for 278 client follow-ups.
- (3) Brochures will be used at various community functions (health fairs and exhibits).

FEDERAL REQUEST – (enter in Section B column 1 line 6h of form SF-424A) **\$5,315**

Indirect Cost Rate: 28.6%

FEDERAL REQUEST (enter in Section B column 1 line 6j of form SF-424A)

28.6% of personnel and fringe (**.286 x \$49,257**) **\$14,088**

=====

TOTAL DIRECT CHARGES:

FEDERAL REQUEST – (enter in Section B column 1 line 6i of form SF-424A) \$242,538

INDIRECT CHARGES:

FEDERAL REQUEST – (enter in Section B column 1 line 6j of form SF-424A) \$14,088

TOTAL: (sum of 6i and 6j)

FEDERAL REQUEST – (enter in Section B column 1 line 6k of form SF-424A) **\$256,626**

Provide the total proposed project period and federal funding as follows:

Proposed Project Period

a. Start Date:	09/01/2014	b. End Date:	09/01/2017
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BUDGET SUMMARY (should include future years and projected total)

Category	Year 1	Year 2*	Year 3*	Year 4*	Year 5*	Total Project Costs
Personnel	\$37,823	\$37,823	\$37,823	\$37,823	\$37,823	\$189,115
Fringe	\$11,434	\$11,434	\$11,434	\$11,434	\$11,434	\$57,170
Travel	\$4,343	\$4,343	\$4,343	\$4,343	\$4,343	\$21,715
Equipment	0	0	0	0	0	0

Category	Year 1	Year 2*	Year 3*	Year 4*	Year 5*	Total Project Costs
Supplies	\$10,771	\$4,675	\$4,675	\$4,675	\$4,675	\$26,915
Contractual	\$172,852	\$172,852	\$172,852	\$172,852	\$172,852	\$864,260
Other	\$5,315	\$5,315	\$5,315	\$5,315	\$5,315	\$25,575
Total Direct Charges	\$241,434	\$235,338	\$235,338	\$235,338	\$235,338	\$1,180,230
Indirect Charges	\$14,088	\$14,088	\$14,088	\$14,088	\$14,088	\$70,740
Total Project Costs	\$256,626	\$250,530	\$250,530	\$250,530	\$250,530	\$1,258,746

TOTAL PROJECT COSTS: Sum of Total Direct Costs and Indirect Costs

FEDERAL REQUEST (enter in Section B column 1 line 6k of form SF-424A) **\$1,258,746**

***FOR REQUESTED FUTURE YEARS:**

1. Please justify and explain any changes to the budget that differs from the reflected amounts reported in the 01 Year Budget Summary.

First year supply costs for one-time purchases of WinWay software, Translation software, 3 laptops, and 2 printers totaling \$6,036 deducted from years 2-5.

2. If a cost of living adjustment (COLA) is included in future years, provide your organization's personnel policy and procedures that state all employees within the organization will receive a COLA.

No COLA is included in future years.

IN THIS SECTION, REFLECT OTHER FEDERAL AND NON-FEDERAL SOURCES OF FUNDING BY DOLLAR AMOUNT AND NAME OF FUNDER e.g., Applicant, State, Local, Other, Program Income, etc.

Other support is defined as funds or resources, whether federal, non-federal or institutional, in direct support of activities through fellowships, gifts, prizes, in-kind contributions or non-federal means.

The applicant will contribute to the program with in-kind personnel and fringe totaling per year \$19,119.

IN THIS SECTION, include a narrative and separate budget for each year of the grant that shows that no more than 15 percent of the total grant award will be used for infrastructure development, if necessary, and no more than 20 percent of the total grant award will be used for data collection, performance measurement, and performance assessment.

Infrastructure Development	Year 1	Year 2	Year 3	Year 4	Year 5	Total Infrastructure Costs
Total Infrastructure Costs	0	0	0	0	0	0

The EHR is already established and in place through the partner agency, Grossman & Grossman, as part of their daily business. There is zero cost for infrastructure in this application.

Data Collection & Performance Measurement	Year 1	Year 2	Year 3	Year 4	Year 5	Total Data Collection & Performance Measurement Costs
Personnel	\$7,565	\$7,565	\$7,565	\$7,565	\$7,565	\$37,823
Fringe	\$2,287	\$2,287	\$2,287	\$2,287	\$2,287	\$11,434
Travel	\$648	\$648	\$648	\$648	\$648	\$3,239
Equipment	0	0	0	0	0	0
Supplies	\$1,077	\$1,077	\$1,077	\$1,077	\$1,077	\$5,386
Contractual	\$17,285	\$17,285	\$17,285	\$17,285	\$17,285	\$86,426
Other						
Total Direct Charges	\$28,862	\$28,862	\$28,862	\$28,862	\$28,862	\$144,308
Indirect Charges	\$2,818	\$2,818	\$2,818	\$2,818	\$2,818	\$14,088
Data Collection & Performance Measurement	\$31,679	\$31,679	\$31,679	\$31,679	\$31,679	\$158,395

No more than 20% of the annual or overall budget will be applied toward Data Collection and Performance Measurement.

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GILA COUNTY ATTORNEY
Bradley D. Beauchamp

Re: County Attorney's Office approval of IGA pursuant to A.R.S. § 11-952(D).

To whom it may concern:

The County Attorney's Office has reviewed the Intergovernmental Agreement attached to this agenda item and has determined that it is in its "proper form" and "is within the powers and authority granted under the laws of this state to such public agency or public procurement unit" pursuant to A.R.S. § 11-952(D).

Explanation of the Gila County Attorney's Office Intergovernmental Agreement (IGA) Review

A.R.S. § 11-952(D) requires that

every agreement or contract involving any public agency or public procurement unit of this state . . . before its execution, shall be submitted to the attorney for each such public agency or public procurement unit, who shall determine whether the agreement is in proper form and is within the powers and authority granted under the laws of this state to such public agency or public procurement unit.

In performing this review, the County Attorney's Office reviews IGAs to see that they are in "proper form" prior to their execution. "Proper form" means that the contract conforms to fundamental contract law, conforms to specific legislative requirements, and is within the powers and authority granted to the public agency. It does not mean that the County Attorney's Office approves of or supports the policy objectives contained in the IGA. That approval is solely the province of the public agency through its elected body.

Likewise, this approval is not a certification that the IGA has been properly executed. Proper execution can only be determined after all the entities entering into the IGA have taken legal action to approve the IGA. There is no statutory requirement for the County Attorney's Office to certify that IGAs are properly executed.

Nonetheless, it is imperative for each public agency to ensure that each IGA is properly executed because A.R.S. § 11-952(F) requires that "[a]ppropriate action ... applicable to the governing bodies of the participating agencies approving or extending the duration of the ... contract shall be necessary before any such agreement, contract or extension may be filed or become effective." This can be done by ensuring that the governing body gives the public proper notice of the meeting wherein action will be taken to approve the IGA, that the item is adequately described in the agenda accompanying the notice, and that the governing body takes such action. Any questions regarding whether the IGA has been properly executed may be directed to the County Attorney's Office.

Proper execution of IGAs is important because A.R.S. § 11-952(H) provides that "[p]ayment for services under this section shall not be made unless pursuant to a fully approved written contract." Additionally, A.R.S. § 11-952(I) provides that "[a] person who authorizes payment of any monies in violation of this section is liable for the monies paid plus twenty per cent of such amount and legal interest from the date of payment."

The public agency or department submitting the IGA for review has the responsibility to read and understand the IGA in order to completely understand its obligations under the IGA if it is ultimately approved by the public entity's board. This is because while the County Attorney's Office can approve the IGA as to form, the office may not have any idea whether the public agency has the capacity to actually comply with its contractual obligations. Also, the County Attorney's Office does not monitor IGA compliance. Hence the public entity or submitting department will need to be prepared to monitor their own compliance. A thorough knowledge of the provisions of the IGA will be necessary to monitor compliance.

Before determining whether an IGA contract "is in proper form," the County Attorney's Office will answer any questions or concerns the public agency has about the contract. It is the responsibility of the public agency or department submitting the IGA for review to ask any specific questions or address any concerns it has about the IGA to the County Attorney's Office at the same time they submit the IGA for review. Making such an inquiry also helps improve the County Attorney's Office review of the IGA because it will help focus the review on specific issues that are of greatest concern to the public agency. Failing to make such an inquiry when the agency does have issues or concerns will decrease the ability of the County Attorney's Office to meaningfully review the IGA.

ARF-2754

Regular Agenda Item 3. C.

Regular BOS Meeting

Meeting Date: 09/16/2014

Submitted For: Steve Sanders, Deputy Director **Submitted By:** Steve Sanders, Deputy Director, Public Works Division

Department: Public Works Division **Division:** Engineering

Information

Request/Subject

Adoption of Resolution No. 14-09-02 for the installation of regulatory signage at the intersection of Gordon Street and New Street in Gila County.

Background Information

The Engineering Department has received complaints from residents living on Gordon Street about the amount of truck traffic using Gordon Street as a way to avoid the signal at U.S. Highway 60 and New Street. The intersection is part of Gila County's Maintained Roadway System.

Evaluation

Gordon Street between New Street and Vernon Street is a residential street serving approximately 21 homes located on both sides of the street. When commercial trucks leave FMI property on New Street some of them will turn west onto Gordon St. to avoid the signal at U.S. Hwy. 60 and New Street. This creates a hazard for citizens who do not expect to encounter semi-trucks on a residential street. Requiring trucks to use the intersection at U.S. Hwy. 60 and New Street will not create a burden on the truckers. In fact it should be safer for everyone if the trucks enter the highway at a signalized intersection as opposed to accessing the highway at an intersection without a signal. FMI has been contacted and they support this action.

Conclusion

Arizona Revised Statute §28-643, Local Traffic Control Devices, states, "Local authorities in their respective jurisdictions shall place and maintain the traffic control devices on highways under their jurisdiction as they deem necessary to indicate and to carry out this chapter or local traffic ordinances or to regulate, warn or guide traffic. All traffic control devices erected shall conform to the manual and specifications prescribed in section 28-641."

Recommendation

It is the recommendation of the Deputy Director of Public Works that the Board adopt Resolution No. 14-09-02 for the installation of regulatory signage at the intersection of Gordon Street and New Street in Gila County.

Suggested Motion

Information/Discussion/Action to adopt Resolution No. 14-09-02 authorizing the installation of regulatory signage at the intersection of Gordon Street and New Street in Gila County.

(Steve Sanders)

Attachments

Resolution No. 14-09-02



RESOLUTION NO. 14-09-02

A RESOLUTION OF THE GILA COUNTY BOARD OF SUPERVISORS FOR THE INSTALLATION OF REGULATORY SIGNAGE AT THE INTERSECTION OF GORDON STREET AND NEW STREET

WHEREAS, the Gila County Board of Supervisors desires to provide maximum protection to the users of roads, streets, and highways in Gila County; and,

WHEREAS, said Board of Supervisors acknowledges the State of Arizona has adopted the Manual on Uniform Traffic Control Devices (MUTCD) as published by the Federal Highway Administration, with some exceptions (A.R.S. §28-641, State Sign Manual); and,

WHEREAS, in accordance with A.R.S. §28-643, Local Traffic Control Devices, which states, *“Local authorities in their respective jurisdictions shall place and maintain the traffic control devices on highways under their jurisdiction as they deem necessary to indicate and to carry out this chapter or local traffic ordinances or to regulate, warn or guide traffic. All traffic control devices erected shall conform to the manual and specifications prescribed in section 28-641.”*; and,

WHEREAS, official recognition of the proper position of regulatory types of signs is required to provide legal enforcement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the intersection of Gordon Street and New Street be signed in accordance with the attached EXHIBIT “A.”

PASSED AND ADOPTED this 16th day of September 2014 at Globe, Gila County, Arizona.

Attest:

GILA COUNTY BOARD OF SUPERVISORS

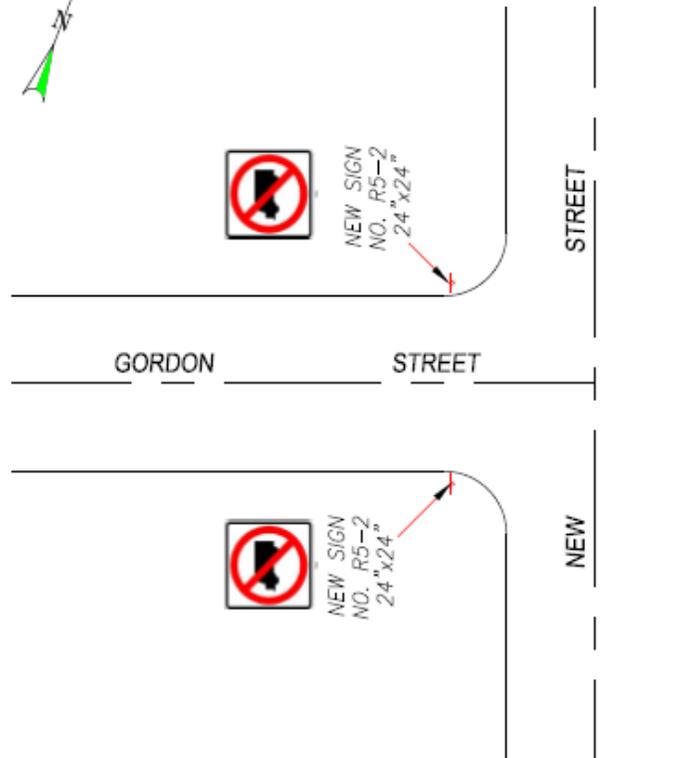
Marian Sheppard, Clerk

Michael A. Pastor, Chairman

Approved as to form:

Bryan B. Chambers
Deputy County Attorney/Civil Bureau Chief

EXHIBIT "A"



ISSUED:
09-16-14
REVISED:

Gila County Public Works

STEVE STRATTON, DIRECTOR
1400 East Aub Globe, AZ 85501 (928) 425-3231 FAX (928) 425-8104

NO TRUCK DETAIL
GORDON STREET
at
NEW STREET



SHEET 1 OF 1

ARF-2747

Regular Agenda Item 3. D.

Regular BOS Meeting

Meeting Date: 09/16/2014

Submitted For: Jeffrey Hesseniuss, Finance Director
Submitted By: Jeannie Sgroi, Contracts Administrator, Finance Division

Department: Finance Division

Fiscal Year: FY 2014 Budgeted?: Yes

Contract Dates October 1, Grant?: No

Begin & End: 2014-September 30, 2019

Matching No Fund?: Renewal

Requirement?:

Information

Request/Subject

Approval of Cooperative Forest Road Agreement #14-RO-11031200-030 between Gila County and the U.S. Forest Service, Tonto National Forest.

Background Information

For many years, Gila County has partnered with the Tonto National Forest in maintaining the forest roads for public use. This allows Gila County to use the mileage of those roads to gain Highway User Revenue Fund (HURF) monies. It also allows residents and the public to enjoy the many recreation areas offered by the Tonto National Forest.

On September 30, 2009, the Gila County Board of Supervisors renewed the Master Forest Road Agreement No. 10-RO-11031200-006. Each year the specific Maintenance Agreements may include a revised Cooperator Plan, showing specific roads and maintenance standards. In the past, Gila County invoiced the U.S. Forest Service for the maintenance according to the schedule in the road agreement; however, the funds are not available this year.

Master Forest Road Agreement No. 10-RO-11031200-006 will expire on September 30, 2014.

Evaluation

Cooperative Forest Road Agreement No. 14-RO-11031200-030 replaces the agreement expiring on September 30, 2014. By entering into the new agreement, it will allow for the continuance of mutual resources from the USDA, Forest Service, Tonto National Forest and Gila County to provide for the maintenance and upkeep for specific roads identified on Schedule A of Cooperative Forest Road Agreement No.

14-RO-1031200-030. The specific roads included in Schedule A of this document have been agreed to by both parties. Typically with the routine maintenance of these roads, Gila County will blade, remove brush and weeds, and provide signage to the

standards of Schedule A.

Conclusion

This agreement is beneficial for Gila County road funding and helps to maintain access to the Tonto National Forest recreation areas, thereby bringing in revenue from visitors and providing recreational areas for residents to enjoy.

Recommendation

The Gila County Finance Division Director and the Public Works Division Director recommend that the Board of Supervisors approve Cooperative Forest Road Agreement No. 14-RO-11031200-030 between the United States Department of Agriculture, Forest Service, Tonto National Forest and Gila County for the term of October 1, 2014, through September 30, 2019.

Suggested Motion

Information/Discussion/Action to approve Cooperative Forest Road Agreement No. 14-RO-11031200-030 between the United States Department of Agriculture, Forest Service, Tonto National Forest, and Gila County for the term of October 1, 2014, through September 30, 2019.

(Jeff Hassenius and Steve Stratton)

Attachments

Cooperative Forest Road Agreement No 14-RO-11031200-030

Forest Road Agreement No 10-RO-11031200-006

USFS Grants & Agreements Cover Sheet

Legal Explanation

FS Agreement No. 14-RO-11031200-030
Cooperator Agreement No. _____

COOPERATIVE FOREST ROAD AGREEMENT
Between
GILA COUNTY
And The
USDA, FOREST SERVICE
TONTO NATIONAL FOREST

PARTIES TO AGREEMENT: This agreement, made and entered into this the first day of October, 2014, by and between Gila County, hereinafter referred to as "Cooperator," and the USDA, Forest Service Tonto National Forest, hereinafter referred to as the "U.S. Forest Service."

PURPOSE OF AGREEMENT: The purpose of this agreement is to set forth the general terms and conditions, acceptable to the parties hereto, for the cooperative planning, survey, design, construction, reconstruction, improvement, and maintenance of certain Forest Roads in Gila County, State of Arizona, pursuant to the provisions of 16 U.S.C. 532-538, 23 U.S.C. 205, and the regulations issued by the Secretary of Agriculture.

The Congress has, from time to time, authorized and appropriated funds for "Forest Roads," which are defined as "those Forest roads of primary importance for the protection, administration, and utilization of the National Forests, or where necessary, for the use and development of the resources upon which communities within or adjacent to the National Forests are dependent." Recognizing that substantial benefits will accrue to the Nation and to the State from the construction, reconstruction, improvement, maintenance, and use of certain Forest roads and roads on the State or local road system over which the Cooperator has/have jurisdiction, and further that such roads carry substantial volumes of public service traffic as well as National Forest traffic, and further that the Cooperator has/have road construction, reconstruction, improvement, maintenance, and right-of-way acquisition facilities available to assist in the accomplishment of the work, it is accordingly deemed fitting and desirable to the parties hereto to express by this agreement the general terms of their mutual cooperation in that regard to achieve the maximum benefits therefrom in the public interest.

1. **INTENT TO COOPERATE.** It is the intention of the parties under this agreement to cooperate as follows:
 - a. Agree that certain roads under the jurisdiction of the Cooperator or the U.S. Forest Service which serve the National Forest and also carry traffic which is properly the responsibility of the Cooperator should be maintained and, if necessary, improved to a standard adequate to accommodate safely and economically all traffic which uses such roads.



- b. Agree on the identification of roads or road segments which meet the criteria in item a by a listing and appropriate maps.
 - c. Provide for formal meetings and informal consultation on a regular basis to discuss and agree on action with respect to the roads identified pursuant to item b.
 - d. Provide for regular and adequate maintenance of the roads identified in item b, including the assignment of maintenance responsibilities.
 - e. Provide for entering into project agreements when improvements of a road under the jurisdiction of one party is to be financed in whole or in part from funds or resources provided by the other party.
 - f. Provide for appropriate jurisdictional status of roads through transfer of easements and acquisition of easements by the appropriate party.
2. IDENTIFICATION OF ROADS. A list of roads and segments of roads which meet the criteria set forth in item 1a is agreed upon and is marked "Schedule A" and attached as part of this agreement. Schedule A may be modified from time to time by agreement between the Cooperator and U.S. Forest Service, by adding or removing roads or road segments, or by altering the description of a road or road segments, to give it proper identity. Each such modification shall be indicated by a revised Schedule A bearing the signatures of the parties or their authorized representatives and the effective date of the revision.
3. MAINTENANCE PLANS. At the annual meeting provided for in item 6, plans for maintaining the roads listed in Schedule A shall be agreed upon. Such plans shall include assignment of responsibility for maintenance or particular elements of maintenance to the Cooperator or U.S. Forest Service for each road or segment of road listed in Schedule A. To the extent practical, and subject to availability of funds, responsibility for maintenance shall be assigned in proportion to use for which each party is properly responsible.
- Maintenance shall include preserving and keeping the roads, including structures and related facilities as nearly as possible in their original condition as constructed or reconstructed to provide satisfactory and safe road service.
- Maintenance plans shall provide for prompt changes in maintenance assignments during the period of the plan upon agreement by the parties or their designated representatives.
4. PROJECT AGREEMENTS. When improvement of a road listed in Schedule A is to be financed in whole or in part from funds or resources provided by the party not having jurisdiction, the parties shall enter into a project agreement providing for performing the improvement work and its financing. A project agreement is not required for improvement of a road or a road segment over which the party performing and financing such improvement has jurisdiction. Project agreements shall be supplements to this



general agreement and subject to the agreements, provisions, and conditions herein contained.

- a. A project agreement shall be entered into prior to beginning of improvement or construction work for which a project agreement is required.
- b. The project agreement shall include the following elements:
 1. Identification of road or road segment to be improved or constructed.
 2. Plans and specifications for the project or provision for their development and subsequent agreement thereon.
 3. Schedule of construction or improvement work and designation of the party or parties to perform the work.
 4. Estimates of cost of improvement or construction.
 5. Agreement as to how cost of work is to be borne including arrangements to share in the work or to deposit funds with the performing party for a share of the costs.
- c. If funds are provided by the Cooperator on an advance basis for work to be performed by the U.S. Forest Service, they shall be deposited in the Treasury of the United States to the credit of cooperative work, U.S. Forest Service. Any unused balance of cooperative funds for the purposes outlined in the project agreement shall be returned to the Cooperator after completion of the work performed or upon agreement of the U.S. Forest Service. If the cooperative funds are made available on a reimbursement basis as the work progresses or upon its completion, the U.S. Forest Service shall submit to the Cooperator periodic billings, but not more often than monthly, or a final billing as the case may be.

The amount of cooperative funds as set forth in the project agreement shall be the maximum commitment of the Cooperator to the project unless changed by a modification of the project agreement.

If funds are provided by the U.S. Forest Service for work to be performed by the Cooperator the arrangements shall be set forth in the project agreement. Payments to the Cooperator shall be made as provided for in the project agreement.

If it appears that the project cost may exceed the estimate and additional funds may be needed, no obligation shall arise against the Federal government with respect to the increased cost except by modification of the project agreement prior to incurring any commitment.



5. RIGHTS-OF-WAY. Easements or other interests in land acquired by either party shall be adequate to serve the road needs of both parties. The party having jurisdiction of an existing road or intended to have jurisdiction of a road to be constructed shall obtain the needed rights-of-way in its name. There shall be no provisions in any easement document that will prevent the U.S. Forest Service from using or authorizing the use of roads for which Federal funds were expended. The Cooperator must be in a position to assure the U.S. Forest Service the continuance of such uses for the period needed. The party acquiring the easement or other interest in land shall obtain such title evidence and title approval as required in its acquisitions for roads of comparable standards.

The costs of such easements or other interests in land are to be at the expense of the acquiring party.

The U.S. Forest Service shall cooperate in the procurement of rights-of-way over land administered by other agencies of the United States required for any project included under this agreement and shall furnish the Cooperator copies of survey notes, maps, and other records.

To the extent possible under available authority, each party agrees to convey easements over lands or interests in lands it owns or administers to the other party in order to provide jurisdiction by the appropriate party as may be agreed to for any road or road segment listed on Schedule A.

6. ANNUAL MEETING AND CONTINUING CONSULTATION. The Cooperator and U.S. Forest Service shall meet at least once each year to review matters covered by this agreement and to agree on actions to implement this agreement including, but not limited to, (1) approval of changes in the listing of roads on Schedule A; (2) approval of the annual maintenance plan; (3) approval of project agreements for construction or reconstruction; and (4) approval of transfer of jurisdiction of particular roads by easement conveyance. It is also the intent of the parties to arrange for continuing consultation between their representatives with the objective of reaching prompt agreement by the parties on all matters of mutual concern which are covered by this agreement. The Forest Supervisor of the Tonto National Forest for the U.S. Forest Service, and the Chair for the Cooperator shall be responsible for making the arrangements for formal meetings and continuing consultation.
7. TEXT MESSAGING WHILE DRIVING. In accordance with Executive Order (EO) 13513, "Federal Leadership on Reducing Text Messaging While Driving," any and all text messaging by Federal employees is banned: a) while driving a Government owned vehicle (GOV) or driving a privately owned vehicle (POV) while on official Government business; or b) using any electronic equipment supplied by the Government when driving any vehicle at any time. All cooperators, their employees, volunteers, and contractors are encouraged to adopt and enforce policies that ban text messaging when driving company owned, leased or rented vehicles, POVs or GOVs when driving while on official Government business or when performing any work for or on behalf of the Government.



8. MODIFICATION AND TERMINATION.

- a. This agreement may be modified by mutual consent.
- b. This agreement may be terminated by either party upon at least 90 days prior written notice, except that such termination shall in no way affect or change any commitment made authorizing the use of roads or rights-of-way for purposes for which Federal funds were expended, or any operation in progress at time of notice, and provided that such termination shall in no way affect the agreement of the parties hereto with respect to any obligations incurred under the agreement until a full settlement has been made.

9. MISCELLANEOUS.

- a. It is understood that any default by a permittee or other authorized road user creates no liability on the part of the U.S. Forest Service.
- b. Nothing herein contained shall be construed to obligate the U.S. Forest Service or the Cooperator beyond the extent of available funds allocated or programmed for this work, or contrary to applicable laws, rules, and regulations.
- c. No Member of, or Delegate to, the Congress, or Resident Commissioner, shall be admitted to any share or part of this agreement or to any benefits that may arise therefrom, unless it is made with a corporation for its general benefit.
- d. Where applicable, any contract, agreement, or understanding entered into pursuant to this agreement providing for work to be performed shall include the requirements of Federal laws, Executive orders, and Regulations.

10. PRINCIPAL CONTACTS. Individuals listed below are authorized to act in their respective areas for matters related to this agreement.

Principal Cooperator Contacts:

Cooperator Program Contact	Cooperator Administrative Contact
Name: Steve Stratton, Director Address: Gila County Public Works 745 N Rose Mofford Way City, State, Zip: Globe, AZ 85501 Telephone: (928) 425-3231 FAX: (928) 425-8104 Email: sstratton@gilacountyaz.gov	Name: Shannon Coons Address: Gila County Public Works 745 N Rose Mofford Way City, State, Zip: Globe, AZ 85501 Telephone: (928) 402-8521 FAX: (928) 425-8104 Email: scoons@gilacountyaz.gov



Principal U.S. Forest Service Contacts:

U.S. Forest Service Program Manager Contact	U.S. Forest Service Administrative Contact
Name: Thomas Torres Address: 2324 E McDowell Road City, State, Zip: Phoenix, AZ 85006 Telephone: (602) 225-5375 FAX: (602) 225-5295 Email: ttorres@fs.fed.us	Name: Sherry Smith Address: 2324 E McDowell Road City, State, Zip: Phoenix, AZ 85006 Telephone: (602) 225-5383 FAX: (602) 225-5361 Email: sherrysmith@fs.fed.us
Alternate U.S. Forest Service Program Manager Contact Name: Christine Crawford Address: 2324 E McDowell Road City, State, Zip: Phoenix, AZ 85006 Telephone: (602) 225-5279 FAX: (602) 225-5295 Email: cjcrawford@fs.fed.us	

11. COMMENCEMENT/EXPIRATION DATE. This agreement is effective October 1, 2014 through September 30, 2019 at which time it will expire unless extended.
12. AUTHORIZED REPRESENTATIVES. By signature below, the parties certify that the individuals listed in this document as representatives of each party are authorized to act in their respective areas for matters related to this agreement.

The Director of Public Works is authorized by the Gila County Board of Supervisors as the authorized signatory to approve individual project agreements with cooperative funding or value by or to the County not to exceed \$50,000.

This agreement shall be effective as of the date herein written and shall supersede all prior existing agreements, if any, for the same roads.

MICHAEL A. PASTOR, Chairman Date
 Gila County Board of Supervisors

NEIL J. BOSWORTH, Forest Supervisor Date
 U.S. Forest Service, Tonto National Forest



Attest:
MARIAN SHEPPARD
Clerk of the Board

Date

Approved as to Form:
Deputy County Attorney/Civil Bureau Chief
for Bradley D. Beauchamp, County Attorney

Date

The authority and format of this agreement have been reviewed and approved for signature.

SHERRY J. SMITH
U.S. Forest Service Grants & Agreements
Specialist

Date

Burden Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0217. The time required to complete this information collection is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

GILA COUNTY SCHEDULE A

Revision Date: August 2014

TIMBER DISTRICT

ROAD		MAINT		
NUMBER	ROAD NAME	MILES	BEGIN TERMINI	END TERMINI
LEVEL 2				
29	Roberts Mesa	2.85	Meads Ranch Entrance	FR 289 (Tonto Creek Road)
54	P.V. Wilson	10	SR 288	FR 329
60	A Cross	23.9	FR 661 (Indian Point Campground Road)	SR 288
116	Crouch Mesa	2.7	FH 512	FH 512 (Loop)
128	Naegelin Rim	3	FH 512	Dead End
129	Big Walnut	5.8	County Easement	Private Gate (Marsh Ranch)
130	Little Walnut	2.7	Forest Boundary	FR 2725
131	Jim Sam	3.1	FR 486 (Buzzard Roost / JRR)	Private
134	Flying W (Wilbanks)	6	FR 129 (Big Walnut)	Private
198	Pyeatt Draw	8.4	FR 199 (Houston Mesa Road)	FR 64 (Control Road)
249	Ellingwood Segment	4	FR 200 (Chamberlin Trail)	Private
291	Colcord Road	7.4	FH 512	MP 7.4 End of Level 2 Portion
409	Fort Reno	1.75	SR 188	FR 1382 Trailhead Parking
411	Nagelin Canyon	5.8	FR 187	FR 291 (Colcord Road)
411C	Naeglin Spur	2.5	FH 512	FR 411 (Nagelin Canyon)
424	Bouquet	1	FR 423 (Cline Bouquet)	FR 1717 (split number @ wash)
428	Hardscrabble	6.7	FR 708 (Fossil Creek Road)	Pine City Limits
485	Turkey Creek Mine	1	FR 486 (Buzzard Roost / JRR)	FR 3253
486	Buzzard Roost (JR	7.1	SR 288	FR 485 (Turkey Creek Mine)
604	lambing Creek	6.5	FR 71 (Greenback)	Dead End
609	Bear Head Spring (Malicious Gap)	6.3	FR 71 (Greenback)	FR 416
637	Four Mile Borrow Pit	1	SR 288	Borrow Pit
648	Lone Pine Saddle	1.3	FR 143 (Four Peaks)	Trailhead Parking
788	Naeglin Rim Bypass	0.4	FR 128 (Naegelin Rim)	FR 411 (Naegelin Canyon)
896	Juniper	2	FR 423 (Cline Bouquet)	FR 1717 (Juniper Pit)
1717	Juniper Pit	0.44	FR 896	Juniper Pit
1717	Bouquet Ranch	0.44	FR 424	FR 1718
1718	Bouquet Ranch	0.25	FR 1717	Bouquet Ranch
935	Grasshopper Tank	3	FR 200 (Chamberlin Trail)	MP 3.0
1387	76 Ranch	1.1	FR 184 (Rye Creek)	Private (76 Ranch)
2725	FR 2725	1.7	FR 130 (Little Walnut)	FR 134 (Wilbanks / Flying W)
2990	FR 2990	0.6	FR 200 (Chamberlin Trail)	Private
3253	FR 3253	1	FR 485 (Turkey Creek Mine)	Private (Buzzard Roost Camp)
Total Level 2		131.73		

LEVEL 3

29	Roberts Mesa	3.95	FR 64 (Control Road)	Private (Meads Ranch Access Road)
32	Washington Park	3.9	FR 64 (Control Road)	Private
33	Canyon Creek	5.5	FH 512	Bridge @ Canyon Creek
34	Valentine Canyon	2.2	FR 33 (Colcord Ridge)	FR 188 (OW Ranch)
71	Greenback Crossing	12.9	Forest Boundary	Private (Conway Ranch)
100	Nail Ranch South	1.4	FR 202	Private
100	Nail Ranch Fire Exit North	0.46	FR 1000	Private
109	Reservation	4.3	FR 512 North	FR 188 (OW Ranch)
143	El Oso 4 Peaks North	9.3	SR 188	Cattleguard @ FR 648
184	Rye Creek	7.6	SR 188	FR 417 (Gisela Road)
188	OW Ranch	5.3	FH 512	Private (OW Ranch)

190	A Cross Admin	0.8	FR 60 (A Cross Road)	USFS Admin Site
200	Chamberlin Trail	8.8	FH 512	Cattleguard @ Haigler Campground
202	Rock House	5.7	FH 512	FR 202A (intersection)
208	Jim Jones Shooting Range	1.7	SR 87	Private @ Shooting Range
405	Bear Flat	3.2	FR 405A	Private
405A	Little Green Valley	2.7	SR 260 East	FR 405 (Bear Flat)
3730	Ponderosa Bypass	0.6	Ponderosa Campground Entrance	FR 405A
411	Nagelin Canyon	3.7	FH 512	FR 187 Intersection
414	Rye Cypress	0.5	SR 87 Southbound	FR 1024 Intersection to Private
419	Barnhardt	5.2	SR 87 Southbound	Barnhardt Trailhead Parking
426	Grantham Ranch	2.8	FR 423 (Cline Blvd)	Private (Grantham Ranch)
440	Camp Geronimo	2.1	FR 64 (Control Road)	Private (Camp Geronimo)
3731	Control Road Bypass	0.25	FR 440 (Camp Geronimo)	FR 64 (Control Road)
458	Geronimo Estates	0.6	FR 64 (Control Road)	Private (Geronimo Estates)
470	Bar X	1	SR 188	FR 423 (Cline Blvd)
526	Cholla Bay Access	0.3	SR 188	Cholla Bay
1000	Frog Pond	2.3	FH 512	FR 100 (Nail Ranch South)
1190	Verde Glenn	1.7	FR 64 (Control Road)	Private
Total Level 3		100.76		

LEVEL 4

60	A-Cross North (Indian Point Access)	2.1	SR 188	FR 661 (Indian Point Campground)
64	Control Road	17.3	SR 87	FR 430 (Pyle Ranch)
272	Flowing Springs Road	2	SR 87	Private
FH 512	Young Highway	15.2	Forest Boundary South	Forest Boundary North
Total Level 4		36.6		

LEVEL 5

406	Doll Baby	6.3	Payson City Limits	Private
661	Indian Point	2	FR 60 (A Cross)	Boat Ramp
874	Cholla Campground Main	0.7	SR 188	Loop End in Campground
874A	Cholla Boat Ramp Access	0.5	FR 874	Boat Ramp
Total Level 5		9.5		

COPPER DISTRICT

ROAD NUMBER	ROAD NAME	MAINT MILES	BEGIN TERMINI	END TERMINI
LEVEL 2				
73	Jordans	0.5	SR 188	Private
87	Dagger Ranch	1	FR 203 (Cherry Creek Road)	Gate / Private
97	Jack Shoe Ranch	3	FR 60 (A Cross)	Private (Jack Shoe Ranch)
189	Coon Creek Trail	4.8	SR 288	Trailhead Parking
202	Rockhouse	5.7	FR 203 (Cherry Creek Road)	Corrals
203A	Bull Canyon Trailhead	5.9	FR 203 (Cherry Creek Road)	Trailhead Parking
216	Pinky Norris	1.4	US 60	Private
219	HorseShoe Bend	8.9	Private	MP 8.9 (Top of Hill)
220	Richmond Basin	7.2	FR 219 (Horseshoe Bend)	End
223	Shute Spring	4.7	FR 219 (Horseshoe Bend)	Shute Springs
224	Copper Hills	6.8	US 60	Forest Bdy.
287B	Castle Dome	2.6	FR 287 (Pinto Valley Mine)	FR 608
303A	Gleason Flat	2.1	FR 303	MP 2.1 (Top of Hill)
304	Chrysotile	2.6	US 60 / 77	MP 2.6 @ Wash
304A	Chrysotile Access Road	1	FR 304	Gate / Private
395	Kings Canyon	4.7	FR 594 (Nugget Mesa)	County Road
396	Eads Wash	1	FR 465 (River)	MP 1.0 (Toilet Bld)
429	Mills Ridge	6	SR 188	Trailhead Parking
449A	Campaign Creek Spur	5.1	FR 449 (Campaign Creek)	Trailhead Parking
473	Regal Mine	6.7	Forest Boundary	Private
584	Winters Ranch	1.6	SR 60/77	Private Access
594	Nugget Mesa	4.9	Bixby Road	Dead End
608	Bohme Ranch	1.3	FR 287B (Castle Dome)	FR 2608
644	Redmond Flat	3.7	FR 223	End
645	Yankee Joe Loop	8.3	FR 303	FR 303 (Loop)
647	Game Loop	0.5	SR 188	Cholla Well Site
906	Warnica Springs	1.7	Forest Boundary	End
2568	FR 2568	0.4	FR 349 (Simpson Lake)	Private
2619	FR 2619	1.4	FR 395	Private
Total Level 2		105.5		
LEVEL 3				
83	Black Bush Ranch	2.4	SR 188	Black Brush HQ
173	Frazier Trailhead	0.2	SR 188	Trailhead Parking
203	Cherry Creek	19.6	SR 288	Ellison Ranch
303	Haystack	14.1	US 60/77	FR 1052
349	Simpson Lake	5.8	US 60/77	FR 2568
377	Jones Water Rec	0.7	US 60/77	End Campground Loop
445	Three Bar Cabin	3.2	SR 188	FR 445A
445A	Three Bar Cabin	0.7	FR 445	Gate @ Cabin
446	Roosevelt Estates	0.5	FR 445 (Schoolhouse)	Private
448	Tidwell	1.4	SR 188	Private
449	Campaign Creek	3.2	SR 188	Trailhead Parking
Total Level 3		51.8		
LEVEL 5				
465	River	1.8	SR 288	End / Loop
321	Frazier Campground	0.4	SR 188	End Northernmost Loop
321A	Frazier Campground	0.6	FR 321	End / East Parking
321B	Frazier Campground	0.2	FR 321A	End / West Equestrian Parking
82	Windy Hill	2.4	SR 188	Boat Ramp
84	Grapevine Main	2.2	SR 188	Boat Ramp
447	Schoolhouse	3.7	SR 188	Boat Ramp
Total Level 5		11.3		

FOREST ROAD AGREEMENT

BETWEEN THE

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE
TONTO NATIONAL FOREST

AND

GILA COUNTY

Parties to Agreement: This agreement, made and entered into this the 9th day of September 2009, by and between the Forest Service, and the County of Gila hereinafter called the "cooperator."

PURPOSE OF AGREEMENT: The purpose of this agreement is to set forth the general terms and conditions, acceptable to the parties hereto, for the cooperative planning, survey, design, construction, reconstruction, improvement, and maintenance of certain Forest Development Roads in Gila county, State of Arizona, pursuant to the provisions of 16 U.S.C. 532-538, 23 U.S.C. 205, and the regulations issued by the Secretary of Agriculture.

The Congress has, from time to time, authorized and appropriated funds for "Forest Development Roads," which are defined as "those Forest roads of primary importance for the protection, administration, and utilization of the National Forests, or where necessary, for the use and development of the resources upon which communities within or adjacent to the National Forests are dependent." Recognizing that substantial benefits will accrue to the Nation and to the State from the construction, reconstruction, improvement, maintenance, and use of certain Forest development roads and roads on the State or local road system over which the cooperator has jurisdiction, and further that such roads carry substantial volumes of public service traffic as well as National Forest traffic, and further that the cooperator has road construction, reconstruction, improvement, maintenance, and right-of-way acquisition facilities available to assist in the accomplishment of the work, it is accordingly deemed fitting and desirable to the parties hereto to express by this instrument the general terms of their mutual cooperation in that regard to achieve the maximum benefits therefrom in the public interest.

1. INTENT TO COOPERATE. It is the intention of the parties under this agreement to cooperate as follows:
 - a. Agree that certain roads under the jurisdiction of the cooperator or the Forest Service which serve the National Forest and also carry traffic which is properly the responsibility of the cooperator should be maintained and, if necessary, improved to a standard adequate to accommodate safely and economically all traffic which uses such roads.

- b. Agree on the identification of roads or road segments which meet the criteria in item a by a listing and appropriate maps.
 - c. Provide for formal meetings and informal consultation on a regular basis to discuss and agree on action with respect to the roads identified pursuant to item b.
 - d. Provide for regular and adequate maintenance of the roads identified in item b, including the assignment of maintenance responsibilities.
 - e. Provide for entering into project agreements when improvements of a road under the jurisdiction of one party is to be financed in whole or in part from funds or resources provided by the other party.
 - f. Provide for appropriate jurisdictional status of roads through transfer of easements and acquisition of easements by the appropriate party.
2. IDENTIFICATION OF ROADS. A list of roads and segments of roads which meet the criteria set forth in item 1a is agreed upon and is marked "schedule A" and attached as part of this agreement. Schedule A may be modified from time to time by agreement between the cooperator and Forest Service, by adding or removing roads or road segments, or by altering the description of a road or road segments, to give it proper identity. Each such modification shall be indicated by a revised schedule A bearing the signatures of the parties or their authorized representatives and the effective date of the revision.
3. MAINTENANCE PLANS. At the annual meeting provided for in item 6, plans for maintaining the roads listed in schedule A shall be agreed upon. Such plans shall include assignment of responsibility for maintenance or particular elements of maintenance to the cooperator or Forest Service for each road or segment of road listed in schedule A. To the extent practical, and subject to availability of funds, responsibility for maintenance shall be assigned in proportion to use for which each party is properly responsible.
- Maintenance shall include preserving and keeping the roads, including structures and related facilities as nearly as possible in their original condition as constructed or reconstructed to provide satisfactory and safe road service.
- Maintenance plans shall provide for prompt changes in maintenance assignments during the period of the plan upon agreement by the parties or their designated representatives.
4. PROJECT AGREEMENTS. When improvement of a road listed in schedule A is to be financed in whole or in part from funds or resources provided by the party not having jurisdiction, the parties shall enter into a project agreement providing for performing the improvement work and its financing. A project agreement is not required for improvement of a road or a road segment over which the party performing and financing such improvement has jurisdiction. Project agreements shall be supplements to this

general agreement and subject to the agreements, provisions, and conditions herein contained.

- a. A project agreement shall be entered into prior to beginning of improvement or construction work for which a project agreement is required.
- b. The project agreement shall include the following elements:
 1. Identification of road or road segment to be improved or constructed.
 2. Plans and specifications for the project or provision for their development and subsequent agreement thereon.
 3. Schedule of construction or improvement work and designation of the party or parties to perform the work.
 4. Estimates of cost of improvement or construction.
 5. Agreement as to how cost of work is to be borne including arrangements to share in the work or to deposit funds with the performing party for a share of the costs.
- c. If funds are provided by the cooperator on an advance basis for work to be performed by the Forest Service, they shall be deposited in the Treasury of the United States to the credit of cooperative work, Forest Service. Any unused balance of cooperative funds for the purposes outlined in the project agreement shall be returned to the cooperator after completion of the work performed or upon agreement of the Forest Service. If the cooperative funds are made available on a reimbursement basis as the work progresses or upon its completion, the Forest Service shall submit to the cooperator periodic billings, but not more often than monthly, or a final billing as the case may be.

The amount of cooperative funds as set forth in the project agreement shall be the maximum commitment of the cooperator to the project unless changed by a modification of the project agreement.

- d. If funds are provided by the Forest Service for work to be performed by the cooperator the arrangements shall be set forth in the project agreement. Payments to the cooperator shall be made as provided for in the project agreement. Notwithstanding, the cooperator must submit all original invoice(s) to:

**U.S. Forest Service
Albuquerque Service Center
Payments - Grants & Agreements
101B Sun Avenue NE
Albuquerque, NM 87109**

FAX: (877) 687-4894

If it appears that the project cost may exceed the estimate and additional funds may be needed, no obligation shall arise against the Federal government with respect to the increased cost except by modification of the project agreement prior to incurring any commitment.

5. RIGHTS-OF-WAY. Easements or other interests in land acquired by either party shall be adequate to serve the road needs of both parties. The party having jurisdiction of an existing road or intended to have jurisdiction of a road to be constructed shall obtain the needed rights-of-way in its name. There shall be no provisions in any easement document that will prevent the Forest Service from using or authorizing the use of roads for which Federal funds were expended. The cooperator must be in a position to assure the Forest Service the continuance of such uses for the period needed. The party acquiring the easement or other interest in land shall obtain such title evidence and title approval as required in its acquisitions for roads of comparable standards.

The costs of such easements or other interests in land are to be at the expense of the acquiring party.

The Forest Service shall cooperate in the procurement of rights-of-way over land administered by other agencies of the United States required for any project included under this agreement and shall furnish the cooperator copies of survey notes, maps, and other records.

To the extent possible under available authority, each party agrees to convey easements over lands or interests in lands it owns or administers to the other party in order to provide jurisdiction by the appropriate party as may be agreed to for any road or road segment listed on schedule A.

6. ANNUAL MEETING AND CONTINUING CONSULTATION. The cooperator and Forest Service shall meet at least once each year to review matters covered by this agreement and to agree on actions to implement this agreement including, but not limited to, (1) approval of changes in the listing of roads on schedule A; (2) approval of the annual maintenance plan; (3) approval of project agreements for construction or reconstruction; and (4) approval of transfer of jurisdiction of particular roads by easement conveyance. It is also the intent of the parties to arrange for continuing consultation between their representatives with the objective of reaching prompt agreement by the parties on all matters of mutual concern which are covered by this agreement. The Forest Supervisor of the Tonto National Forest for the Forest Service, and Chair for the cooperator shall be responsible for making the arrangements for formal meetings and continuing consultation.

7. MODIFICATION AND TERMINATION

- a. This agreement may be modified by mutual consent.
- b. This agreement may be terminated by either party upon at least 90 days prior written notice, except that such termination shall in no way affect or change any commitment made authorizing the use of roads or rights-of-way for purposes for which Federal funds were expended, or any operation in progress at time of notice, and provided that such termination shall in no way affect the agreement of the parties hereto with respect to any obligations incurred under the agreement until a full settlement has been made.

8. MISCELLANEOUS

- a. It is understood that any default by a permittee or other authorized road user creates no liability on the part of the Forest Service.
- b. Nothing herein contained shall be constructed to obligate the Forest Service or the cooperator beyond the extent of available funds allocated or programmed for this work, or contrary to applicable laws, rules, and regulations.
- c. No Member of, or Delegate to, the Congress, or Resident Commissioner, shall be admitted to any share or part of this agreement or to any benefits that may arise therefrom, unless it is made with a corporation for its general benefit.
- d. Where applicable, any contract, agreement, or understanding entered into pursuant to this agreement providing for work to be performed shall include the requirements of Federal laws, Executive orders, and Regulations.

9. PRINCIPAL CONTACTS:

Forest Service Contact

Gary Hanna, Forest Engineer
Tonto National Forest
2324 E. McDowell Road
Phoenix, AZ 85006
Phone: (602) 225-5375
Fax: (602) 225-5295
Email: ghanna@fs.fed.us

Forest Service Admin Contact

Sherry Smith, Grants & Agreements
Tonto National Forest
2324 E. McDowell Road
Phoenix, AZ 85006

Gila County Contact

Steve Stratton, Director
Gila County Public Works
1400 Ash Street
Globe, AZ 85501
Phone: (928) 425-3231
Fax: (928) 425-8104
Email: sstratton@co.gila.az.us

Gila County Admin Contact

Shannon Coons
Gila County Public Works
1400 Ash Street
Globe, AZ 85501

Phone: (602) 225-5383
Fax: (602) 225-5361
Email: sherrysmith@fs.fed.us

Phone: (928) 402-8521
Fax: (928) 425-8104
Email: scoons@co.gila.az.us

The designated representatives shall serve as the contact persons to establish meeting times and places, and to resolve any differences in statements and payments. In the event the differences cannot be resolved, the project contacts shall refer the issue(s) to the signatory officials for resolution.

10. COMMENCEMENT/EXPIRATION DATE. This instrument is executed as of the date of last signature and is effective through September 30, 2014 at which time it will expire unless extended.
11. AUTHORIZED REPRESENTATIVES. By signature below, the cooperator certifies that the individuals listed in this document as representatives of the cooperator are authorized to act in their respective areas for matters related to this agreement.

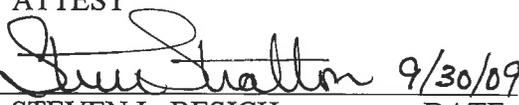
This agreement shall be effective as of the date herein written and shall supersede all prior existing agreements, if any, for the same roads.

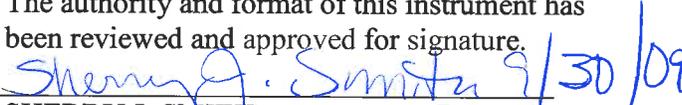
GILA COUNTY
BOARD OF SUPERVISORS

USDA FOREST SERVICE
TONTO NATIONAL FOREST

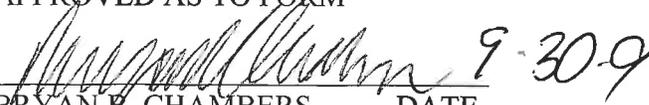

SHIRLEY L. DAWSON 9/30/09
Chairman DATE


GENE BLANKENBAKER 9/30/09
Forest Supervisor DATE

ATTEST

FOR STEVEN L. BESICH 9/30/09
Clerk of the Board DATE

The authority and format of this instrument has been reviewed and approved for signature.

SHERRY J. SMITH 9/30/09
Grants & Agreements Specialist DATE

APPROVED AS TO FORM


BRYAN B. CHAMBERS 9-30-09
Chief Deputy County Attorney for
DAISY FLORES, Gila County
Attorney

Road Number April 2009	Road Name	Gila Cnty. Maint. Miles	Gila Cnty. Maint. Level	Gila County BMP/EMP Description	Additional Description BMPor EMP or Logical Termini
COPPER					
73	Jordan's Rd	0.5	2	SR 188 to Private Land	
85	Grapevine Extension	0.3	2	Parking lot - Lake	
87	Dagger Ranch	1.0	2	FR 203 - Private Land	Dagger Ranch
97	Jack Shoe (FR 97)	3.0	2	FDR 60 - Private Land	Jack Shoe Ranch
189	Coon Creek Trail	4.8	2	SR 288 - Oak Cr. TH	
203	Cherry Ck	1.0	2	From Private Land to Cattle Pens	Ellison Ranch
216	FDR 216 (Pinky Norris)	1.4	2	SR 60 - End	
219	Horseshoe Bend	8.9	2	County Road to Section 13/14	Top of Hill
220	Richmond Basin	7.2	2	FDR 219 to End	Richmond Basin
223	Shute Spring	4.7	2	FR 219 to Private Land	Shute Springs
224	Copper Hill	6.8	2	US 60 to Forest Boundary	
238	FDR 238	3.0	2	SR 288 - Private Land	
304	Chrysotile	3.8	2	SR 60 - End	
395	Kings Canyon	4.7	2	Forest Bndry to FR 594	
396	Eads Wash	0.5	2	SR 288 - Parking Lot	
429	Mill Ridge	6.0	2	SR 188 - TH	
473	Regal Mine	6.7	2	Forest Boundary to Private Land	Regal Mine
484	Mail Box	1.0	2	FR 130 to FR 134	
584	Winters Ranch	1.6	2	SR 60 - Winters Ranch	
594	Nugget Mesa	4.9	2	County Road to Dead End	
608	Bohme Ranch	2.7	2	FR 2608 to Private Land	Bohme Ranch
935	Roscoe	4.0	2	FR 200 to FR 2985	
2568	FDR 2568	0.4	2	FR 349 to Private Land	
203A	Bull Canyon Trailhead	5.9	2	FR 203 - Trailhead	
287A	Miles Ranch	1.2	2	FR 287 - County Line	
287B	Castle Dome	3.4	2	FR 287 to FR 608	
303A	Gleason Flat	2.1	2	FDR 303 - Top of Hill	Not to the River
411C	Nagelin Spur C	2.5	2	FR 411 - FR512	
449A	Campaign Creek Spur	5.1	2	FR 449 to TH	
LEVEL 2 TOTAL		99.1			
55	Russel Gulch	4.3	3	Forest BDY - Forest BDY	EOP Russell Gulch to EOP Kellner Canyon
83	Black Brush Ranch	2.4	3	SR 188 - Black Brush Hdqtrs.	
173	Frazier Trailhead	0.2	3	SR 188 - Trailhead	
203	Cherry Creek	19.6	3	SR 288 to Private Land	Ellison Ck Ranch
303	Haystack	14.1	3	US 60 - FDR 1052	
321	Fraizer Campground	0.4	3	SR 188 - Campground	
349	Simpson Lake	5.8	3	US 60 to FR 2568	

Road Number April 2009	Road Name	Gila Cnty. Maint. Miles	Gila Cnty. Maint. Level	Gila County BMP/EMP Description	Additional Description BMP or EMP or Logical Termini
	TIMBER				
54	P.V. Wilson	17.1	2	SR 288 - Private Land	Q Ranch
60	A-Cross	23.9	2	EOP to SR 288	
100	Nail Ranch	0.5	2	FDR 512 - Private Land	South to Nail Ranch
116	Crouch Mesa	2.7	2	FR 512 -FR 512	
128	Nagelin Rim	3.0	2	FR 512 - MP3.0	
129	Big Walnut	7.2	2	Forest Bndry to Private Land	Marsh Creek Ranch
131	Jim Sam	4.6	2	FR 486 - end	
134	Flying W	6.4	2	FR 129 to Private Land	Flying W Ranch
198	Pyeatt Draw	7.8	2	FR 199 - FR 64	
202	Rock House	5.7	2	FR 203 south end to Oak Springs	Corrals
249	Ellinwood Segment	4.0	2	FR 200 -Private Land	Ellinwood Ranch
291	Colcord Road	7.4	2	FDR 512 - Private Land	
409	Fort Reno	2.0	2	SR 188 to FR 1382	
411	Nagelin Canyon	5.8	2	FR 187 to FR 291	
424	Bouquet	2.9	2	FR 423 to FR 1405	
428	Hardscrabble	7.8	2	FDR 708 - Forest Bndry	
430	Pyle Ranch	0.5	2	FR64 - Private	Pyle Ranch
485	Turkey Creek Mine (Rock Cr.)	3.4	2	FR 486 to End	Mine
485	Turkey Ck Mine	3.2	2	FR 486 to End	
486	Buzzard Roost	7.3	2	SR 288 to FR 485	
604	Lambing Creek	6.5	2	FR 71 - dead end	
609	Bear Head Spring (Malicious Gap)	6.3	2	FR 71 to FR 416	
644	Redmond Flat	3.7	2	FR 223 to End	
645	Yankee Joe Loop	8.3	2	FR 303 to FR 303	
647	Game Loop	0.5	2	SR 188 - MP .5	To FS water System
648	Lone Pine Saddle	1.3	2	FR 143 - TH	
778	Naeglin Rim Bypass	0.8	2	FR 128 to FR 411	
778	Nagelin Rim Bypas	3.0	2	FR 128 to FR 411	
896	Juniper	4.9	2	FR 423 to FR 71	
1446	76 Ranch	0.2	2	FR 184 - Private Land	76 Ranch
2619	FDR 2619	1.4	2	395 - Private Land	
2990	FDR 2990	0.6	2	FR 200 - Private	
3253	FDR 3253	1.8	2	FR 485 - Private Land	Buzzard Roost Camp

Road Number April 2009	Road Name	Gila Cnty. Maint. Miles	Gila Cnty. Maint. Level	Gila County BMP/EMP Description	Additional Description BMP or EMP or Logical Termini
TIMBER					
202A	FDR 202A	2.0	2	Fr 202 to Private Land	Q Ranch
LEVEL 2 TOTAL		164.5			
29	Roberts Mesa Road	6.8	3	FR 64 - Tonto Cr. Road	
32	Washington Park	3.9	3	FR 64 - Private Land	
34	Valentine Canyon	2.2	3	FR 33 - FR 188	
71	Greenback Crossing	12.9	3	SR 188 - Private Land	Conway Ranch
100	Nail Ranch	1.4	3	FDR 202 - Private Land	North to Nail Ranch
100	Nail Ranch	1.4	3	Fr 202 to Private Land	Nail Ranch from south
109	Reservation	4.3	3	FR 512 - FR 188	
130	Little Walnut	4.2	3	FR 129 to FR 484	
143	El Oso	9.3	3	SR 188 - FR 648	
184	Rye Creek	7.6	3	SR 188 - FR 417	
188	OW ranch	5.3	3	FR 512 to Private Land	OW Ranch
190	A Cross Admin	0.8	3	FR 60 - Admin Site	
200	Chamberlin Trail	8.8	3	SR 288 - Haigler Ck Camp Ground	Cattle Guard just past Camp Ground
202	Rock House	6.0	3	FH 12 to FR 202A	
202	Rock House	6.0	3	Fr 512 to FR 202A	
208	Bishop Knoll	1.7	3	SR 87 - Shooting Range	
405	Bear Flat	4.4	3	SR 260 - private	Bottom level 2?
411	Nagelin Canyon	3.7	3	FR 512 to FR187	
414	Rye Cypress	0.5	3	SR 87 - Private Land	
419	Barnhardt TrailHead	5.2	3	SR 87 - TH	
423	Cline Bouquet	6.7	3	SR 60 - FR 71	
458	Geronimo Estates	0.6	3	FR 64 to Private Land	Geronimo Estates
470	Bar X	1.0	3	SR 188 - FR 423	
526	Cholla Bay	0.3	3	SR 188 - Lake	
1190	Verde Glen	1.4	3	FR 64 - Private Land	
405A	Little Green Valley	2.7	3	SR 260 - FR 405	
445A	Three Bar Cabin	0.7	3	FR 445 - End	
LEVEL 3 TOTAL		109.8			
33	Mule Springs	6.0	4	FR 512 - Canyon Ck LWC	
60	A-Cross	2.1	4	SR 188 - EOP	Indian Pt CG Entrance

Road Number April 2009	Road Name	Gila Cnty. Maint. Miles	Gila Cnty. Maint. Level	Gila County BMP/EMP Description	Additional Description BMP or EMP or Logical Termini
TIMBER					
64	Control RD	12.6	4	SR 87 to FR 430	
272	Flowing Springs	1.6	4	SR 87 - FR 1579	
512	Young Highway	15.2	4	FDR 202 to Forest Boundary	North direction
LEVEL 4 TOTAL		37.5			
465	River	1.8	5	SR 288 to End of Pavement	
661	Indian Point	2.0	5	FR 60 - Campground	
874	Cholla Entry Road to Shower 3	0.7	5	SR 188 - Campground	To Shower #3
874A	Cholla Boating	0.5	5	FR 874 - Boat Ramp	
LEVEL 5 TOTAL		5.0			
Total Mileage Timber		316.8			



Grants & Agreements Cover Sheet

Cooperators, when completing this form, provide information for the green shaded areas only. When completed, provide to the Forest Service program manager that is working with you on the proposed project.

Forest Service program managers, complete this cover sheet, attach the required documents in the first three items below, and provide entire package to appropriate G&A staff using the local proposal submission process.

Failure to provide the information requested below may result in rejection or delays of the proposed project.

Unit Area (Region/Station) Region 3, Tonto SO

Person submitting request: ChristineCo Crawford

Email Address: cjcrawford@fs.fed.us

Telephone Number: 602.225.5279

I-Web Proposal ID No.	1403120022542502
Expected/Desired Start Date (for workload prioritization)	October 1, 2014
Job Code and Funding Amount	N/A N/A
For Federal Financial Assistance Agreements (Grants and Cooperative Agreements), Please Attach: <ul style="list-style-type: none"> • SF-424 • SF-424A or SF-424C • SF-424B or SF-424D • AD-1047 Certification Regarding Debarment... • AD-1049 (or AD-1052), Certification Regarding Drug-Free... • Certification Regarding Lobbying (FS \$ over \$100K) • Cooperator delegation of signing authority • Non-Competition Justification Letter (if over \$75,000 and not competed) • Indirect Cost Rate Documentation (paperwork supporting the cooperators indirect cost rate - may be called a NICRA) • Full project narrative including a project timeline 	Attached <input checked="" type="checkbox"/>



<ul style="list-style-type: none"> Detailed project budget <p style="text-align: center;">-----OR-----</p> <p>For All Other Agreements, Please Attach:</p> <ul style="list-style-type: none"> Draft G&A template Statement of Work which describes proposed project Draft financial plan, when required <p style="text-align: center;">-----OR-----</p> <p>For All Modifications, Please Attach:</p> <ul style="list-style-type: none"> Draft Modification template Statement of Work, if applicable Financial Plan, if applicable 	
<p>For a Modification, Provide the Forest Service Agreement No.</p>	
<p>Cooperator's/Organization's Legal Name</p>	Gila County
<p>Cooperator Current Contact Name, Telephone No., and E-mail</p>	Shannon Coons 928.402.8521 scoons@gilacountyaz.gov
<p>Cooperator's Complete "Physical" Mailing Address, Including County, Congressional District, and Zip +4 Digits</p>	745 N Rose Mofford Way Globe, AZ 85501
<p>Provide County Name(s) Where Project Activities Take Place</p>	Gila
<p>Cooperator Tax ID No.</p>	86-6000444
<p>Cooperator DUNS Number</p>	147259191
<p>CCR Registered: "Yes" or "No" If "no", vendors are required to register to receive payment. Please advise the Cooperator.</p>	Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>
<p>For Interagency Agreements <u>Only</u>: Agency Location Code (ALC) and Treasury Account Symbol (TAS)</p>	ALC: TAS:
<p>Non-Employee Identity System (NEIS): Will Non-FS Employees require access to FS IT Systems and/or have unescorted access to a FS facility? If 'yes,' provide names on an attached sheet.</p>	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
<p>Project Title & Brief Description</p>	Master Cooperative Road Maintenance Agreement between FS and Gila County
<p>FS Program Manager Name and Email</p>	Christine Crawford, cjcrawford@fs.fed.us
<p>FS Budget Approver Name and Email</p>	Virginia Olsen, volsen@fs.fed.us



USDA Forest Service

OMB 0596-0217
FS-1500-20

FS Administrative Contact Name and Email	Sherry J. Smith, sherrysmith@fs.fed.us
FS Signature Official Name NOTE: The Signatory Official must be specifically authorized by FSM1580 or a current FY delegation of authority letter.	Forest Supervisor, Neil J. Bosworth

Burden Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0217. The time required to complete this information collection is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

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GILA COUNTY ATTORNEY
Bradley D. Beauchamp

Re: County Attorney's Office approval of IGA pursuant to A.R.S. § 11-952(D).

To whom it may concern:

The County Attorney's Office has reviewed the Intergovernmental Agreement attached to this agenda item and has determined that it is in its "proper form" and "is within the powers and authority granted under the laws of this state to such public agency or public procurement unit" pursuant to A.R.S. § 11-952(D).

Explanation of the Gila County Attorney's Office Intergovernmental Agreement (IGA) Review

A.R.S. § 11-952(D) requires that

every agreement or contract involving any public agency or public procurement unit of this state . . . before its execution, shall be submitted to the attorney for each such public agency or public procurement unit, who shall determine whether the agreement is in proper form and is within the powers and authority granted under the laws of this state to such public agency or public procurement unit.

In performing this review, the County Attorney's Office reviews IGAs to see that they are in "proper form" prior to their execution. "Proper form" means that the contract conforms to fundamental contract law, conforms to specific legislative requirements, and is within the powers and authority granted to the public agency. It does not mean that the County Attorney's Office approves of or supports the policy objectives contained in the IGA. That approval is solely the province of the public agency through its elected body.

Likewise, this approval is not a certification that the IGA has been properly executed. Proper execution can only be determined after all the entities entering into the IGA have taken legal action to approve the IGA. There is no statutory requirement for the County Attorney's Office to certify that IGAs are properly executed.

Nonetheless, it is imperative for each public agency to ensure that each IGA is properly executed because A.R.S. § 11-952(F) requires that "[a]ppropriate action ... applicable to the governing bodies of the participating agencies approving or extending the duration of the ... contract shall be necessary before any such agreement, contract or extension may be filed or become effective." This can be done by ensuring that the governing body gives the public proper notice of the meeting wherein action will be taken to approve the IGA, that the item is adequately described in the agenda accompanying the notice, and that the governing body takes such action. Any questions regarding whether the IGA has been properly executed may be directed to the County Attorney's Office.

Proper execution of IGAs is important because A.R.S. § 11-952(H) provides that "[p]ayment for services under this section shall not be made unless pursuant to a fully approved written contract." Additionally, A.R.S. § 11-952(I) provides that "[a] person who authorizes payment of any monies in violation of this section is liable for the monies paid plus twenty per cent of such amount and legal interest from the date of payment."

The public agency or department submitting the IGA for review has the responsibility to read and understand the IGA in order to completely understand its obligations under the IGA if it is ultimately approved by the public entity's board. This is because while the County Attorney's Office can approve the IGA as to form, the office may not have any idea whether the public agency has the capacity to actually comply with its contractual obligations. Also, the County Attorney's Office does not monitor IGA compliance. Hence the public entity or submitting department will need to be prepared to monitor their own compliance. A thorough knowledge of the provisions of the IGA will be necessary to monitor compliance.

Before determining whether an IGA contract "is in proper form," the County Attorney's Office will answer any questions or concerns the public agency has about the contract. It is the responsibility of the public agency or department submitting the IGA for review to ask any specific questions or address any concerns it has about the IGA to the County Attorney's Office at the same time they submit the IGA for review. Making such an inquiry also helps improve the County Attorney's Office review of the IGA because it will help focus the review on specific issues that are of greatest concern to the public agency. Failing to make such an inquiry when the agency does have issues or concerns will decrease the ability of the County Attorney's Office to meaningfully review the IGA.

ARF-2740

Regular Agenda Item 3. E.

Regular BOS Meeting

Meeting Date: 09/16/2014
Submitted For: Malissa Buzan, Director **Submitted By:** Christine Lopez, Administrative Clerk
Specialist, Community Services Division
Department: Community Services Division **Division:** WIA Department
Fiscal Year: Program Years 2014 and 2015 **Budgeted?:** Yes
Contract Dates April 1, 2013 - June 30, **Grant?:** Yes
Begin & End: 2018
Matching No **Fund?:** Renewal
Requirement?:

Information

Request/Subject

Amendment No.1 to an Intergovernmental Agreement (Contract No. ADES14-055408) between the Arizona Department of Economic Security and the Gila County Board of Supervisors.

Background Information

The purpose of this Intergovernmental Agreement (IGA) is to provide Workforce Investment Act (WIA) Title 1B services to eligible youth, adults, and dislocated workers throughout the Gila/Pinal Counties Local Workforce Investment Area. These services are provided in accordance with federal and state regulations and the most current Local Area Plan.

*Initial Contract Number ADES14-055408 has been modified to become DE14-055408 with Amendment No. 1.

Evaluation

Amendment No.1 to this IGA (Contract No. DE14-055408) will provide additional funding dollars to this contract under Section 6.0 Manner of Finance, Paragraph 6.2 the following allocation of funds by Program and Fiscal Year are added:

PY 2014 AD Admin Funds are added in amount \$6,184.00
FY 2015 AD Admin funds are added in amount \$81,174.00
PY 2014 Adult funds are added in amount \$55,655.00
FY 2015 Adult funds are added in amount \$730,566.00
PY 2014 DW funds are added in amount \$84,861.00
FY 2015 DW funds are added in amount \$513,750.00
PY 2014 DW Admin funds are added in amount \$9,429.00
FY 2015 DW Admin funds are added in amount \$57,083.00
PY 2014 RR funds are added in amount \$10,444.00
FY 2015 RR funds are added in amount \$63,231.00
PY 2014 Youth Funds are added in amount \$758,328.00
FY 2015 Youth Funds are added in amount \$84,259.00

The total (\$2,454.964) of these funds must be expended by 6/30/2016.

The final expenditure report for these funds must be submitted to the Arizona Department of Economic Security (ADES) by 8/15/2016.

The reimbursement ceiling is increased from \$2,454,964 to \$4,826,020.

The contract number has been modified from ADES14-055408 to become DE14-055408.

Conclusion

Additional dollars added to this IGA (Section 6.0 Manner of Finance, Paragraph 6.2) reflects an increase of \$2,371,056 to the Workforce Investment Act Department. The Intergovernmental Agreement, Amendment No. 1, between the Arizona Department of Economic Security and the Gila County Board of Supervisors will increase the budget from \$2,454,964 for a new total of \$4,826,020.

Recommendation

The Community Services Division Director recommends that the Board of Supervisors approve Amendment No.1 to the IGA in order to obtain an increase in funding under this contract.

Suggested Motion

Information/Discussion/Action to approve Amendment No. 1 to an Intergovernmental Agreement (Contract No. DE14-055408) between the Arizona Department of Economic Security and the Gila County Board of Supervisors to increase the total contract amount from \$2,454,964 to \$4,826,020, of which said funds are utilized for the Gila/Pinal Local Workforce Investment Area per the requirements of the Workforce Investment Act. **(Malissa Buzan)**

Attachments

Amend No 1 DE14055408

WIA IGA DE14-055408

Legal Explanation



DEPARTMENT OF ECONOMIC SECURITY

Your Partner For A Stronger Arizona

Intergovernmental Agreement

CONTRACT AMENDMENT

<p>1. CONTRACTOR <i>(Name and address)</i></p> <p>Gila County Board of Supervisors 5515 S Apache Blvd Globe, AZ 85501</p>	<p>2. CONTRACT ID NUMBER</p> <p>DE14-055408</p> <hr/> <p>3. AMENDMENT NUMBER</p> <p>1</p>
<p>4. THE PARTIES AGREE TO THE FOLLOWING AMENDMENT</p> <p>Pursuant to Section 6.0 Manner of Financing, Paragraph 6.2 the following allocation of funds by Program and Fiscal Year are added:</p> <p>PY 2014 AD Admin funds are added in amount \$6,184.00 FY 2015 AD Admin funds are added in amount \$81,174.00 PY 2014 Adult funds are added in amount \$55,655.00 FY 2015 Adult funds are added in amount \$730,566.00 PY 2014 DW funds are added in amount \$84,861.00 FY 2015 DW funds are added in amount \$513,750.00 PY 2014 DW Admin funds are added in amount \$9,429.00 FY 2015 DW Admin funds are added in amount \$57,083.00 PY 2014 RR funds are added in amount \$10,444.00 FY 2015 RR funds are added in amount \$63,231.00 PY 2014 Youth funds are added in amount \$758,328.00 PY 2014 YT Admin funds are added in amount \$84,259.00</p> <p>The total (\$2,454,964) of these funds must be expended by 6/30/2016. The final expenditure report for these funds must be submitted to DES by 8/15/2016.</p> <p>The reimbursement ceiling is increased from \$ 2,371,056.00 to \$4,826,020.00</p> <p>Attachment B, Allocation by Program and Fiscal Year, revised 5/28/2014 is attached to this Amendment and reflects all current totals by Program and Fiscal Year.</p>	

The purpose of this amendment is to add additional funding and make the following changes:

Sections have been renumbered throughout the document as sections have been inserted and removed.

Section 6.2.1 will now read

6.2.1 The Contractor agrees that Pursuant to 20 CFR 667.107, funds allocated by a State to a local area under subpart-A sections 128(b) and 133(b) of the Workforce Investment Act of 1998, for any Program year are available for expenditure only during that program year and the succeeding program year. Funds that are not expended by a local area in the two-year period described in paragraph (b) (1) of section 128 (b) and 133(b) of the Workforce Investment Act of 1998 shall be returned to the State. Funds so returned are available for expenditure by State and local recipients and sub recipients only during the third program year of availability. These funds may be used for statewide projects, or distributed to other local areas, which had fully expended their allocation of funds for the same program year within the two- year period.

Section 6.3 will be removed in its entirety

Section 6.4 will be removed in its entirety

Section 8.1.6 will now read:

8.1.6 Follow-up services for individuals who have received WIA services who are placed in unsubsidized employment for not less than Twelve (12) months after the first day of employment.

Section 8.2 will now read:

8.2 Intensive Services:

Section 8.5.11 will now read:

8.5.11 Follow-up services for not less than twelve (12) months after the completion of participation; and

Section 9.2.3 will now read:

9.2.3 Complete the requirements stated in the Demand for Assurance, including the corrective action plan, by the timeframe prescribed by the Department, failure to complete shall result in the immediate suspension of the Contractor's authority to receive payment under this Contract. Such authority shall not be reinstated until the Contractor submits, and the Department approves, a revised corrective action plan or submits documentation to show that the issues identified in the Demand for Assurance have been addressed.

Section 9.2.4 will now read:

9.2.4 Comply with the approved Demand for Assurance response. If not in compliance, the Department will proceed with remedies outlined in Section 24.0 up to and including sanctions.

Section 9.2.5 will now read:

9.2.5 Be held responsible for meeting performance measures. If the Contractor fails the same performance measure in two consecutive years, the ADES may impose sanctions up to and including withholding WIA Title I B funding as outlined in Section 24.0

Section 12.0 Monitoring will now read:

12.0 Monitoring

The Department will monitor the Contractor and /or subcontractor(s) who shall cooperate in the monitoring of services delivered; facilities; records maintained and fiscal practice. The Contractor must conduct regular oversight and monitoring of its WIA activities and those of its subrecipients in accordance with CFR 667.410 subpart D and in accordance with the uniform administrative requirements at 29 CFR parts 95 and 97.

Section 33.2.2 will now read:

35.2.2 The state procurement administrator may waive the restriction set forth in subsection (A) of this Section if the state procurement administrator determines in writing that the rule’s application would not be in the state’s best interest. The determination shall state the specific reasons that the restriction in subsection (A) of this Section has been waived.

Section 39.0 Non-Availability of Funds will be inserted as follows:

39.0 Non-Availability of Funds

39.1 In accordance with ARS § 35-154, every payment obligation of the State under the Agreement is conditioned upon the availability of funds appropriated or allocated for payment of such obligation. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State at the end of the period for which funds are available. No liability shall accrue to the State in the event his provision is exercised, and the State shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph. Section 43.0 Scrutinized Business will be deleted in its entirety.

Section 45.1.2 will read as follows:

44.1.2 Attachment B – WIA Allocation by Program and Fiscal Year

5. EXCEPT AS PROVIDED HEREIN, ALL TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT AS HERETOFORE CHANGED AND/OR AMENDED REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT. THE AMENDMENT SHALL BECOME EFFECTIVE ON THE DATE OF LAST SIGNATURE UNLESS OTHERWISE SPECIFIED HEREIN. BY SIGNING THIS FORM ON BEHALF OF THE CONTRACTOR, THE SIGNATORY CERTIFIES HE/SHE HAS THE AUTHORITY TO BIND THE CONTRACTOR TO THIS CONTRACT.

6. ARIZONA DEPARTMENT OF ECONOMIC SECURITY	7. NAME OF CONTRACTOR Gila County
SIGNATURE OF AUTHORIZED INDIVIDUAL	SIGNATURE OF AUTHORIZED INDIVIDUAL
TYPED NAME Najwa Stuck	TYPED NAME Michael A. Pastor
TITLE Procurement Manager	TITLE Chairman
DATE	DATE
IN ACCORDANCE WITH ARS §11-952 THIS CONTRACT AMENDMENT HAS BEEN REVIEWED BY THE UNDERSIGNED WHO HAVE DETERMINED THAT THIS CONTRACT AMENDMENT IS IN APPROPRIATE FORM AND WITHIN THE POWERS AND AUTHORITY GRANTED TO EACH RESPECTIVE PUBLIC BODY.	
ARIZONA ATTORNEY GENERAL'S OFFICE	
BY:	BY:
ASSISTANT ATTORNEY GENERAL	PUBLIC AGENCY LEGAL COUNSEL
DATE:	DATE:

Attachment B - Allocation by Program and Fiscal Year

Gila County

Updated 5/28/2014

Contract DE14-055408

PY/FY	Year	Program	Amount	Start Date	End Date	Final Report Submission Deadline
PY	2013	AD ADMIN	\$ 2,058.00	7/1/2013	6/30/2015	8/15/2015
PY	2013	YT ADMIN	\$ 74,823.00	4/1/2013	6/30/2015	8/15/2015
PY	2013	DW ADMIN	\$ 7,085.00	7/1/2013	6/30/2015	8/15/2015
FY	2014	AD ADMIN	\$ 78,214.00	10/1/2013	6/30/2015	8/15/2015
FY	2014	DW ADMIN	\$ 67,074.00	10/1/2013	6/30/2015	8/15/2015
PY	2013	YOUTH	\$ 673,403.00	4/1/2013	6/30/2015	8/15/2015
PY	2013	ADULT	\$ 18,524.00	7/1/2013	6/30/2015	8/15/2015
FY	2014	ADULT	\$ 703,927.00	10/1/2013	6/30/2015	8/15/2015
PY	2013	DW	\$ 63,761.00	7/1/2013	6/30/2015	8/15/2015
FY	2014	DW	\$ 603,666.00	10/1/2013	6/30/2015	8/15/2015
PY	2013	RR	\$ 7,501.00	7/1/2013	6/30/2015	8/15/2015
FY	2014	RR	\$ 71,020.00	10/1/2013	6/30/2015	8/15/2015
			\$ 2,371,056.00			

DE14-055408 A1

PY_FY	Year	Program	Amount	Start Date	End Date	Final Report Submission Deadline
PY	2014	AD Admin	\$ 6,184	07/01/14	06/30/16	August 15, 2016
PY	2014	YT Admin	\$ 84,259	04/01/14	06/30/16	August 15, 2016
PY	2014	DW Admin	\$ 9,429	07/01/14	06/30/16	August 15, 2016
FY	2015	AD Admin	\$ 81,174	10/01/14	06/30/16	August 15, 2016
FY	2015	DW Admin	\$ 57,083	10/01/14	06/30/16	August 15, 2016
PY	2014	Youth	\$ 758,328	04/01/14	06/30/16	August 15, 2016
PY	2014	Adult	\$ 55,655	07/01/14	06/30/16	August 15, 2016
FY	2015	Adult	\$ 730,566	10/01/14	06/30/16	August 15, 2016
PY	2014	DW	\$ 84,861	07/01/14	06/30/16	August 15, 2016
FY	2015	DW	\$ 513,750	10/01/14	06/30/16	August 15, 2016
PY	2014	RR	\$ 10,444	07/01/14	06/30/16	August 15, 2016
FY	2015	RR	\$ 63,231	10/01/14	06/30/16	August 15, 2016
TOTAL			\$ 2,454,964			



DEPARTMENT OF ECONOMIC SECURITY

Your Partner For A Stronger Arizona

INTERGOVERNMENTAL AGREEMENT (IGA)

Contract between the Arizona Department of Economic Security ("ADES" or "Department") and the Gila County ("Contractor").

WHEREAS the Department is duly authorized to execute and administer contracts under A.R.S § 41-1954; and

WHEREAS the Contractor is duly authorized to execute and administer contracts under A.R.S. §11-952; and

WHEREAS the Department and the Contractor are authorized by A.R.S. § 11-952 et seq. to enter into agreements for joint or cooperative action to contract for the services specified in this contract;

WHEREAS, the Department and Contractor agree to abide by all the terms and conditions set forth in this Contract.

NOW THEREFORE, in consideration of the mutual undertakings herein contained, the Parties agree as follows:

BY SIGNING THIS FORM ON BEHALF OF THE CONTRACTOR, THE SIGNATORY CERTIFIES HE/SHE HAS THE AUTHORITY TO BIND THE CONTRACTOR TO THIS CONTRACT.

FOR AND ON BEHALF OF THE ARIZONA DEPARTMENT OF ECONOMIC SECURITY:

FOR AND ON BEHALF OF THE GILA COUNTY

Signature and name fields for Procurement Officer (Gathie G. Rodman / Steven Paulson) and Chairman (Michael A. Pastor) with dates and contract numbers.

IN ACCORDANCE WITH A.R.S. §11-952 THIS CONTRACT HAS BEEN REVIEWED BY THE UNDERSIGNED WHO HAVE DETERMINED THAT THIS CONTRACT IS IN APPROPRIATE FORM AND WITHIN THE POWERS AND AUTHORITY GRANTED TO EACH RESPECTIVE PUBLIC BODY.

ARIZONA ATTORNEY GENERAL'S OFFICE

By: Barbara M. Behm, Assistant Attorney General

Date: 8/30/13

ATTEST:

Marian Sheppard, Clerk of the Board

Date: 8-6-2013

APPROVED AS TO FORM

Bryan B. Chambers, Deputy Attorney Principal

Date: 8-6-2013



GILA COUNTY ATTORNEY
Bradley D. Beauchamp

Re: County Attorney's Office approval of IGA pursuant to A.R.S. § 11-952(D).

To whom it may concern:

The County Attorney's Office has reviewed the Intergovernmental Agreement attached to this agenda item and has determined that it is in its "proper form" and "is within the powers and authority granted under the laws of this state to such public agency or public procurement unit" pursuant to A.R.S. § 11-952(D).

Explanation of the Gila County Attorney's Office Intergovernmental Agreement (IGA) Review

A.R.S. § 11-952(D) requires that

every agreement or contract involving any public agency or public procurement unit of this state . . . before its execution, shall be submitted to the attorney for each such public agency or public procurement unit, who shall determine whether the agreement is in proper form and is within the powers and authority granted under the laws of this state to such public agency or public procurement unit.

In performing this review, the County Attorney's Office reviews IGAs to see that they are in "proper form" prior to their execution. "Proper form" means that the contract conforms to fundamental contract law, conforms to specific legislative requirements, and is within the powers and authority granted to the public agency. It does not mean that the County Attorney's Office approves of or supports the policy objectives contained in the IGA. That approval is solely the province of the public agency through its elected body.

Likewise, this approval is not a certification that the IGA has been properly executed. Proper execution can only be determined after all the entities entering into the IGA have taken legal action to approve the IGA. There is no statutory requirement for the County Attorney's Office to certify that IGAs are properly executed.

Nonetheless, it is imperative for each public agency to ensure that each IGA is properly executed because A.R.S. § 11-952(F) requires that "[a]ppropriate action ... applicable to the governing bodies of the participating agencies approving or extending the duration of the ... contract shall be necessary before any such agreement, contract or extension may be filed or become effective." This can be done by ensuring that the governing body gives the public proper notice of the meeting wherein action will be taken to approve the IGA, that the item is adequately described in the agenda accompanying the notice, and that the governing body takes such action. Any questions regarding whether the IGA has been properly executed may be directed to the County Attorney's Office.

Proper execution of IGAs is important because A.R.S. § 11-952(H) provides that "[p]ayment for services under this section shall not be made unless pursuant to a fully approved written contract." Additionally, A.R.S. § 11-952(I) provides that "[a] person who authorizes payment of any monies in violation of this section is liable for the monies paid plus twenty per cent of such amount and legal interest from the date of payment."

The public agency or department submitting the IGA for review has the responsibility to read and understand the IGA in order to completely understand its obligations under the IGA if it is ultimately approved by the public entity's board. This is because while the County Attorney's Office can approve the IGA as to form, the office may not have any idea whether the public agency has the capacity to actually comply with its contractual obligations. Also, the County Attorney's Office does not monitor IGA compliance. Hence the public entity or submitting department will need to be prepared to monitor their own compliance. A thorough knowledge of the provisions of the IGA will be necessary to monitor compliance.

Before determining whether an IGA contract "is in proper form," the County Attorney's Office will answer any questions or concerns the public agency has about the contract. It is the responsibility of the public agency or department submitting the IGA for review to ask any specific questions or address any concerns it has about the IGA to the County Attorney's Office at the same time they submit the IGA for review. Making such an inquiry also helps improve the County Attorney's Office review of the IGA because it will help focus the review on specific issues that are of greatest concern to the public agency. Failing to make such an inquiry when the agency does have issues or concerns will decrease the ability of the County Attorney's Office to meaningfully review the IGA.

ARF-2764

Regular Agenda Item 3. F.

Regular BOS Meeting

Meeting Date: 09/16/2014

Submitted For: Don McDaniel Jr., County Manager
Submitted By: Sarayl Shunkamolah, Management Associate, County Manager

Department: County Manager

Fiscal Year: 2015
Budgeted?: Yes

Contract Dates 2014-2015
Grant?: No

Begin & End:

Matching No
Fund?: New

Requirement?:

Information

Request/Subject

Bullion Plaza Cultural Center & Museum Update on Activities and Economic Development Grant Request.

Background Information

Bullion Plaza was opened as a grammar school in 1923 and was in operation until 1994 when it was closed by the Miami School District because of a concern that it had fallen into a state of disrepair making it unsuitable for use as a public school. In 1997, the Town of Miami purchased the school from the school district and committed using it as a cultural center and museum in 1999. In 2001, Bullion Plaza was added to the National Register of Historic Places.

The Bullion Plaza Cultural Center & Museum (BPCCM) houses the following displays: mining exhibits, a tile exhibit, mineral collections, the former Arizona Governor Rose Mofford collection, a military heritage exhibit, a Slavic cultural center, a Cox Room/ranching exhibit, a Miami history exhibit, a Hispanic heritage exhibit, local, a state & national dignitary room, an inspiration wing and a research room.

On June 5, 2012, Jose Sanchez, President of the BPCCM Board of Directors, delivered a power point presentation to the Board and requested that the Board consider a \$25,000 economic development grant to upgrade existing exhibits, develop new exhibits, upgrade the website infrastructure, conduct ground maintenance, and develop road signage for the public and traveling visitors. At the September 18, 2012, Board of Supervisors' Regular Meeting, the Board unanimously approved an Agreement-Economic Development Grant between Gila County and the BPCCM in the amount of \$25,000 to maintain and improve the Museum.

During the June 25, 2013, Board of Supervisors' meeting, Jose Sanchez presented a 2012 Annual Report and a budget request in the amount of \$25,000 to the Board. Mr. Sanchez also gave an overview of some BPCCM projects and introduced Thomas Foster, Executive Director of the BPCCM.

On May 8, 2014, Thomas Foster, BPCCM Executive Director, submitted a letter

to Chairman Pastor requesting funding for an economic development grant in the amount of \$30,000 from the Gila County Board of Supervisors which will assist in the continuation of improving the BPCCM. The funding request letter and a brief report on the expenditures of monies for the BPCCM is attached to this agenda item.

During the August 5, 2014, Board of Supervisors' meeting, Jose Sanchez and Thomas Foster presented a report and a funding request in the amount of \$30,000 to the Board. The Board made a motion to table the funding request until after the August 26, 2014, work session.

Evaluation

In an effort to continue improving the BPCCM by maintaining the grounds, updating current exhibits, adding new exhibits and hosting events such as the 2014 Arizona Rural Policy Forum being held in August 2014, and the Arizona Historical Society State Board meeting being held in September 2014, the Board of Directors of the BPCCM has requested further assistance from Gila County with an Economic Development Grant in the amount of \$30,000.

Conclusion

Pursuant to A.R.S. § 11-254, Gila County may provide an Economic Development Grant to the BPCCM to further the economic development of the County.

The BPCCM is a non-profit organization which enjoys and maintains federal exempt status and the County has determined that the purpose of this funding request is public and that the expenditure of these funds will assist in the creation or retention of jobs or will otherwise improve or enhance the economic welfare of the inhabitants of the County.

The BPCCM agrees to provide to the County an annual update report on the activities at the Museum during July of each year and will credit the County for the grant funding in all literature advertising the BPCCM.

Due to limited funding in the County's Economic Development Fund (current balance approximately \$115,000) and the probability of additional requests for funds through the remainder of the fiscal year, staff believes it would be prudent to provide \$10,000 rather than the requested \$30,000.

Recommendation

County staff recommends that the Board of Supervisors approve the Agreement-Economic Development Grant between Gila County and the Bullion Plaza Cultural Center & Museum in an amended amount of \$10,000 for improvements to the Museum.

Suggested Motion

Information/Discussion/Action to approve an amended Agreement-Economic Development Grant between Gila County and the Bullion Plaza Cultural Center & Museum whereby the County will disburse \$10,000 to the Museum to maintain and improve the Museum; and further the Board determines this is for the benefit of the public and will improve or enhance the economic welfare of the inhabitants of Gila County. **(Don McDaniel)**

Attachments

Bullion Plaza Agreement

Letter From BPCCM Executive Director

Bullion Plaza Letter

Legal Explanation

AGREEMENT NO. 070914
BETWEEN
GILA COUNTY
AND
BULLION PLAZA CULTURAL CENTER & MUSEUM

THIS AGREEMENT is made and entered into effective this _____ day of _____, 2014, by and between Gila County, hereinafter referred to as "County" and the Bullion Plaza Cultural Center & Museum, hereinafter referred to as "BPCCM".

RECITALS

WHEREAS, the Gila County Board of Supervisors desire to provide funding to BPCCM in order to further the economic development potentials of a cultural center on the National Register of Historic Places within the County; and

WHEREAS, the Gila County Board of Supervisors finds that the Bullion Plaza Building is owned by the Town of Miami and the BPCCM is operated and maintained by the BPCCM Board within the boundaries of the County and is for the benefit of the public; and

WHEREAS, BPCCM has requested funding and desires to improve the cultural center in order to provide for economic development growth within the County; and

WHEREAS, BPCCM is a non-profit organization which enjoys and maintains federal tax exempt status; and

WHEREAS, the County has determined that the purpose of this funding request is public and that the expenditure of these funds will assist in the creation or retention of jobs or will otherwise improve or enhance the economic welfare of the inhabitants of the County.

SCOPE

It is the intent of the County pursuant to A.R.S. §11-254 to provide \$30,000 in an Economic Development Grant to the BPCCM Board to further the economic development of the County.

NOW, THEREFORE, in consideration of the mutual promises contained in this agreement, and of the mutual benefits to result therefrom, the parties agree as follows:

1. The Gila County Board of Supervisors will contribute the sum of \$30,000 in the form of an Economic Development Grant to BPCCM for the benefit of the public.
2. The Grant will be used by BPCCM for the upgrade of the existing exhibits, development of new exhibits, upgrade of the website infrastructure, grounds maintenance, and road signage to inform the public and traveling visitors of the Cultural Center and Museum.

3. BPCCM agrees to credit the County's Economic Development Grant funding at the Cultural Center itself and in all literature advertising the Cultural Center.
4. BPCCM agrees to provide to the County an annual update report on the activities at the Cultural Center July of each year.
5. Notices
All notices or demands upon any party to this agreement shall be in writing, unless other forms are designated elsewhere, and shall be delivered in person or sent by mail addressed as follows:

Bullion Plaza Cultural Center & Museum
Attn: Joe Sanchez
P.O. Box 786
Miami, Arizona 85539

Gila County Board of Supervisors
Attn: Don McDaniel, Jr.
1400 E. Ash Street
Globe, Arizona 85501

GENERAL TERMS

1. Indemnification: The BPCCM shall indemnify, defend and hold harmless, County, its officers, employees agents from and against any and all suites, actions, legal administrative proceedings, claims or demands and costs attendant thereto, arising out of any act, omission, fault of negligence by the Fire Department, its agents, employees or anyone under its direction or control or on its behalf in connection with performance of this Agreement.
2. Termination: Either party may, at any time and without cause, cancel this Agreement by providing 30 days written notice to the other party.
3. Cancellation: This Agreement may be canceled pursuant to the provisions of A.R.S. §38-511. The parties hereby acknowledge notice of A.R.S. §38-511 which provides for cancellation of contracts for violation of the conflict of interest statute.
4. Compliance with All Laws: The parties shall comply with all federal, state and local laws, rules, regulations, standards and Executive Orders, without limitation to those designated within this Agreement. Any changes in the governing laws, rules and regulations during the term of this agreement shall apply but do not require an amendment.
5. Entire Agreement: This document constitutes the entire agreement between the parties pertaining to the subject matter hereof, and all prior or contemporaneous agreements and understandings, oral or written, are hereby superseded and merged herein. This Agreement may be modified, amended, altered or extended only by a written amendment signed by the parties.
6. Non-Appropriation: Notwithstanding any other provision in this Agreement, this Agreement may be terminated if, for any reason, the County or the BPCCM does not appropriate sufficient monies for the purpose of maintaining this Agreement.

IN WITNESS THEREOF, the parties to this agreement have caused their names to be affixed hereto by their proper offices on the date indicated above.

GILA COUNTY

BULLION PLAZA CULTURAL CENTER & MUSEUM

Don E. McDaniel, Jr., County Manager

Jose M. Sanchez
Museum Board President



May 8, 2014

Mr. Michael A. Pastor
District II Supervisor
Gila County Board of Supervisors
1400 E. Ash Street
Globe, Arizona 85501

Dear Supervisor Pastor:

As per our recent conversation, and in consideration of our working relationship with the Gila County Board of Supervisors, Bullion Plaza Cultural Center & Museum (A 501(c)3 organization in good standing) would like to respectfully request further assistance from the Gila County Board of Supervisors. Our request is in the amount of \$30,000.00. As in the past, this would remain as an economic development grant, in consideration of our continuing work at improving the Bullion Plaza Cultural Center & Museum.

We have enjoyed this last year! The results, produced by your previous consideration, continue to improve this facility as an emerging destination and desirable venue for the communities of Globe-Miami, the area, county and state.

With the addition of new tables, chairs, improved exhibits, HVAC, and enhanced bathroom facilities, we are able to offer space for meetings and events, which improves our economic base and increases revenue for this entire area.

In August, we will host the Arizona Rural Policy Forum, bringing in about 200 people from around the state for three days. Also, in September we will host the Arizona Historical Society State Board meeting, bringing in about 40 people from around the state to the Globe-Miami area. These are only two events out of many that we are to host.

With your past, current, and future assistance, all these things are possible and will continue to enhance this ongoing project.

Thank you for your continued help and interest in bringing this grand old historic building back to life! We look forward to continuing our partnership with you and the Gila County Board of Supervisors to improve services and economic development of Globe-Miami, and of Gila County.

Please find included with this letter a report.

With Regards,

Thomas N. Foster, Executive Director
Bullion Plaza Cultural Center & Museum
P.O. Box 786, Miami, AZ 85539

Ph: (602) 432-7474
Email: az.terr1912@yahoo.com

P.O. BOX 786, MIAMI, AZ 85539



May 8, 2014

Mr. Michael A. Pastor
District II Supervisor
Gila County Board of Supervisors
1400 E. Ash Street, Globe, Arizona 85501

Dear Supervisor Pastor:

Re: Brief Report IGA Economic Development Grant, Gila County, Bullion Plaza Cultural Center & Museum 2013-2014

At your request, this is a brief summary of the expenditure of monies related to the economic development grant awarded to Bullion Plaza Cultural Center & Museum.

- Purchase of folding chairs and tables
- Emergency lighting and exit lights, first and second floors
- Military Room exhibit materials
- Miscellaneous tools and hardware
- Repair of toilets and faucets in all restrooms, first floor
- Photo enlargements for exhibits
- Exhibit case repair and restoration
- Materials for Research Room, including color laser ink for large archiving printer
- Steel shelving for artifact storage
- Wheeled casters and door locks for exhibit cases
- Signage for the museum
- Blinds for windows in large Military Room
- Other facilities improvements

Most of the work undertaken is ongoing using volunteer and community service labor. Other work is contracted through RAM Specialists, Kino Floors, Corona Signs, and other local business entities.

Where possible, purchases are kept within the community, allowing us to roll these funds back into the local economy, as true economic development.

All monies remaining will be incorporated into future projects, much of which will be used for facilities improvement. Some will be utilized for renovation to the second floor central meeting room with stage.

Some other projects will include:

- Mine Hallway exhibit space enhancement
- Electrical enhancements of specific areas of the second floor
- Additional equipment for presentations and events
- Web site development and expansion of our social media capabilities

This is just a brief summary of some of the funds expended for this economic development grant. Specific expenditures, including receipts for purchases are available for your inspection, upon your request. If you have further questions or require specific clarification, please feel free to contact me directly. In conclusion, I would like to extend an open invitation to yourself and to all members of the Board of Supervisors to tour Bullion Plaza and see all that we have done!

With Regards,

Thomas N. Foster, Executive Director
Bullion Plaza Cultural Center & Museum
P.O. Box 786, Miami, AZ 85539

Ph: (602) 432-7474
Email: az.terr1912@yahoo.com



9th July 2014

Gila County Board of Supervisors
1400 East Ash Street
Globe, Arizona 85501

Attn: Marian Sheppard
Clerk of the Board

Dear Ms. Sheppard:

As per our phone conversation, I would like to request placement on the Gila County Board of Supervisors' 5th August, 2014 meeting agenda. This agenda item will include two items:

- Brief report on last year's \$25,000.00 economic development grant, awarded to Bullion Plaza Cultural Center & Museum in Miami, AZ
- A request for an additional \$30,000.00 economic development grant for 2014

As with the passing year, this additional funding will be used to continue work remaining, and in progress, at Bullion Plaza. We would continue to improve this evolving venue, and go forward with work on:

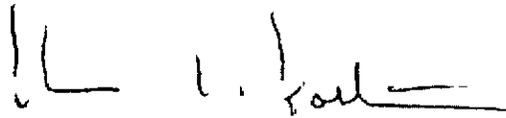
- Hispanic Exhibit/Local History/Military Room
- Improvement to the Mine Hall Exhibit
- Continue to improve our research capabilities offered to the public
- Improvements to the second floor (central room with stage) and in other areas of the building needing funding, to move forward in our development and capacity to better serve our community.
- Additional improvements to virtual and audio/video presentations

We will plan for a 10-minute report to discuss expenditures of last year's monies.

P.O. BOX 786, MIAMI, AZ 85539

Should you need further information, or have questions, either of us can be reached at the numbers listed below.

With Regards,



Jose M. Sanchez
President of the Board of Directors
Bullion Plaza Cultural Center & Museum
P.O. Box 786
Miami, Arizona 85539
Mobile: 928.200.2012

Thomas N. Foster
Executive Director
Bullion Plaza Cultural Center & Museum
Mobile: 602.432.7474



GILA COUNTY ATTORNEY
Bradley D. Beauchamp

Re: County Attorney's Office approval of IGA pursuant to A.R.S. § 11-952(D).

To whom it may concern:

The County Attorney's Office has reviewed the Intergovernmental Agreement attached to this agenda item and has determined that it is in its "proper form" and "is within the powers and authority granted under the laws of this state to such public agency or public procurement unit" pursuant to A.R.S. § 11-952(D).

Explanation of the Gila County Attorney's Office Intergovernmental Agreement (IGA) Review

A.R.S. § 11-952(D) requires that

every agreement or contract involving any public agency or public procurement unit of this state . . . before its execution, shall be submitted to the attorney for each such public agency or public procurement unit, who shall determine whether the agreement is in proper form and is within the powers and authority granted under the laws of this state to such public agency or public procurement unit.

In performing this review, the County Attorney's Office reviews IGAs to see that they are in "proper form" prior to their execution. "Proper form" means that the contract conforms to fundamental contract law, conforms to specific legislative requirements, and is within the powers and authority granted to the public agency. It does not mean that the County Attorney's Office approves of or supports the policy objectives contained in the IGA. That approval is solely the province of the public agency through its elected body.

Likewise, this approval is not a certification that the IGA has been properly executed. Proper execution can only be determined after all the entities entering into the IGA have taken legal action to approve the IGA. There is no statutory requirement for the County Attorney's Office to certify that IGAs are properly executed.

Nonetheless, it is imperative for each public agency to ensure that each IGA is properly executed because A.R.S. § 11-952(F) requires that "[a]ppropriate action ... applicable to the governing bodies of the participating agencies approving or extending the duration of the ... contract shall be necessary before any such agreement, contract or extension may be filed or become effective." This can be done by ensuring that the governing body gives the public proper notice of the meeting wherein action will be taken to approve the IGA, that the item is adequately described in the agenda accompanying the notice, and that the governing body takes such action. Any questions regarding whether the IGA has been properly executed may be directed to the County Attorney's Office.

Proper execution of IGAs is important because A.R.S. § 11-952(H) provides that "[p]ayment for services under this section shall not be made unless pursuant to a fully approved written contract." Additionally, A.R.S. § 11-952(I) provides that "[a] person who authorizes payment of any monies in violation of this section is liable for the monies paid plus twenty per cent of such amount and legal interest from the date of payment."

The public agency or department submitting the IGA for review has the responsibility to read and understand the IGA in order to completely understand its obligations under the IGA if it is ultimately approved by the public entity's board. This is because while the County Attorney's Office can approve the IGA as to form, the office may not have any idea whether the public agency has the capacity to actually comply with its contractual obligations. Also, the County Attorney's Office does not monitor IGA compliance. Hence the public entity or submitting department will need to be prepared to monitor their own compliance. A thorough knowledge of the provisions of the IGA will be necessary to monitor compliance.

Before determining whether an IGA contract "is in proper form," the County Attorney's Office will answer any questions or concerns the public agency has about the contract. It is the responsibility of the public agency or department submitting the IGA for review to ask any specific questions or address any concerns it has about the IGA to the County Attorney's Office at the same time they submit the IGA for review. Making such an inquiry also helps improve the County Attorney's Office review of the IGA because it will help focus the review on specific issues that are of greatest concern to the public agency. Failing to make such an inquiry when the agency does have issues or concerns will decrease the ability of the County Attorney's Office to meaningfully review the IGA.

ARF-2765

Regular Agenda Item 3. G.

Regular BOS Meeting

Meeting Date: 09/16/2014

Submitted For: Don McDaniel Jr., County Manager
Submitted By: Sarayl Shunkamolah, Management Associate, County Manager

Department: County Manager

Fiscal Year: 2014/2015 Budgeted?: Yes

Contract Dates 2014-2015 Grant?: No

Begin & End:

Matching No Fund?: New

Requirement?:

Information

Request/Subject

City of Globe - Globe Active Adult Center (GAAC) Funding Request

Background Information

The Globe Active Adult Center (GAAC) is a welcoming and safe environment for all ages, but especially for the older adults in the community. The GAAC mission is to enhance the quality of life for the older adults of Globe and the surrounding community with diverse programs to meet educational, recreational, nutritional, transportation and social service needs.

The GAAC Meals on Wheels (MOW) program serves 35 to 40 seniors and person with disabilities Monday through Friday. During the last year, 32% of these homebound older adults and disabled are located in Gila County, outside of the Globe City limits. These meals provide 1/3 of the recommended daily nutritional allowance for a senior and are often the only complete meal eaten on a daily basis. A wellness check is conducted along with the meal. A meal donation of \$2.50 is generally asked. In April 2014, the average MOW donation per meal was \$1.09 and the raw food cost per meal was \$2.62, not including staffing and transportation. The U.S. Department of Agriculture predicts that food prices will increase in 2014 through 2015.

On July 24, 2014, the Board of Supervisors received a letter from the City of Globe's Finance Director, Joseph Jarvis, requesting a contribution from the County in the amount of \$30,000 for the GAAC. The letter stated that the contribution would assist the GAAC in delivering meals to senior citizens within the community through the MOW program.

Evaluation

On May 27, 2014, Supervisor Marcanti submitted a donation of \$5,000 from the District III Constituent Fund to assist the GAAC Meals on Wheels program.

On July 11, 2014, Chairman Pastor submitted a donation of \$2,500 from the District II Constituent Fund to assist the GAAC Meals on Wheels program.

On July 24, 2014, the County Board of Supervisors received a letter from the Globe Finance Director, Joseph Jarvis, requesting a contribution from the County in the amount of \$30,000 to assist the GAAC Meals on Wheels program.

Due to limited funding in the Community Agency Fund (current balance approximately \$41,000) and the probability of additional requests for funds through the remainder of the fiscal year, staff believes it would be prudent to provide \$10,000 rather than the requested \$30,000.

Conclusion

The Meals on Wheels program is a federally funded program administered by the City of Globe. Since approximately 32% of the recipients of the meals are County residents not city residents, it may be reasonable for the County to contribute funding. The GAAC is requesting a contribution from the County in the amount of \$30,000 to assist in delivering meals to senior citizens within the community through the Meals on Wheels program. Staff believes it is appropriate to make a contribution in the amount of \$10,000 to be paid out of the Community Agency Fund in order to assist the Meals on Wheels program.

Recommendation

County staff recommends that the Board of Supervisors approve the Agreement-Economic Development Grant between Gila County and the City of Globe in an amended amount of \$10,000 to assist the City of Globe's Active Adult Center Meals on Wheels program that will aid in providing and delivering meals to senior citizens within the community.

Suggested Motion

Information/Discussion/Action to approve an amended Agreement-Economic Development Grant between Gila County and the City of Globe whereby the County will disburse \$10,000 to the City Active Adult Center to assist in providing and delivering meals to senior citizens in the community through the Meals on Wheels program; and further the Board determines this is for the benefit of the public and will improve or enhance the economic welfare of the inhabitants of Gila County. **(Don McDaniel)**

Attachments

GAAC MOW Letter

GAAC MOW IGA

Legal Explanation

1907 - 2007



City of Globe

150 N. Pine Street
Globe, Arizona 85501

MAMP
7/24/14

RECEIVED

JUL 24 2014

GILA COUNTY - DISTRICT II
BOARD OF SUPERVISORS

Michael A. Pastor
Chairman of the Board of Supervisors
1400 E. Ash Street
Globe, AZ 85501

Chairman Pastor,

The City of Globe respectfully requests a contribution from Gila County in the amount of \$30,000 for the Globe Active Adult Center. This contribution will greatly assist the Active Adult Center in delivering meals to senior citizens in our community through the Meals on Wheels program.

The City of Globe recognizes and appreciates the continued support that the Active Adult Center receives from Gila County.

Thank you for considering this request.

Sincerely,

Joseph Jarvis
Finance Director
City of Globe

Don-
I believe this
would be considered
an Economic Dev.
Grant.
Thanks,
Sherry

INTERGOVERNMENTAL AGREEMENT NO. 071414
BETWEEN
GILA COUNTY
AND
CITY OF GLOBE
GLOBE ACTIVE ADULT CENTER

THIS AGREEMENT is made and entered into effective this _____ day of _____, 2014, by and between Gila County, hereinafter referred to as "County" and the City of Globe-Globe Active Adult Center, hereinafter referred to as "City".

RECITALS

WHEREAS, the Gila County Board of Supervisors desire to provide funding to the City in order to further the economic development potentials of the Globe Active Adult Center to aid in the continuance of providing meals for both attendees at the center and those who receive delivered meals; and

WHEREAS, the City has requested funding to aid in the City's efforts to continue to provide meals to the community, based upon the needs of the community and, in particular, the population that receives services through the Active Adult Center in Globe, AZ.

SCOPE

It is the intent of the County pursuant to A.R.S. §11-254 to provide \$30,000 in an Economic Development Grant to the City, to further the economic development of the County.

NOW, THEREFORE, in consideration of the mutual promises contained in this agreement, and of the mutual benefits to result therefrom, the parties agree as follows:

1. The Gila County Board of Supervisors will contribute the sum of \$30,000 in the form of an Economic Development Grant to the City for the Globe Active Adult Center Nutrition Program, the benefit of the public.
2. The Grant will be used by the City for the sole purpose of providing nutrition services, open to people age 60 or more, married to someone 60 or more, and the disabled, as authorized by the Older Americans Act and administered by Pinal-Gila Council for Senior Citizens.
3. The City agrees to maintain records for the grant period of July 1, 2014 through June 30, 2015. The report will be due on July 1, 2015, and indicate the number of meals provided for Meals on Wheels and On Site diners, the total number of meals served, and the percentage of the meals provided for residents of Gila County, outside the City limits. All information provided shall be of public record. Failure to furnish the report will result in future funding being withheld by the County.

4. The reports should be mailed to
5. The City agrees to credit the County's Economic Development Grant funding in all literature advertising the Globe Active Adult Center.
6. Notices
All notices or demands upon any party to this agreement shall be in writing, unless other forms are designated elsewhere, and shall be delivered in person or sent by mail addressed as follows:

City of Globe
Attn: Terence O. Wheeler
150 N. Pine Street
Globe, Arizona 85501

Gila County Board of Supervisors
Attn: Don McDaniel, Jr.
1400 E. Ash Street
Globe, Arizona 85501

GENERAL TERMS

1. Indemnification: The City shall indemnify, defend and hold harmless, County, its officers, employees agents from and against any and all suits, actions, legal administrative proceedings, claims or demands and costs attendant thereto, arising out of any act, omission, fault of negligence by the Town, its agents, employees or anyone under its direction or control or on its behalf in connection with performance of this Agreement.
2. Termination: Either party may, at any time and without cause, cancel this Agreement by providing 30 days written notice to the other party.
3. Cancellation: This Agreement may be canceled pursuant to the provisions of A.R.S. §38-511. The parties hereby acknowledge notice of A.R.S. §38-511 which provides for cancellation of contracts for violation of the conflict of interest statute.
4. Compliance with All Laws: The parties shall comply with all federal, state and local laws, rules, regulations, standards and Executive Orders, without limitation to those designated within this Agreement. Any changes in the governing laws, rules and regulations during the term of this agreement shall apply but do not require an amendment.
5. Entire Agreement: This document constitutes the entire agreement between the parties pertaining to the subject matter hereof, and all prior or contemporaneous agreements and understandings, oral or written, are hereby superseded and merged herein. This Agreement may be modified, amended, altered or extended only by a written amendment signed by the parties.
6. Non-Appropriation: Notwithstanding any other provision in this Agreement, this Agreement may be terminated if, for any reason, the County or the City does not appropriate sufficient monies for the purpose of maintaining this Agreement.

IN WITNESS THEREOF, the parties to this Intergovernmental Agreement No. 071414 have caused their names to be affixed hereto by their proper offices on the date indicated above.

GILA COUNTY BOARD OF SUPERVISORS

Michael A. Pastor, Chairman of the Board

ATTEST

Marian Sheppard, Clerk of the Board

APPROVED AS TO FORM

Bryan B. Chambers, Deputy Attorney Principal
for Bradley D. Beauchamp, County Attorney

CITY OF GLOBE

Terence O. Wheeler
Mayor

ATTEST

Shelly Salazar, City Clerk

APPROVED AS TO FORM

William J. Sims, City Attorney



GILA COUNTY ATTORNEY
Bradley D. Beauchamp

Re: County Attorney's Office approval of IGA pursuant to A.R.S. § 11-952(D).

To whom it may concern:

The County Attorney's Office has reviewed the Intergovernmental Agreement attached to this agenda item and has determined that it is in its "proper form" and "is within the powers and authority granted under the laws of this state to such public agency or public procurement unit" pursuant to A.R.S. § 11-952(D).

Explanation of the Gila County Attorney's Office Intergovernmental Agreement (IGA) Review

A.R.S. § 11-952(D) requires that

every agreement or contract involving any public agency or public procurement unit of this state . . . before its execution, shall be submitted to the attorney for each such public agency or public procurement unit, who shall determine whether the agreement is in proper form and is within the powers and authority granted under the laws of this state to such public agency or public procurement unit.

In performing this review, the County Attorney's Office reviews IGAs to see that they are in "proper form" prior to their execution. "Proper form" means that the contract conforms to fundamental contract law, conforms to specific legislative requirements, and is within the powers and authority granted to the public agency. It does not mean that the County Attorney's Office approves of or supports the policy objectives contained in the IGA. That approval is solely the province of the public agency through its elected body.

Likewise, this approval is not a certification that the IGA has been properly executed. Proper execution can only be determined after all the entities entering into the IGA have taken legal action to approve the IGA. There is no statutory requirement for the County Attorney's Office to certify that IGAs are properly executed.

Nonetheless, it is imperative for each public agency to ensure that each IGA is properly executed because A.R.S. § 11-952(F) requires that "[a]ppropriate action ... applicable to the governing bodies of the participating agencies approving or extending the duration of the ... contract shall be necessary before any such agreement, contract or extension may be filed or become effective." This can be done by ensuring that the governing body gives the public proper notice of the meeting wherein action will be taken to approve the IGA, that the item is adequately described in the agenda accompanying the notice, and that the governing body takes such action. Any questions regarding whether the IGA has been properly executed may be directed to the County Attorney's Office.

Proper execution of IGAs is important because A.R.S. § 11-952(H) provides that "[p]ayment for services under this section shall not be made unless pursuant to a fully approved written contract." Additionally, A.R.S. § 11-952(I) provides that "[a] person who authorizes payment of any monies in violation of this section is liable for the monies paid plus twenty per cent of such amount and legal interest from the date of payment."

The public agency or department submitting the IGA for review has the responsibility to read and understand the IGA in order to completely understand its obligations under the IGA if it is ultimately approved by the public entity's board. This is because while the County Attorney's Office can approve the IGA as to form, the office may not have any idea whether the public agency has the capacity to actually comply with its contractual obligations. Also, the County Attorney's Office does not monitor IGA compliance. Hence the public entity or submitting department will need to be prepared to monitor their own compliance. A thorough knowledge of the provisions of the IGA will be necessary to monitor compliance.

Before determining whether an IGA contract "is in proper form," the County Attorney's Office will answer any questions or concerns the public agency has about the contract. It is the responsibility of the public agency or department submitting the IGA for review to ask any specific questions or address any concerns it has about the IGA to the County Attorney's Office at the same time they submit the IGA for review. Making such an inquiry also helps improve the County Attorney's Office review of the IGA because it will help focus the review on specific issues that are of greatest concern to the public agency. Failing to make such an inquiry when the agency does have issues or concerns will decrease the ability of the County Attorney's Office to meaningfully review the IGA.

ARF-2770

Regular Agenda Item 3. H.

Regular BOS Meeting

Meeting Date: 09/16/2014

Submitted For: Don McDaniel Jr., County Manager
Submitted By: Sarayl Shunkamolah, Management Associate, County Manager

Department: County Manager

Fiscal Year: 2015 **Budgeted?:** Yes

Contract Dates 2014-2015 **Grant?:** Yes

Begin & End:

Matching No **Fund?:** New

Requirement?:

Information

Request/Subject

Intergovernmental Agreement between Gila County and the Town of Miami for IT Technical Assistance

Background Information

On September 8, 2014, the Town of Miami Manager, Joseph Heatherly, requested the assistance of Gila County to complete a review and enhancement of the current information technology system for the Town of Miami.

The current IT system in Miami is a "patch work" of numerous hardware and software systems and the Town's staff does not have the knowledge or experience to take on a project of reviewing and evaluating the current IT structure for the Town of Miami.

Evaluation

IT assistance from the County would allow the Town of Miami to review the following: Network systems located in the Town Hall, Police Station, and Library, Data Communications, Voice Communications, System Backup Capabilities, Internal System Security, Administrative Security Access and Passwords, Review of Current Hardware, Review of Microsoft Applications, Setups, and Passwords, Review Current Router Configuration, and Complete a Short/Simple IT Needs Analysis. Additionally, the Town would like to implement new policies and procedures which will improve the productivity and efficiency as well as some needed financial stability.

Economic conditions have impacted IT services for the Town of Miami. The Town of Miami and the County have a mutual interest in economic development and wish to partner together in an Intergovernmental Agreement (IGA) so the Town of Miami may continue to focus on providing IT technical services to the community. Staff suggests that the County provide up to \$10,000 to aid in the funding of IT services for the Town of Miami to be funded through the Economic Development Fund. The County may, with the Towns approval, provide in-kind technical assistance utilizing the County IT Department.

Conclusion

Approval of this IGA will allow the County to partner with the Town of Miami to provide \$10,000 for IT Technical assistance, all or a portion of which, may be provided as in-kind services from County IT staff. This IGA will end on June 30, 2015.

Recommendation

Staff recommends approval of this IGA between the Town of Miami and Gila County.

Suggested Motion

Information/Discussion/Action to approve an Intergovernmental Agreement between Gila County and the Town of Miami to provide \$10,000, in-kind services by the County IT Department, or a combination of the two to provide IT technical assistance to the Town; and further the Board determines this is for the benefit of the public and will improve or enhance the economic welfare of the inhabitants of Gila County. **(Don McDaniel)**

Attachments

Town of Miami IT Economic Development IGA

Town of Miami IT Funding Request Letter

Legal Explanation

INTERGOVERNMENTAL AGREEMENT NO. 090914
BETWEEN
GILA COUNTY
AND
TOWN OF MIAMI

THIS AGREEMENT is made and entered into effective this _____ day of _____, 2014, by and between Gila County, hereinafter referred to as "County" and the Town of Miami, hereinafter referred to as "the Town."

RECITALS

WHEREAS, the Gila County Board of Supervisors desires to assist the Town in their project to improve their current Information Technology system in order to further the economic development potentials of the Town, improve the productivity and efficiency with the town, and assist in providing financial stability for the Town through software and hardware upgrades; and

WHEREAS, the Town has requested up to \$10,000 of funding from the County to aid in their completion of this project; and

WHEREAS, the County has determined that the purpose of this funding request is public and that the expenditure of these funds will improve or enhance the economic welfare of the inhabitants of the County.

SCOPE

It is the intent of the County pursuant to A.R.S. §11-254 to provide either an economic development grant up to \$10,000, or in-kind services from County IT staff, or a combination of both, between September 16, 2014 and September 15, 2014, to further the economic development of the County.

NOW, THEREFORE, in consideration of the mutual promises contained in this agreement, and of the mutual benefits to result therefrom, the parties agree as follows:

1. The County may provide the Town up to \$10,000 in an economic development grant in direct financial assistance for the Town's IT expenditures and/or, when available, in-kind technical assistance by utilizing the County IT Department between September 16, 2014 and September 15, 2015. Technical assistance utilizing the County IT Department will be charged against the \$10,000 ceiling of this paragraph by assessing the hourly rate of each County IT Department staff member assisting the Town for each hour they assist the Town. The \$10,000 economic development grant can be met by any combination of direct financial assistance and in kind technical assistance is also subject to the availability of County IT Department staff.

2. Notices

All notices or demands upon any party to this agreement shall be in writing, unless other forms are designated elsewhere, and shall be delivered in person or sent by mail addressed as follows:

Town of Miami
Attn: Rosemary Castaneda
500 W. Sullivan Street
Miami, Arizona 85539

Gila County Board of Supervisors
Attn: Don McDaniel, Jr.
1400 E. Ash Street
Globe, Arizona 85501

GENERAL TERMS

1. Indemnification: The Town shall indemnify, defend and hold harmless, County, its officers, employees agents from and against any and all suits, actions, legal administrative proceedings, claims or demands and costs attendant thereto, arising out of any act, omission, fault of negligence by the Town, its agents, employees or anyone under its direction or control or on its behalf in connection with performance of this Agreement.
2. Termination: Either party may, at any time and without cause, cancel this Agreement by providing 30 days written notice to the other party.
3. Cancellation: This Agreement may be canceled pursuant to the provisions of A.R.S. §38-511. The parties hereby acknowledge notice of A.R.S. §38-511 which provides for cancellation of contracts for violation of the conflict of interest statute.
4. Compliance with All Laws: The parties shall comply with all federal, state and local laws, rules, regulations, standards and Executive Orders, without limitation to those designated within this Agreement. Any changes in the governing laws, rules and regulations during the term of this agreement shall apply but do not require an amendment.
5. Entire Agreement: This document constitutes the entire agreement between the parties pertaining to the subject matter hereof, and all prior or contemporaneous agreements and understandings, oral or written, are hereby superseded and merged herein. This Agreement may be modified, amended, altered or extended only by a written amendment signed by the parties.
6. Non-Appropriation: Notwithstanding any other provision in this Agreement, this Agreement may be terminated if, for any reason, the County or the Town does not appropriate sufficient monies for the purpose of maintaining this Agreement.

IN WITNESS THEREOF, three (3) identical counterparts of this contract, each which shall include original signatures and for all purposes be deemed an original thereof, have been duly executed by the parties hereinabove named, on the date and year first above written.

GILA COUNTY

Michael A. Pastor, Chairman
Gila County Board of Supervisors

ATTEST

Marian Sheppard,
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

Bryan B. Chambers,
Deputy County Attorney/Civil Bureau Chief
for Bradley D. Beauchamp, County Attorney

TOWN OF MIAMI

Rosemary Castaneda, Mayor
Town of Miami

ATTEST

Karen Norris,
Town Clerk

APPROVED AS TO FORM:

Curtis, Goodwin, Sullivan, Udall & Schwab PLC
Attorneys for the Town

**TOWN COUNCIL**

Rosemary Castaneda, Mayor
Susan Hanson, Vice-Mayor
Michael Black
Robert Baeza
Darryl Dalley
Don Reiman
Sammy Gonzales

TOWN OF MIAMI
"Copper Center of the World"

500 W. Sullivan St.
Miami, AZ 85539
928-473-4403

ADMINISTRATION

Joe Heatherly
Town Manager
Karen Norris
Town Clerk
Rachelle Sanchez
Finance Director

September 8, 2014

Mr. Don McDaniel
County Manager
Gila County, Arizona

Dear Mr. McDaniel:

The Town of Miami requests the assistance of Gila County to complete a review and enhancement of our current Information Technology system. As the current system at Miami may be a patch work of numerous hardware and software systems I am only guessing that it would include a review of the following:

- Network systems located in Town Hall, the Police station, and Library
- Data communications
- Voice communications
- System backup capabilities
- Internal system security
- Administrative security access and passwords
- Review of current Hardware
- Review of Microsoft applications, setups, and passwords
- Review current Reuter configuration
- Complete a short/simple "IT" needs analysis

We are attempting to implement many new policies and procedures which will improve the productivity and efficiency with the town and also bring it some greatly needed financial stability. The town's staff does not have the knowledge or experience to take on a project of this magnitude and that is why I am requesting assistance from the County.

In the past, I have worked with Mr. Jeff Baer and have the utmost respect for him and his combined knowledge and experience within the "IT" area to complete this project.

This project is extremely important to the town's ability to make major strides for improvement and thus I ask that the County support the Town of Miami with up to \$10,000 of funding for the completion of project.

Thank you and the Town of Miami appreciates the County's consideration of this request.

Sincerely

Joseph Heatherly
Town Manager
Town of Miami



GILA COUNTY ATTORNEY
Bradley D. Beauchamp

Re: County Attorney's Office approval of IGA pursuant to A.R.S. § 11-952(D).

To whom it may concern:

The County Attorney's Office has reviewed the Intergovernmental Agreement attached to this agenda item and has determined that it is in its "proper form" and "is within the powers and authority granted under the laws of this state to such public agency or public procurement unit" pursuant to A.R.S. § 11-952(D).

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In performing this review, the County Attorney's Office reviews IGAs to see that they are in "proper form" prior to their execution. "Proper form" means that the contract conforms to fundamental contract law, conforms to specific legislative requirements, and is within the powers and authority granted to the public agency. It does not mean that the County Attorney's Office approves of or supports the policy objectives contained in the IGA. That approval is solely the province of the public agency through its elected body.

Likewise, this approval is not a certification that the IGA has been properly executed. Proper execution can only be determined after all the entities entering into the IGA have taken legal action to approve the IGA. There is no statutory requirement for the County Attorney's Office to certify that IGAs are properly executed.

Nonetheless, it is imperative for each public agency to ensure that each IGA is properly executed because A.R.S. § 11-952(F) requires that "[a]ppropriate action ... applicable to the governing bodies of the participating agencies approving or extending the duration of the ... contract shall be necessary before any such agreement, contract or extension may be filed or become effective." This can be done by ensuring that the governing body gives the public proper notice of the meeting wherein action will be taken to approve the IGA, that the item is adequately described in the agenda accompanying the notice, and that the governing body takes such action. Any questions regarding whether the IGA has been properly executed may be directed to the County Attorney's Office.

Proper execution of IGAs is important because A.R.S. § 11-952(H) provides that "[p]ayment for services under this section shall not be made unless pursuant to a fully approved written contract." Additionally, A.R.S. § 11-952(I) provides that "[a] person who authorizes payment of any monies in violation of this section is liable for the monies paid plus twenty per cent of such amount and legal interest from the date of payment."

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Before determining whether an IGA contract "is in proper form," the County Attorney's Office will answer any questions or concerns the public agency has about the contract. It is the responsibility of the public agency or department submitting the IGA for review to ask any specific questions or address any concerns it has about the IGA to the County Attorney's Office at the same time they submit the IGA for review. Making such an inquiry also helps improve the County Attorney's Office review of the IGA because it will help focus the review on specific issues that are of greatest concern to the public agency. Failing to make such an inquiry when the agency does have issues or concerns will decrease the ability of the County Attorney's Office to meaningfully review the IGA.

ARF-2703

Regular Agenda Item 3. I.

Regular BOS Meeting

Meeting Date: 09/16/2014

Submitted For: Jacque Griffin, Asst. County Manager/Librarian
Submitted By: Jacque Griffin, Asst. County Manager/Librarian, Asst County Manager/Library District

Department: Asst County Manager/Library District

Information

Request/Subject

Board of Supervisors' comments regarding Draft Environmental Impact Statement for Travel Management on the Tonto National Forest.

Background Information

On February 26, 2013, the Board of Supervisors approved submitting comments in response to a Tonto National Forest Motorized Travel Management Scoping Letter including proposed action for an Environmental Impact Statement (EIS). This process was initiated in 2007 to comply with travel management regulations, and began as an Environmental Assessment. In 2012, it was determined that the level of significance had reached a point that an EIS would be more appropriate. The Tonto National Forest released the Draft Environmental Impact Statement in June 2014 for a 45-day comment period. Forest Supervisor Neil Bosworth extended the comment period an additional 30 days, with a new deadline of September 17, 2014.

The Draft Environmental Impact Statement (DEIS) is 546 pages (attached). Portions are excerpted below.

Evaluation

From the Abstract of the DEIS: "The Tonto National Forest proposes changes to motorized use on roads, trails, and areas to meet requirements of Executive Order 11644, as amended by Executive Order 11989, and in the Travel Management Rule regulations (36 CFR 212, Subpart B). Routes and areas not designated for motorized use would be prohibited from motorized travel unless authorized under an exemption in the Travel Management Regulations. This involves amending the Tonto National Forest Plan to restrict cross-country motorized travel in all nondesignated areas and amending other direction related to motorized use that does not comply with the Travel Management Rule. Three action alternatives (Alternatives B, C, and D) propose changes to the current system of National Forest System roads, trails, and areas for motorized use. This draft environmental impact statement (EIS) documents the analysis of the no action, a modified proposed action, and two alternatives to the proposed action to designate motorized use on the Tonto National Forest.

Alternative A proposes no change from the existing condition. Current management plans would continue to guide management of the project area. No changes would be made to the current National Forest transportation system. The Travel Management Rule would not be implemented and no Motor Vehicle Use Map (MVUM) would be produced. This action would not comply with the Travel Management Rule1.

Alternative B proposes approximately 2,367 miles of roads for decommissioning, resulting in approximately 894 miles of designated roads and 1,666 miles of motorized trails open to public use. This alternative prohibits cross-country motorized travel except within 300 feet on both sides of designated roads and motorized trails for personal fuelwood gathering in permitted areas. The emphasis of Alternative B is limited motorized access across the Tonto National Forest and was developed in response to comments received during scoping.

Alternative C is a modification of the proposed action scoped in February 2013 and proposes approximately 1,290 miles of roads for decommissioning, resulting in approximately 1,340 miles of designated roads and 2,230 miles of motorized trails open to public use. This alternative prohibits cross-country motorized travel except in eight proposed OHV areas totaling approximately 6,791 acres. It would also allow motorized access, up to one mile on both sides of designated roads and motorized trails, for retrieval of legally harvested elk and bear (totaling approximately 1,293,178 acres), a corridor of 100 feet on both sides of designated roads and motorized trails for dispersed camping, and corridor 300 feet on both sides of designated roads and motorized trails for personal use fuelwood gathering in permitted areas.

Alternative D was developed in response to public comments received on the proposed action and provides the highest level of motorized recreation opportunities and access across the forest. This alternative proposes approximately 194 miles of roads for decommissioning, resulting in approximately 3,347 miles of designated roads and 1,520 miles of motorized trails open to public use. This alternative prohibits cross-country motorized travel except in eight proposed OHV areas totaling approximately 6,791 acres. It would also allow motorized access, up to one mile on both sides of designated roads and motorized trails, for retrieval of legally harvested mule deer, white tail deer, elk and bear (totaling approximately 2,068,208 acres), a corridor of 300 feet on both sides of designated roads and motorized trails for dispersed camping and for personal use fuelwood gathering in permitted areas.

Of the alternatives under consideration at this stage, Alternative C is preferred by the responsible official. However, this document is the draft Environmental Impact Statement and does not commit the responsible official or the Tonto National Forest to any one alternative."

Conclusion

Of the proposed alternatives, Alternative B provides for the most restrictions on motorized travel, while Alternative D provides the highest level of motorized recreation opportunities. Alternative C is a modification of the proposed action from the scoping process in February 2013.

Given that a large portion of Gila County is Tonto National Forest land, this proposal affects nearly every resident and visitor to our county. To continue to be included in the process, Gila County needs to provide official comments on this DEIS.

There appears to be no assessment of the economic impact or lost economic opportunities associated with any of these plans. Apparently the economic assessment comes after the fact, and only includes the cost to the agency for administering the plan.

"As a reminder, this project is an activity implementing a land management plan and subject to the objection process described in 36 CFR 218 Subparts A and B. It is the responsibility of persons providing comments to submit them by the close of the comment period. Only those who submit timely and specific written comments will have eligibility to file an objection under §218.8. Individuals and organizations wishing to be eligible to object must meet the information requirements in §218.25(a)(3). Names and contact information submitted with comments will become part of the public record and may be released under the Freedom of Information Act. " (From, Tonto National Forest Motorized Travel Management Project Update)

Recommendation

Staff recommends that the Board of Supervisors consider issuing official comments on the Environmental Impact Statement for Motorized Travel Management on the Tonto National Forest. Draft comments have not been finalized; however, they will be attached prior to the Board meeting.

Suggested Motion

Information/Discussion/Action to consider issuing official comments from the Board of Supervisors regarding the Draft Environmental Impact Statement for Travel Management on the Tonto National Forest. **(Jacque Griffin)**

Attachments

DEIS Travel Management TNF

Comment Letter Travel Management DEIS



United States Department of Agriculture
Forest Service

Southwestern Region
Publication No. MB-R3-12-03
June 2014

Draft Environmental Impact Statement for Travel Management on the Tonto National Forest

Gila, Maricopa, Pinal, and Yavapai Counties, Arizona



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Draft Environmental Impact Statement for Travel Management

Tonto National Forest Gila, Maricopa, Pinal, and Yavapai Counties, Arizona

Lead Agency: USDA Forest Service

Cooperating Agencies: Arizona Game and Fish Department

Responsible Official: Neil Bosworth, Forest Supervisor
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Abstract: The Tonto National Forest proposes changes to motorized use on roads, trails, and areas to meet requirements of *Executive Order 11644*, as amended by *Executive Order 11989*, and in the Travel Management Rule regulations (*36 CFR 212, Subpart B*). Routes and areas not designated for motorized use would be prohibited from motorized travel unless authorized under an exemption in the Travel Management Regulations. This involves amending the Tonto National Forest Plan to restrict cross-country motorized travel in all nondesignated areas and amending other direction related to motorized use that does not comply with the Travel Management Rule. Three action alternatives (Alternatives B, C, and D) propose changes to the current system of National Forest System roads, trails, and areas for motorized use. This draft environmental impact statement (EIS) documents the analysis of the no action, a modified proposed action, and two alternatives to the proposed action to designate motorized use on the Tonto National Forest.

Alternative A proposes no change from the existing condition. Current management plans would continue to guide management of the project area. No changes would be made to the current National Forest transportation system. The Travel Management Rule would not be implemented and no Motor Vehicle Use Map (MVUM) would be produced. This action would not comply with the Travel Management Rule¹.

Alternative B proposes approximately 2,367 miles of roads for decommissioning, resulting in approximately 894 miles of designated roads and 1,666 miles of motorized trails open to public use. This alternative prohibits cross-country motorized travel except within 300 feet on both sides of designated roads and motorized trails for personal fuelwood gathering in permitted areas. The emphasis of Alternative B is limited motorized access across the Tonto National Forest and was developed in response to comments received during scoping.

¹ [Forest Service Travel Management Final Rule Website](#)

Alternative C is a modification of the proposed action scoped in February 2013 and proposes approximately 1,290 miles of roads for decommissioning, resulting in approximately 1,340 miles of designated roads and 2,230 miles of motorized trails open to public use. This alternative prohibits cross-country motorized travel except in eight proposed OHV areas totaling approximately 6,791 acres. It would also allow motorized access, up to one mile on both sides of designated roads and motorized trails, for retrieval of legally harvested elk and bear (totaling approximately 1,293,178 acres), a corridor of 100 feet on both sides of designated roads and motorized trails for dispersed camping, and corridor 300 feet on both sides of designated roads and motorized trails for personal use fuelwood gathering in permitted areas.

Alternative D was developed in response to public comments received on the proposed action and provides the highest level of motorized recreation opportunities and access across the forest. This alternative proposes approximately 194 miles of roads for decommissioning, resulting in approximately 3,347 miles of designated roads and 1,520 miles of motorized trails open to public use. This alternative prohibits cross-country motorized travel except in eight proposed OHV areas totaling approximately 6,791 acres. It would also allow motorized access, up to one mile on both sides of designated roads and motorized trails, for retrieval of legally harvested mule deer, white tail deer, elk and bear (totaling approximately 2,068,208 acres), a corridor of 300 feet on both sides of designated roads and motorized trails for dispersed camping and for personal use fuelwood gathering in permitted areas.

Of the alternatives under consideration at this stage, Alternative C is preferred by the responsible official. However, this document is the draft Environmental Impact Statement and does not commit the responsible official or the Tonto National Forest to any one alternative.

Reviewers should provide the Forest Service with their comments during the review period of the draft environmental impact statement. This will enable the Forest Service to analyze and respond to the comments at one time and to use information acquired in the preparation of the final environmental impact statement, thus avoiding undue delay in the decision making process. Reviewers have an obligation to structure their participation in the National Environmental Policy Act (NEPA) process so that it is meaningful and alerts the agency to the reviewers' position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement. *City of Angoon v. Hodel* (9th Circuit, 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Comments on the draft environmental impact statement should be specific and should address the adequacy of the statement and the merits of the alternatives discussed (40 CFR 1503.3).

Send Comments to: Tonto National Forest: Travel Management Comments
2324 E. McDowell Road
Phoenix, AZ 85006
Fax number: (602) 225-5295
comments-southwestern-TMRTonto@fs.fed.us

Date Comments Must Be Received: The 45-day comment period will commence once the Notice of Availability is published in the Federal Register. The Tonto National Forest will post the date comments must be received by once it is published in the Federal Register to the Web site [Tonto National Forest Travel Management](#).

Summary

The Tonto National Forest proposes to designate a system of roads and motorized trails, in addition to prohibiting motorized cross-country travel, except in designated motorized areas and fixed-distance corridors solely for the purpose of motorized dispersed camping or motorized big game retrieval. The area affected by the proposal includes the entire Tonto National Forest. This action is needed because the increasing number of unmanaged motorized recreationists on the forest has been contributing to resource damage. The project area being analyzed in this document is the entire Tonto National Forest.

On November 2, 2005, the Forest Service announced the final Travel Management Rule regulations governing off-highway vehicles (OHVs) and other motor vehicle use on national forests and grasslands. Under the new regulations, which reiterate direction given in previous *Executive Orders (11644 and 11989)*, forests that do not already restrict OHV travel to designated roads and trails must do so. Motor vehicles, including OHVs, must remain on designated roads and trails systems or in designated areas while on the national forest.

Currently, the Tonto National Forest does not have a forestwide designated road or trail system; cross-country motorized travel is permitted except in areas that are signed closed or restricted to seasonal use. To date, four ranger districts (Cave Creek, Globe, Mesa, and Tonto Basin) are closed to cross-country travel by Closure Orders, direction in the 1985 Tonto National Forest Plan, or other designation that restricts motor vehicle use.

The Tonto National Forest published a proposed action in the Federal Register on February 1, 2013. This original proposed action would have resulted in approximately 3,812 miles of designated National Forest System road and trails and 1,417 acres of designated areas open to motor vehicles on the National Forest, adding approximately 280 miles of unauthorized routes. This alternative was eliminated from detailed study to reflect updated data and in response to public comments and replaced by newly developed Alternative C, which is the preferred alternative. Two other action alternatives (B and D) were developed in addition to the no action Alternative A, which proposes no change from the existing condition.

All three action alternatives (B, C, and D) would require amendments to the Forest Plan. Alternatives A and D would only allow one permit zone, Bulldog Canyon. Alternative B includes the addition of five motorized permit zones, while alternative C includes the addition of four motorized permit zones. Motorized big game retrieval of elk and bear is allowed in Alternatives C and D—up to one mile on both sides of all designated motorized routes—but alternative D also allows retrieval of white tail and mule deer, which nearly doubles the affected acreage. Alternative B does not allow for motorized retrieval off of designated roads or motorized trails. Dispersed camping is restricted to 65 acres in Alternative B. In contrast, Alternatives C and D would allow motor vehicle use for dispersed camping in designated corridors; alternative C proposes 100 feet on both sides of all designated motorized routes, while Alternative D proposes 300 feet on both sides of all designated motorized routes. To clarify, the alternatives are summarized in alphabetical order:

- Alternative A proposes no change to existing conditions. This alternative would not comply with the Travel Management Rule.
- Alternative B, developed in response to public comments during scoping, has the fewest miles of roads and motorized trails open to the public and the most miles of roads proposed for decommissioning. It is the only alternative which does not allow motor

Summary

vehicle use for big game retrieval and motor vehicle use for dispersed camping to designated sites only. This alternative does allow for cross-country travel, up to 300 feet both sides of all designated motorized routes, for fuelwood gathering within designated areas.

- Alternative C has the second lowest number of miles of roads designated to be open to the public, but has the most miles of motorized trails.
- Alternative D has the most miles of motorized roads open to travel by the public and the most acres of cross-country travel for the purposes of dispersed camping and big game retrieval.

Overall, the modified proposed action, Alternative C, would provide the most balance between protection of the natural and cultural resources, while still providing motorized access to the public for a variety of recreational opportunities. All of the action alternatives (one of which must be implemented as per the final rule) increase the forest's ability to protect resources and manage the transportation system more effectively.

Based upon the effects of the alternatives, the responsible official will decide which of the action alternatives will be chosen to implement the Travel Management Rule.

List of Acronyms

ADEQ	Arizona Department of Environmental Quality	FSM	Forest Service Manual
ADOT	Arizona Department of Transportation	FY	Fiscal year
AZGFD	Arizona Game and Fish Department APE Area of potential effect	HUC	Hydrologic unit code
ARPA	Archaeological Resources Protection Act	GIS	Geographic information system
ATV	All-terrain vehicle	GMU	Game management unit
BA	Biological assessment	HDMS	Heritage data management system
BE	Biological evaluation	ID	Interdisciplinary (as in ID Team)
BIA	Bureau of Indian Affairs	IBA	Important bird area
BLM	Bureau of Land Management	IRA	Inventoried roadless area
BMPs	Best management practices	LEI	Law enforcement and investigations
BOR	Bureau of Reclamation	MBGR	Motorized big game retrieval
CAA	Federal Clean Air Act	MIS	Management indicator species
CEQ	Council on Environmental Quality	MRS	Minimum road system
CFR	Code of Federal Regulations	ML	Maintenance level
CO2	Carbon dioxide	ML 1	Maintenance level 1 (closed to public motorists)
DEIS	Draft environmental impact statement	ML 2	Maintenance level 2
DO	Dissolved oxygen	ML 3	Maintenance level 3
EIS	Environmental impact statement	ML 4	Maintenance level 4
EPA	Environmental Protection Agency	ML 5	Maintenance level 5
FR	Federal Register	MVUM	Motor vehicle use map
FS	Forest Service	NAAQS	National Ambient Air Quality Standards
FSH	Forest Service Handbook	NEPA	National Environmental Policy Act
		NF	National Forest
		NFS	National Forest System

List of Acronyms

NFMA	National Forest Management Act	TES	Terrestrial ecosystem survey
NHPA	National Historic Preservation Act	TEUI	Terrestrial Ecological unit inventory
NO _x	Nitrogen oxides	TM	Travel Management
NVUM	National visitor use monitoring	TMDL	Total maximum daily load
NRIS	Natural resource information system	USC	United States Code
OHV	Off-highway vehicles	USDA	United States Department of Agriculture
PA	Programmatic agreement	USFS	United States Forest Service
PAC	Protected activity center	USFWS	United States Fish and Wildlife Service
PFA	Post fledgling area	VMS	Visual management system
PNVT	Potential Natural Vegetation Type	VMT	Vehicle miles traveled
PM	Particulate matter	VOC	Volatile organic compounds
R3	Region 3	VQO	Visual quality objective
RARE	Roadless area review and evaluation		
RATM	Resource access-travelway management		
RD	Ranger District		
RFA	Recreation facility analysis		
RNA	Research natural area		
ROS	Recreation opportunity spectrum		
SHPO	State Historic Preservation Officer		
SIP	State implementation plan		
SMS	Scenery management system		
SPNM	Semiprimitive nonmotorized		
SUV	Sports utility vehicle		

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Chapter 1. Purpose of and Need for Action

Introduction

Motor vehicles are used for many activities on the Tonto National Forest, such as sightseeing, camping, hiking, hunting, fishing, recreational riding, and collecting fuelwood and other forest products, as well as permitted and administrative uses. Current regulations prohibit trail construction and operation of vehicles in a manner that is damaging to the land, wildlife, or vegetation (*36 CFR 261—Prohibitions*). However, these regulations have not proven sufficient to control the addition of routes or environmental effects.

The project area being analyzed in this document is the entire Tonto National Forest. Of the six ranger districts that make up the Tonto National Forest, two currently permit cross-country motorized travel (Payson and Pleasant Valley), except in areas that are closed by forest order; restricted to seasonal use; or designated by Congress, such as wilderness areas. The other four ranger districts (Cave Creek, Globe, Mesa, and Tonto Basin) are closed to cross-country travel per the 1985 Tonto National Forest Land and Resources Management Plan (Forest Plan).

This draft environmental impact statement (draft EIS) describes the proposed project to improve the management of motorized vehicle use on National Forest System lands on the Tonto National Forest in accordance with the Travel Management Rule (*36 CFR 212, 251, and 261*). The project will result in the publication of a motor vehicle use map (MVUM) showing those roads, trails and areas designated for motor vehicle use. After the MVUM has been released to the public, travel off the designated system will be prohibited unless authorized by permit or as allowed by the Travel Management Rule and the designated Responsible Official.

The Tonto National Forest has evaluated alternatives and is issuing this draft EIS to disclose the potential effects of changes to the existing system of National Forest System roads, prohibiting cross-country travel, and designating a system of roads, trails, and areas where motorized travel can occur on the forest in order to comply with the Travel Management Rule.

Document Structure

The Forest Service has prepared this draft EIS in compliance with the National Environmental Policy Act (NEPA) and other relevant Federal and State laws and regulations. This draft environmental impact statement discloses the direct, indirect, and cumulative environmental impacts that would result from the proposed action and alternatives.

The document is organized into four chapters:

Chapter 1. Purpose and Need for Action: The chapter includes information on the history of the project proposal, the purpose of and need for the project, and the Agency's proposal for achieving that purpose and need. This section also details how the Forest Service informed the public of the proposal and how the public responded.

Chapter 2. Alternatives, including the Proposed Action: This chapter provides a more detailed description of the Agency's proposed action as well as alternative methods for achieving the stated purpose. These alternatives were developed based on significant issues raised by the public and other agencies. This discussion also includes mitigation measures. Finally, this section provides a summary table of the environmental consequences associated with each alternative.

Chapter 3. Affected Environment and Environmental Consequences: This chapter describes the existing condition of the project area and the environmental effects of implementing the proposed action and other alternatives. This analysis is organized by resource area.

Chapter 4. Consultation and Coordination: This chapter provides a list of preparers and agencies consulted during development of the environmental impact statement.

Additional documentation, including detailed analyses of project area resources, may be found in the project record located at the Tonto National Forest Supervisor's Office, 2324 E. McDowell Road, Phoenix, Arizona and on the Forest website at: [Tonto National Forest Travel Management Project Documents](#)

The Travel Management Rule

On November 9, 2005, the Forest Service published travel management regulations governing off-highway vehicles (OHVs) and other motor vehicles on national forests and grasslands. This is referred to as the Travel Management Rule or "final rule." The final rule was developed in response to the substantial increase in use of OHVs on National Forest lands and related damage to forest resources caused by unmanaged OHV use over the past 20 to 30 years. The regulations implement *Executive Order (EO) 11644* and *EO 11989* regarding off-road use of motor vehicles on Federal lands. The final rule "provides for a system of [National Forest System] NFS roads, NFS trails, and areas on NFS lands that are designated for motor vehicle use... Motor vehicle use off designated roads and trails and outside of designated areas is prohibited" (*36 Code of Federal Regulations (CFR) 212.50*). Per the final rule, forests that do not already restrict motorized travel to designated roads, trails, and areas must do so. Designated roads, trails, and areas shall be identified on a motor vehicle use map (MVUM) and made available to the public.

Once roads, trails, and areas on the Tonto National Forest have been designated and identified on the MVUM, motor vehicle use off of the designated system is prohibited. The following vehicles and uses are exempted from this prohibition: (1) aircraft; (2) watercraft; (3) over-snow vehicles²; (4) limited administrative use by the Forest Service; (5) use of any fire, military, emergency, or law enforcement vehicle for emergency purposes; (6) authorized use of any combat or combat support vehicle for national defense purposes; (7) law enforcement response to violations of law, including pursuit; and (8) motor vehicle use that is specifically authorized under a written authorization issued under Federal law or regulations (*36 CFR 251.51*).

The rule further states that "the responsible official may incorporate previous administrative decisions regarding travel management made under other authorities, including designations and prohibitions of motor vehicle use, in designating NFS roads, trails, and areas" (*36 CFR 2212.50(b)*). The final rule does not require reconsideration of any previous administrative decisions that allow, restrict, or prohibit vehicle use on NFS roads, trails or areas and that were made under other authorities. However, the responsible official may choose to

² Over snow vehicle use on the Tonto National Forest is limited to occasional use during infrequent heavy snowfall in the northern ranger districts of Payson and Pleasant Valley, mostly for emergency ingress and egress to private land. Such use is minimal and will not be covered in this decision.

reconsider past decisions, with public involvement, as necessary to achieve the purposes of the final rule (Federal Register, vol. 70, no. 216, p. 68269). This NEPA analysis concerns changes to the system that are needed to meet the Travel Management Rule.

As part of the process in complying with the final travel management regulations, the Tonto National Forest conducted a forestwide travel analysis process in 2006, reviewing the entire current road system. The intent of this process was to identify needed changes to the existing road and motorized trail systems. In early 2013, with the development of an environmental impact statement to analyze the effects of implementing the travel management rule, forest staff reviewed and refined the proposed designated road and motorized trail system to ensure protection, while providing for administration and utilization, of National Forest System lands (*36 CFR 212.5(b)*).

For the purposes of this analysis, the term “road” or “trail” is defined as a National Forest System road or trail that is designated for motor vehicle use pursuant to *36 CFR 212.51*. An unauthorized road or trail is, “a road or trail that is not a forest road or trail or a temporary road or trail and that is not included in a forest transportation atlas” (*36 CFR 212.1*). Unauthorized routes have generally developed without agency authorization, environmental analysis, or public involvement and do not have the same status as National Forest System roads or trails included in the forest transportation system.

The travel management rule employs an iterative, ongoing process that begins with an analysis of the transportation system, which is then carried into a NEPA analysis for proposed changes to the system of roads, trails, and areas. This results in the designated transportation system, which can be adapted over time. The motor vehicle use map will show this system and will be valid until the forest issues a new map based on system changes found to be necessary. The final rule states that this map will be reissued every year, which would be reflective of any changes made to the designated system.

Location of Proposed Travel Management

The Tonto National Forest covers approximately 2,964,308 acres in central Arizona and is the fifth largest national forest in the National Forest System. The Tonto National Forest spans a range of ecosystems from the Sonoran Desert through a variety of chaparral and pinyon pine/juniper up to the mixed conifer and ponderosa pine of the Mogollon Rim. The Tonto National Forest is divided into six ranger districts: Cave Creek, Globe, Mesa, Payson, Pleasant Valley, and Tonto Basin (Figure 1).

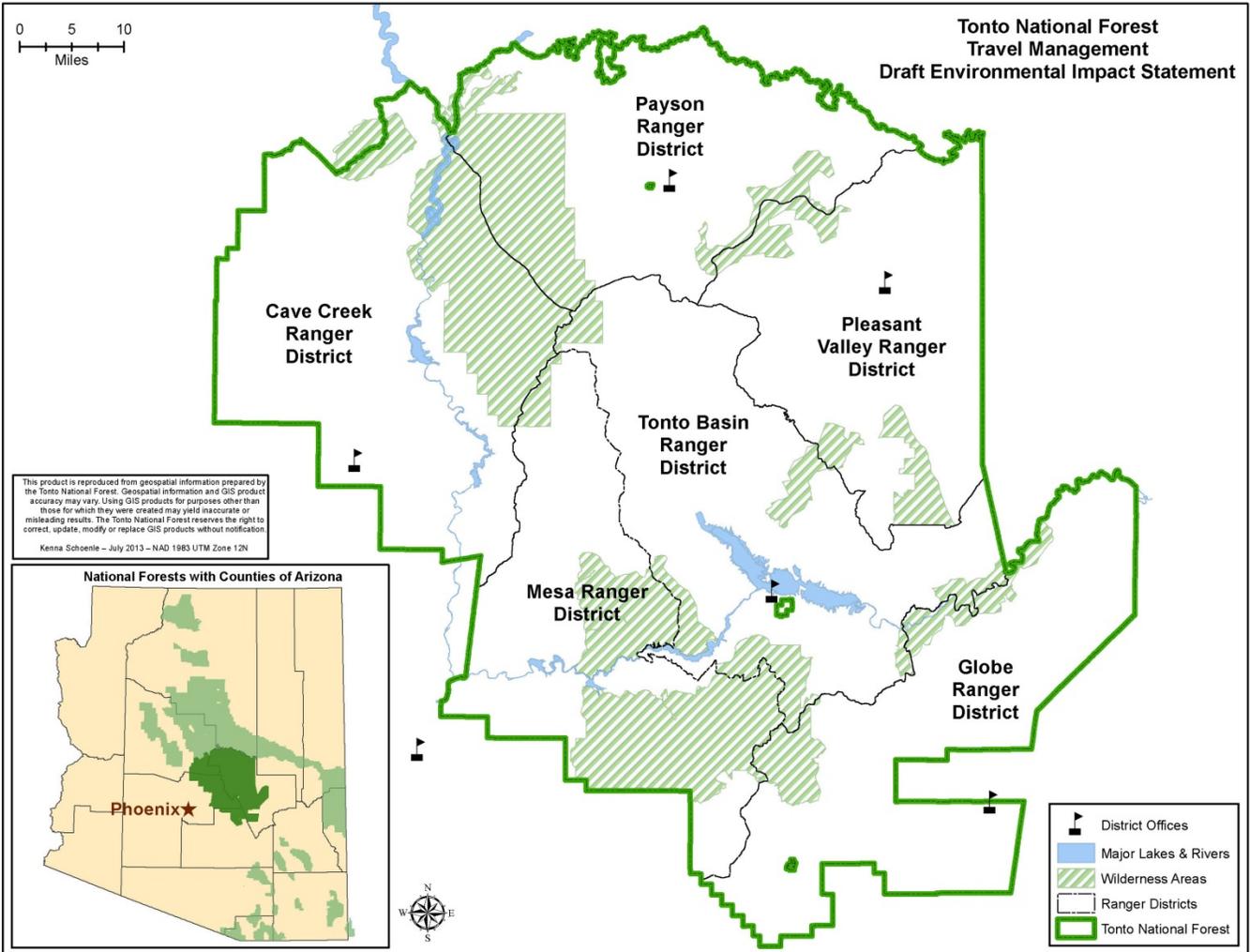


Figure 1: Map of the Tonto National Forest, including Ranger Districts

The Tonto National Forest abuts the northern edge of the Phoenix metropolitan area, which has a population of more than four million people. The city of Phoenix itself has a population of approximately 1.5 million³, making it the sixth largest city in the United States. The Phoenix area is a popular destination for conferences, conventions, and tourism with its warm and sunny year-round climate, wide variety of business, cultural, and recreational offerings, serviced by many direct flights from most major U.S. cities. These factors combine to make the Tonto National Forest one of the most heavily visited national forests (U.S. Forest Service, 2005a), with nearly 5 million recreational visitors annually (U.S. Forest Service, 2012).

Many of these visitors drive through the Tonto National Forest for sightseeing the natural landscape or on their way to other destinations, such as the Grand Canyon or other northern, high-elevation locations to escape the Phoenix Valley's summer heat. Others come for the variety of water-based recreation such as fishing, boating, water skiing, swimming, rafting, or to picnic near picturesque desert lakes and rivers.

Background of Motor Vehicle Use and Management on the Tonto National Forest

Motor vehicles are used for many activities on the Tonto National Forest. These activities include sightseeing, camping, hiking, hunting, fishing, recreational riding, and collecting fuelwood and other forest products, as well as permitted and administrative uses. Motor vehicle use is both a form of access to nonmotorized activities on the Forest and a form of recreation in and of itself. On Arizona National Forests and other public lands, off-highway vehicle (OHV) use varies depending on terrain and user preferences: off-road motorcycles, including dirt bikes, have a narrow wheelbase width and can be ridden on single-track trails; all-terrain vehicles (ATVs) often have a wheelbase width of 50 inches or less and riders straddle the vehicle, with multiple riders sitting one in front the other; utility terrain vehicles (UTVs) allow riders to sit side-by-side and may have a wheelbase width greater than 50 inches; and full-sized vehicles, which have a high enough clearance and traction to drive off paved roads.

During the past ten years, OHV use has increased dramatically across the nation and on millions of acres of public land in the western U.S. In Arizona, sales of OHVs increased 623 percent, from 1995 to 2006 (Arizona State Parks, 2009). Prior to 2001, the majority of OHV sales in Arizona consisted of ATVs; however, by 2008 UTVs had surpassed the sales of ATVs in Maricopa County (Arizona State Parks, 2009). According to a survey conducted by Arizona State Parks (2009), 22 percent of adult Arizona residents have participated in motorized recreation, with nearly 11 percent indicating that motorized vehicle use accounts for the majority of their recreation. Riding a motorized vehicle off designated and maintained roads and trails can result in effects to resources, including increased soil erosion, decreased water quality, decreased air quality, damage to cultural resources, disruptions to wildlife, changes in natural vegetation, or conflicts with forest users seeking a nonmotorized experience. Managing motorized recreation is particularly challenging on the Tonto National Forest as the desert ecosystem does not provide many natural barriers to prevent users from riding anywhere their vehicle will take them. The Tonto National Forest is the most heavily-used national forest for motorized recreation, with nearly a million visitors using OHVs on the Forest annually (English *et al.*, 2004).

³ According to the U. S. Census Bureau 2012 population estimates ([U.S. Census Bureau Quick Facts: States](#) accessed on June 14, 2013).

The issue of increasing motorized use is not specific to the Tonto National Forest. Unmanaged recreation, including motor vehicle use, was listed as one of the four key threats to the health and sustainability of national forests by former Forest Service Chief Dale Bosworth. In November 2005, a Travel Management Rule was established as a regulation to improve management of motorized use by defining where motorized use is acceptable and where it is not. More specifically, this rule requires Forest Service staff at each national forest and grassland to designate motor vehicle use on roads, trails, and areas by vehicle class and time of year if appropriate. After designation, motor vehicle use not in accordance with the designation is prohibited, except for those exemptions listed in the Travel Management Rule, such as limited administrative use by the Forest Service or permitted activities (36 CFR 212.51). The Travel Management Rule only applies to motorized vehicle use and does not affect or prohibit any nonmotorized access.

Existing and Desired Conditions

Existing conditions describe the current management situation and environmental conditions within the project area. Desired Conditions describe the goals for travel management as defined by Forest Plan guidance, the Travel Management Rule and other regulations, as well as the public's needs. The topic areas below represent broad-scale features associated with a district transportation system. Additional information about existing conditions related to specific resources can be found in Chapter 3 of this document.

Existing Condition

Motor vehicles are used to access the forest and engage in a wide variety of activities on the Tonto National Forest. Additionally, forest visitors use the existing transportation system to support their lifestyle with activities such as firewood collection and hunting/game retrieval. Currently, motor vehicles may drive on any open road as well as access the forest interior by driving "cross-country" or off of forest roads, except where prohibited by existing off-road closure areas. These "motorized travel restricted" areas are closed to cross country travel to protect sensitive soil and vegetation, wetlands, wilderness areas, and non-motorized recreational opportunities. These areas have been closed by previous official Forest Orders or legislative actions, such as congressionally designated wilderness.

The Forest Service uses five maintenance levels (ML) to classify roads, ranging from ML 1 indicating intermittent service roads closed to vehicular use, to ML 5, indicating roads that provide a high degree of user comfort and convenience. ML 3, 4, and 5 roads are those suitable for passenger cars. Some of these roads are dirt, some are gravel, and some are paved. ML 3, 4, and 5 roads are subject to the Highway Safety Act; therefore, they generally receive more maintenance than level 1 and 2 roads. This report will refer to passenger car roads (ML 3, 4, and 5 that a typical sedan could drive down) and high clearance roads (ML 2) that are maintained for high clearance vehicles.

According to the current database for roads on the Tonto National Forest, there are approximately 2,952 miles of roads open to the public: 645 miles for passenger vehicles and 2,308 miles for high clearance (Table 1). This database shows that there are 1,739 miles of ML 1 (closed to vehicular use) roads and 267 miles of decommissioned routes. However, after reviewing updated satellite imagery and gathering on-the-ground information from ranger district personnel, Forest Service Law Enforcement Officers, and Arizona Game and Fish Department employees, it was

determined that many of the ML 1 and decommissioned routes are quite likely still open to the public and being used currently by motor vehicles. Because of this inconsistency, it was decided that the existing condition for the roads system on the Tonto National Forest, the baseline for which the effects of the proposed changes to the road system for this project, results in approximately 5,000 miles of roads open to motor vehicle use⁴. Currently, there are no trails designated for motorized use only.

Table 1: Existing Road System

Road Maintenance Level	Miles	Percent of Total
Not Under Forest Service Jurisdiction	13	n/a
Decommissioned	n/a	0
Level 1	n/a	0
Level 2	2,308	47
Level 3	458	9
Level 4	136	3
Level 5	50	1
FS Roads Likely Open to Public, ML Unknown	2,006	40
Total (FS Jurisdiction)	4,958	100

In addition to the forest roads described above, the Tonto National Forest has seen the proliferation of unauthorized, or “user-created,” routes⁵. In most cases, these roads appear as “two track” roads that access popular areas for dispersed recreation (camping, hunting, horseback riding, etc.). These roads are not kept in the Forest Service roads inventory, and do not receive maintenance to ensure environmental impacts are minimized. The number of unauthorized routes continues to grow as more and more visitors use the area and drive vehicles off road. Most of these routes include unauthorized travel for which the forest currently has no data⁶ and routes that have been created by repeated off-road travel in areas where cross-country travel was permitted. Additionally, unauthorized routes have been created in areas where cross-country travel was not permitted but existing prohibitions or enforcement of such prohibitions were not adequate.

A more detailed description of the existing conditions, including specific mileage for roads, can be found in Chapter 2; the No Action Alternative (Alternative A).

⁴ A more detailed discussion of the inconsistencies between what is in the Tonto National Forest databases for roads and trails and what is currently on the ground can be found in the Alternatives Considered but Eliminated from Detailed Study section of Chapter 2 of this document.

⁵ *36 CFR 212.1* Defines an unauthorized road or trail as: A road or trail that is not a forest road or trail or a temporary road or trail and that is not included in a forest transportation atlas.

⁶ Per the final Travel Management Rule, an exhaustive inventory of unauthorized routes was not conducted on the Tonto National Forest, nor is there any expectation that such an inventory will be conducted.

Desired Condition

The Tonto National Forest Land and Resource Management Plan (Forest Plan) is the guiding document for Forest Service management of natural resources and uses of the forest. Currently, the Tonto National Forest allows motorized cross-country travel throughout the forest except in three types of areas: congressionally designated wilderness, areas closed to motorized use in the forest plan, or areas closed to motorized use in a forest closure order. Areas closed to motorized use in the forest plan and areas closed to motorized use in a closure order can be seasonal closures. In addition, the Travel Management Rule directs the Forest Service to provide for a system of NFS roads, NFS trails, and areas on NFS lands that are designated for motor vehicle use and by class and time of year (if appropriate) (*36 CFR 212.50*). Part of the desired condition is that the forest road system is the minimum system necessary to provide safe and efficient travel for the administration, utilization, and protection of NFS lands considering long-term funding expectations while ensuring that the identified system minimizes adverse environmental impacts (*36 CFR 212.5 (b)*). The desired condition is a designated system of roads, motorized trails, and OHV areas that are managed and sustainable, which accommodate motorized access needs consistent with the Forest Plan and the 2005 Travel Management Rule.

Purpose of and Need for Changes to Travel Management

The purpose of this project is to comply with the Travel Management Rule by providing a system of roads, trails, and areas designated for motor vehicle use by class of vehicle and time of year on the Tonto National Forest. In addition, the magnitude and intensity of motor vehicle use has increased to the point that the intent of *EO 11644* and *EO 11989*, both pertaining to the use of motorized vehicles on public land, cannot be met while still allowing unrestricted cross-country travel. There is a need to determine which, if any, authorized National Forest System roads currently open should be closed to motorized travel. In addition, there is a need to determine which, if any, authorized roads currently closed should be open to motorized travel. There is also a need to identify any restrictions on allowed uses, classes of vehicles, and/or seasons of use for specific routes. There is also a need to determine which, if any, unauthorized routes should be added to National Forest System as trails or roads open for motorized access. Furthermore, there is a need to determine if, when, where, and how far motor vehicles may be driven off designated roads for the sole purpose of motorized dispersed camping, motorized big game retrieval, and collection of forest products. Finally, there is a need to amend the Forest Plan⁷, in part, to prohibit motor vehicle use off designated National Forest System roads, trails, and areas except as shown on the motor vehicle use map and to revise wording for consistency regarding definition to comply with Travel Management Rule, *36 CFR 261.13*.

Decision Framework

The Tonto National Forest Supervisor is the responsible official and will decide the following:

- Changes to the existing road system;
- Changes to existing motorized trails and areas open to cross-country motorized travel;

⁷ A detailed account of plan amendments associated with the action alternatives can be found in Appendix A of this document.

- The distance motor vehicles may travel off specific designated routes for the purpose of dispersed camping , big game retrieval, and collection of forest products; and
- Language and content changes to the Tonto National Forest Plan via a forest plan amendment through use of the 1982 rule procedures as allowed by the transition language of the 2012 planning rule (*36 CFR 219.17(b)(3)*).

The decision will be based on a consideration of the environmental effects of implementing the proposed action or alternatives developed in response to significant issues. The Forest Supervisor may select the proposed action, an alternative analyzed in detail, or a modified proposed action or alternative within the project's range of alternatives. The Tonto National Forest Supervisor, responsible official for this environmental impact statement process, chose to focus this analysis and subsequent decision on meeting the primary purpose and intent of the Travel Management Rule to designate National Forest System roads, trails, and areas on Forest Service managed lands for motor vehicle use (*36 CFR 212.51*). Previous administrative decisions concerning development of existing National Forest System roads and trails, road construction, road reconstruction, motorized trail construction, and land suitability for motorized use on existing roads are outside of the scope of this analysis. This analysis does not preclude a planning effort that considers changes to the motorized route system at a later date. Any such future proposal would require an appropriate environmental analysis and documentation in a NEPA decision.

Furthermore, this environmental analysis process is focused on implementing *36 CFR 212 Subpart B* of the Travel Management Rule. This decision will not affect the terms and conditions associated with special use authorization of National Forest System land, outlined in *36 CFR 251*, including motorized access for grazing and livestock use and minerals.

Furthermore, over snow vehicle use on the Tonto National Forest is limited to occasional use during infrequent heavy snowfall in the northern ranger districts of Payson and Pleasant Valley, mostly for emergency ingress and egress to private land. Such use is minimal and will not be covered in this decision.

Public Involvement

In October 2009, the forest released a proposed action. Seven public meetings were held throughout the communities within and proximate to the forest in November and December 2009 to gather input about the proposed action, including roads and trails proposed for motorized use. Comments to the proposed action were accepted through December 4, 2009. A draft version of an environmental assessment was released for public comment on January 6, 2012 for a 30-day comment period. Due to the length and complexity of the environmental assessment and requests from the public, an additional 30-day comment period began on February 5, 2012. Approximately 300 letters were received during these two comment periods.

After initiating compliance with the Travel Management Rule under an environmental assessment, the Tonto National Forest determined that the level of significance reached a point that environmental analysis for travel management under an environmental impact statement (EIS) would be more appropriate. On February 1, 2013, a notice of intent to prepare an EIS was published in the Federal Register, initiating a 30-day scoping period that ended March 4, 2013.

Approximately 1,794 postcards and 1,673 emails were sent to interested and affected parties⁸. Approximately 120 replies were received, including 20 form letters from Rim County Riders ATV Club members.

Consultation and Communication with Tribes

Communication with Tribes interested and affected by travel management on the Tonto National Forest has been ongoing since 2009. The following is a list of the Tribes and Tribal communities that have provided comments about travel management and a summary of their issues and concerns:

- Fort McDowell Yavapai – supports closure of routes that access their adjacent reservation to protect from vandalism.
- Gila River Indian Community and Salt River Pima-Maricopa Indian Community – wants the forest to maintain existing roads as they are now, without adding roads or unauthorized routes, and focus on enforcement to protect heritage sites.
- Hopi – supports the most restrictive action for travel management, limiting motorized access, decreasing motorized route mileage, and prohibiting cross-country travel.
- San Carlos Apache Tribe – wants the identification and protection of historic sites, while allowing for continued access for Tribal members to sacred, holy, traditional, cultural, and heritage resource sites. They also encourage the forest to decommission all unauthorized routes and as many roads as possible.
- White Mountain Apache Tribe – wants all cultural heritage resources to be protected by closing routes and limiting motorized access in areas on the forest that are adjacent to tribal land.
- Yavapai Apache Nation and Tonto Apache Tribe – supports an action that is most restrictive for motorized access and use.
- Yavapai Prescott Indian Community – also supports an action that is most restrictive for motorized access and use.
- Ak-Chin Indian Community – supports a plan that will protect the land and wildlife from damage associated with motor vehicle use.

Issues Associated with Motorized Travel

Issues serve to highlight effects or unintended consequences that may occur from the proposed action and alternatives, giving opportunities during the analysis to reduce adverse effects and compare trade-offs for the decision maker and public to understand. Issues help set the scope of the actions, alternatives, and effects to consider in our analysis (Forest Service Handbook 1909.15.12.4).

Comments from the public and other agencies submitted during the scoping period were used to formulate issues concerning the Proposed Action. An issue is a point of dispute or disagreement with the Proposed Action based on some anticipated environmental effect. The interdisciplinary

⁸ There was duplication in some instances with the postcards and emails where individuals and groups received both notifications.

team separated the issues into two groups: significant and nonsignificant. Significant issues were defined as those directly or indirectly caused by implementing the Proposed Action.

Nonsignificant issues were identified as those:

- Outside the scope of the proposed action;
- Already decided by law, regulation, policy, the forest land and resource management plan, or other higher level decision;
- Irrelevant to the decision to be made; or
- Conjectural and not supported by scientific or factual evidence.

The Council on Environmental Quality NEPA regulations explains this delineation in Sec. 1501.7. “...identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review....”

Designation of Roads, Motorized Trails, and OHV Areas

1a. The amount of roads and motorized trails in the proposed action does not meet the current and future needs for motorized recreation and access throughout the Tonto National Forest.

Unit of measure: Miles of roads and trails designated open to motorized vehicles.

1b. The proposed action does not meet the needs for diverse motorized recreation opportunities.

Unit of measure: Miles of trails designated for the following motorized users: single track/motorcycle; ATV (less than 50 inches wide); UTV; or full-sized vehicles.

1c. Designation of roads and motorized trails would result in user conflict.

Unit of measure: Distance to nearest motorized road or trail and changes in recreation opportunities across the forest.

1d. Designation of roads, motorized trails, and OHV areas would result in impacts to water and soil resources.

Unit of measure: Miles, acres, and percentage of roads and areas related to watersheds and soil categories.

1e. Designation of roads, motorized trails, and OHV areas would result in impacts to wildlife habitat.

Unit of measure: Density of roads and motorized trails in all habitat types for threatened, endangered, and Forest Service sensitive species.

1f. Designation of roads, motorized trails, and OHV areas would result in impacts to cultural resources.

Unit of measure: Number of cultural resources impacted.

Motor Vehicle Use for Big Game Retrieval

- 2. Authorizing motorized big game retrieval off designated routes could impact water and soil resources, wildlife habitat, cultural resources, and nonmotorized recreational experiences.**

Unit of measure: Number of average off-road vehicular trips for motorized retrieval of big game by species, along with the potential acres allowed for motorized big game retrieval.

Motor Vehicle Use for Dispersed Camping

- 3a. Limiting motor vehicle use to access dispersed camping to a specific distance from designated roads or motorized trails or to designated dispersed sites may reduce dispersed camping opportunities, cause user conflict, and concentrate resource impacts.**

Unit of measure: Acres of designated camping corridors or designated dispersed camping sites.

- 3b. Motorized dispersed camping corridors allow motorized use in areas that can cause impacts to water and soil resources, wildlife habitat, and cultural resources.**

Unit of measure: Acres and intensity of designated motorized dispersed camping corridor use in sensitive wildlife habitat, riparian areas, and number of cultural resources impacted.

Chapter 2. Alternatives, Including the Proposed Action

Introduction

This chapter describes and compares the alternatives considered for the “Draft Environmental Impact Statement for Travel Management on the Tonto National Forest” (draft EIS). It includes a description and maps of each alternative considered. Based on the issues and concerns identified in public comment on the proposed action, the Forest Service developed two alternative proposals that achieve the purpose and need differently than the Proposed Action. In addition, the Forest Service is required to analyze a No Action alternative. The No Action, a modified proposed action replacing the original proposed action from the notice of intent to prepare an environmental impact statement, and two other action alternatives are described in detail in this chapter. In addition, alternatives considered but eliminated from detailed study are described.

This chapter also presents the alternatives in comparative form, defining the differences between each alternative and providing a clear basis for choice among options by the decision maker and the public. Some of the information used to compare the alternatives is based upon the design of the alternative and some of the information is based upon the environmental, social, and economic effects of implementing each alternative. These effects are discussed in detail in Chapter 3, by resource area.

Development of Alternatives

On February 1, 2013 the proposed action was scoped; it was modified from the proposed action in the draft environmental assessment (January 2012) in response to comments submitted. Starting in January 2013, Tonto National Forest engineering staff reviewed the existing road system being managed by the Tonto National Forest and developed a system for classifying roads to develop a desired road network from the engineering staff perspective.

A set of targeted questions was developed to provide a basis for a rationalized analysis to determine this desired road network using existing National Forest System road information, allowing for the differentiation of aspects of transportation routes that may exist and function solely as a motorized trail and those which provide administration as part of an engineered road system or primary transportation group⁹. Once nearly every road had been analyzed, the information was further reviewed on a district level, involving district rangers, Forest Service personnel familiar with the existing road and resource conditions, and Arizona Game and Fish Department Wildlife Managers whose wildlife management responsibilities overlapped with the corresponding district boundaries. This entire process took nearly four months, and allowed for the correction of some route alignment issues using aerial imagery gathered in 2012. The No Action Alternative, along with all the action alternatives, uses this corrected data. As a result of this process, Alternative C, a modified proposed action, replaced the original proposed action scoped in February 2013.

⁹ A detailed description of this analysis and the questions used for consideration of each route on the Tonto National Forest can be found in the Transportation Specialist Report, Appendix A, in the project record.

Alternatives Considered in Detail

The description of the four alternatives being analyzed, including the No Action, in this draft EIS are organized by six elements to help the reader understand the differences and similarities among them. These elements are:

Roads and Trails Designated for Motor Vehicle Use: According to the Travel Management Rule, a National Forest System road is defined as a “forest road other than a road which has been authorized by a legally documented right-of-way held by a State, county, or other local public road authority” (36 CFR 212.1). In addition, a road is defined as “a motor vehicle route over 50 inches wide, unless identified and managed as a trail” (36 CFR 212.1).

Areas Designated for Motor Vehicle Use (open to travel off designated motor vehicle use routes): According to the Travel Management Rule, an area is defined as “a discrete, specifically delineated space that is smaller, and in most cases much smaller, than a Ranger District” (36 CFR 212.1).

Permit Zones: Are unique to the Tonto National Forest and are a discrete area where effects from OHV use are negatively impacting resources, but complete exclusion to the area by OHV use is not desirable. Currently there is one permit zone on the Tonto National Forest. In a permit zone, cross-country travel is not allowed. Instead, motorized vehicle users are required to get a permit to access the area, which would have locked gates and barriers restricting nonpermitted access.

Currently, there is no limit to the number of permits available. To obtain a permit, users would either obtain one in person at a designated Forest Service office or via the Internet. In both situations, interested users would be required to provide information to acquire a permit and the combination to the locked access gates. Once the user is granted a permit, additional instructions and a map would be provided detailing specific routes open for motorized use and a description of the penalties associated with driving off of the designated routes or providing access to users without a valid permit. Permits are valid for 6 months, but users can reapply for a permit for an additional 6 months of permitted use.

Permits are not required for nonmotorized users such as equestrians and hikers. They may enter the zone through equestrian/ pedestrian gates. The number of permits issued for the Bulldog Canyon Permit Zone is estimated on average of 750 per month over the course of a year or 9,000 annually. During periods of high use (winter), permits issued can be up to 30-50 permits per day.

While there is research into the effectiveness of face-to-face communication in increasing compliance in federal land users (such as Marion and Reid, 2007; Park *et al.*, 2008; Roggenbuck, 1992), there is only anecdotal information regarding the improvement of resource conditions and their relationship to user compliance within the existing permit zone. Because of the lack of relevant quantitative or peer-reviewed qualitative analysis, roads and motorized trails within existing and proposed permit zones would not be treated differently than roads and motorized trails outside of these permit zones. This assumption will be used in the analysis for Chapter 3 of this document unless stipulations can be included in the permit as a form of mitigation (i.e., requiring vehicles to be washed clean of mud and plant debris that may result in the spread of noxious weeds).

Motor Vehicle Use for Big Game Retrieval: The Responsible Official may include in the designation the limited use of motor vehicles within a specified distance of designated routes, and if appropriate, within specified time periods solely for purposes of “...retrieval of a downed big game animal by an individual who has legally taken that animal” (36 CFR 212.51 (b)). Motorized off-road travel for other hunting activities, such as scouting or accessing hunting sites, would be prohibited.

Motor Vehicle Use for Dispersed Camping: Similar to big game retrieval using motor vehicles, the Responsible Official “may include in the designation the limited use of motor vehicles within a specified distance of certain designated routes, and if appropriate within specified time periods, solely for the purposes of dispersed camping...” (36 CFR 212.51 (b)).

Additional Information Pertaining to Motor Vehicle Use Designation: This section includes information about personal use fuelwood gathering. Currently, if a forest user receives a permit for personal use fuelwood, they are permitted to gather wood in specific areas during specified times (indicated by a packet with maps and regulations for gathering). The use of motorized vehicles to aid in the gathering of wood is not distance limited so long as the user is within the permitted area and not causing resources damage. Since most of the fuelwood gathering areas are within parts of the forest that are currently open to cross-country travel, designation of motor vehicle use for gathering will be analyzed in this draft EIS.

Alternative A – No Action

National Environmental Policy Act (NEPA) regulations require the no action alternative be included as a baseline for comparison to all action alternatives. This alternative proposes no change to the existing management of motorized travel on the Tonto National Forest.

Roads and Trails Designated for Motor Vehicle Use

Currently, the Tonto National Forest has management jurisdiction for approximately 5,000 miles of system roads¹⁰ across the entire forest. Table 2 shows the type of use associated with the road system on the Tonto National Forest¹¹. (Map A in the map packet shows the route system for this alternative.)

Table 2: Current Roads and Trails (No Action)

Type of Road/Trail	Miles
Roads Open to Passenger Vehicles (ML 3-5)	644.72
Roads Open to High Clearance Vehicles (ML 2)	2,307.67
Motorized Trails (Single Track)	0.00
Motorized Trails (General)	0.00

¹⁰ A more detailed discussion of the inconsistencies between what is in the Tonto National Forest databases for roads and trails and what is currently on the ground can be found in this chapter in Alternatives Considered but Eliminated from Detailed study.

¹¹ A detailed account of each route for the Tonto National Forest for the existing condition can be found in the project record.

Type of Road/Trail	Miles
Administrative Use Only Road (ML 2 – ML 5)	0.00
Administrative Use Only Motorized Trail	0.00
FS Roads Likely Open to Public, ML Unknown ¹²	2,006.20
Unauthorized (User Created)	672.34
Total Motorized Routes Open to Public	4,958.58
Total Motorized System	4,958.58

Since 2007, the Tonto National Forest has collected or received geographic information about unauthorized routes that are either obvious on the ground or are being used for motorized travel, totaling approximately 672 miles to date. There are also numerous routes existing on the Forest not accounted for in this document. Most of these routes include unauthorized travel for which the forest currently has no data and routes that have been created by repeated off-road travel in areas where cross-country travel was permitted or areas where cross-country travel was not permitted but existing prohibitions or enforcement of such prohibitions were not adequate. Without site-specific information about these routes, a quantitative analysis of their effects cannot be conducted in this draft EIS.

In addition to the mileage in Table 2, there are approximately 414 miles of roads that are within the forest boundaries but the forest does not manage, such as state highways and roads within private property. This data is not exhaustive, and as such, without site-specific information about these routes, a complete quantitative analysis of their effects cannot be conducted in this draft EIS.

Areas Designated for Motor Vehicle Use

Cross-country travel was restricted on the Cave Creek, Globe, Mesa, and Tonto Basin ranger districts per the Forest Plan, unless posted open. Other restricted areas across all ranger districts are closed to cross-country travel. These areas have been closed by the Forest Plan, previous Forest Closure Orders, and legislative actions, such as congressionally-designated wilderness.

There are currently no designated cross-country travel areas on the Tonto National Forest per the Travel Management Rule definition; however, approximately 703,618 acres of land are currently open for unrestricted motorized cross-country travel on the Payson and Pleasant Valley Ranger Districts. In addition, hunters that qualify for the Arizona Game and Fish Department CHAMP permit¹³, which may be issued to persons who have a permanent disability or combination of disabilities, are restricted to the same acreage as is currently open to cross-country travel.

¹² An explanation of these routes can be found in the Existing and Desired Conditions section of Chapter 1 of this document.

¹³ For more information about the CHAMP program with Arizona Game and Fish Department, go to [Arizona Game and Fish Department Special Licenses](#)

Permit Zones

There is currently one permit zone on the Tonto National Forest, the Bulldog Canyon OHV Area on the Cave Creek Ranger District, which is approximately 34,720 acres in size (Figure 2). Although the Bulldog Canyon OHV Area has “area” in the name, cross-country travel is not allowed. Instead, motorized vehicle users are required to get a permit to access the Bulldog Canyon OHV Area, which has locked gates and barriers restricting nonpermitted access. Motorized cross-country travel in the existing Bulldog Canyon OHV Area was restricted by *Forest Order No. 12-152*, due to considerable environmental damage occurring from uncontrolled vehicle use. The Order was signed by the Forest Supervisor on March 19, 1997, after completion of an environmental assessment. Findings of the analysis showed that uncontrolled vehicle use in Bulldog Canyon was contributing to significant soil and vegetation resource damage, but total closure was undesirable due to its proximity to the Phoenix metropolitan area.

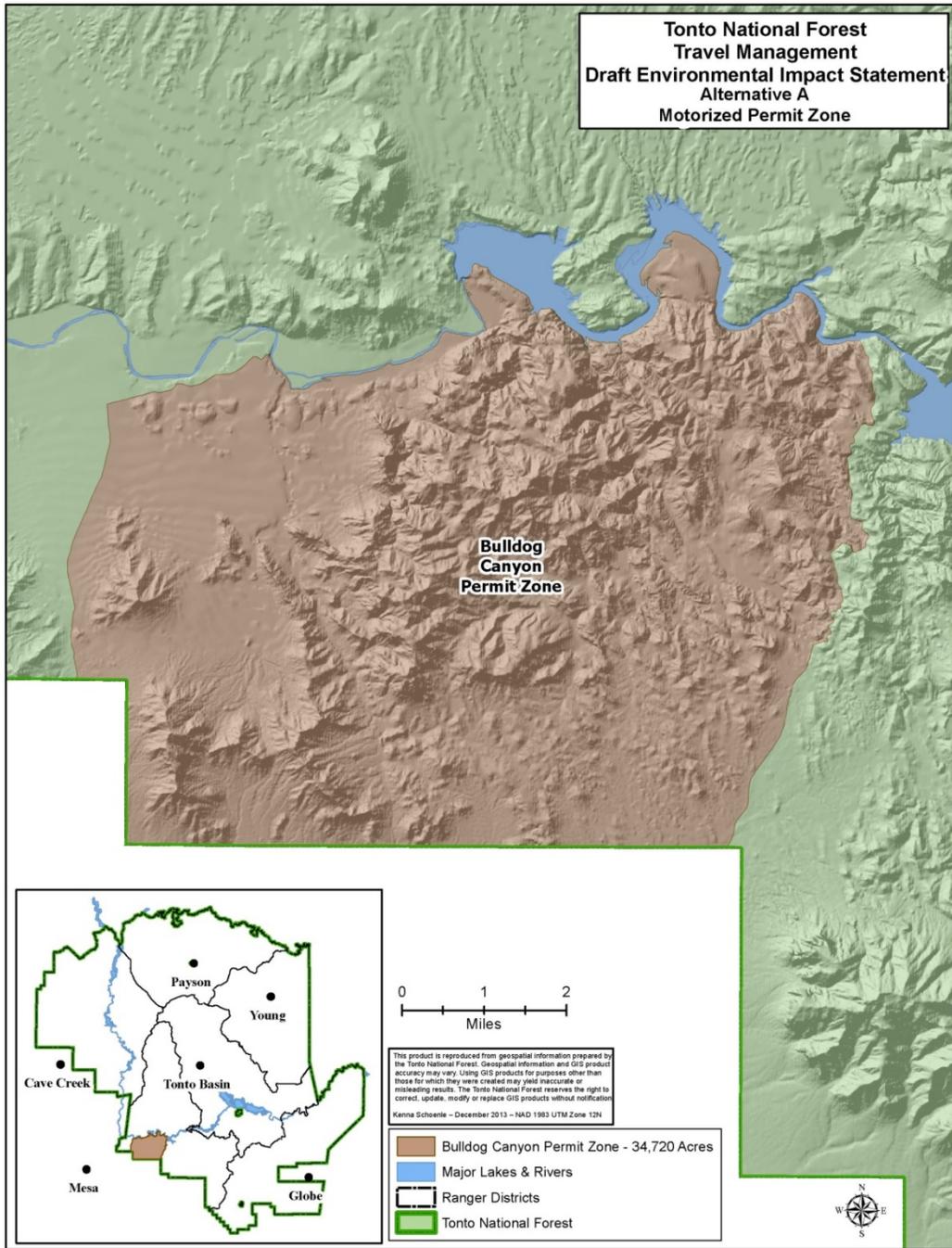


Figure 2: Map of Permit Zones for Alternative A

Motor Vehicle Use for Big Game Retrieval

The Arizona Game and Fish Department is the state agency responsible for managing game and nongame species in Arizona. The Tonto National Forest is divided into game management units, each of which has a different set of species and seasons that hunting can take place (Figure 3). Arizona Game and Fish Department manages the hunting and fishing license program along with providing programs targeted at conserving Arizona's diverse wildlife resources and managing for safe, compatible outdoor recreation opportunities.

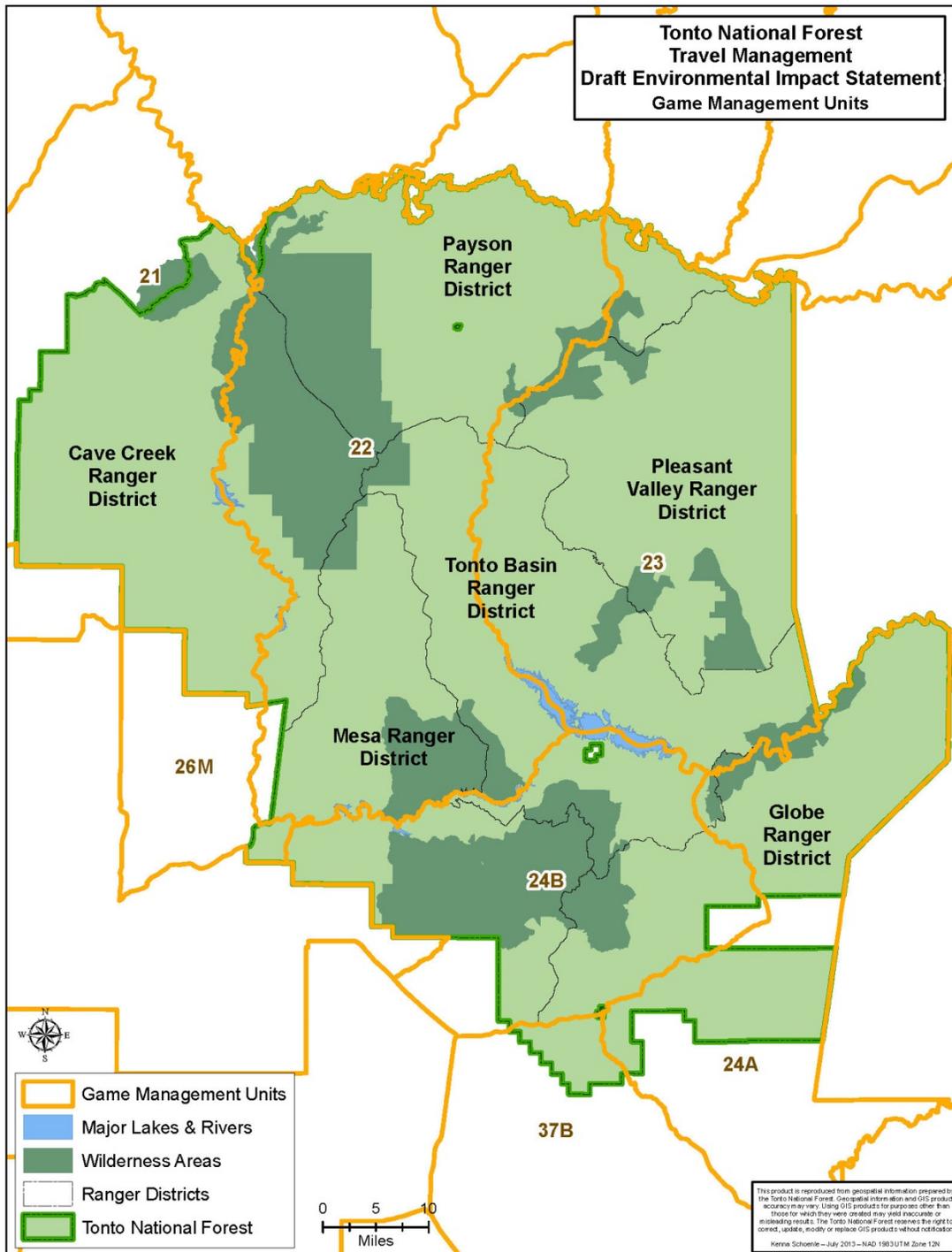


Figure 3: Map of Game Management Units Overlapping the Tonto National Forest

Currently, within the Payson and Pleasant Valley ranger districts, unless otherwise posted, motorized vehicles are allowed to travel cross-country for any number of activities, including retrieval of game (Figure 4). Hunters that qualify for the Arizona Game and Fish Department CHAMP permit¹⁴, which may be issued to persons who have a permanent disability or combination of disabilities, are restricted to the same acreage as is currently open to cross-country travel.

¹⁴ For more information about the CHAMP program with Arizona Game and Fish Department, go to [Arizona Game and Fish Department Special Licenses](#)

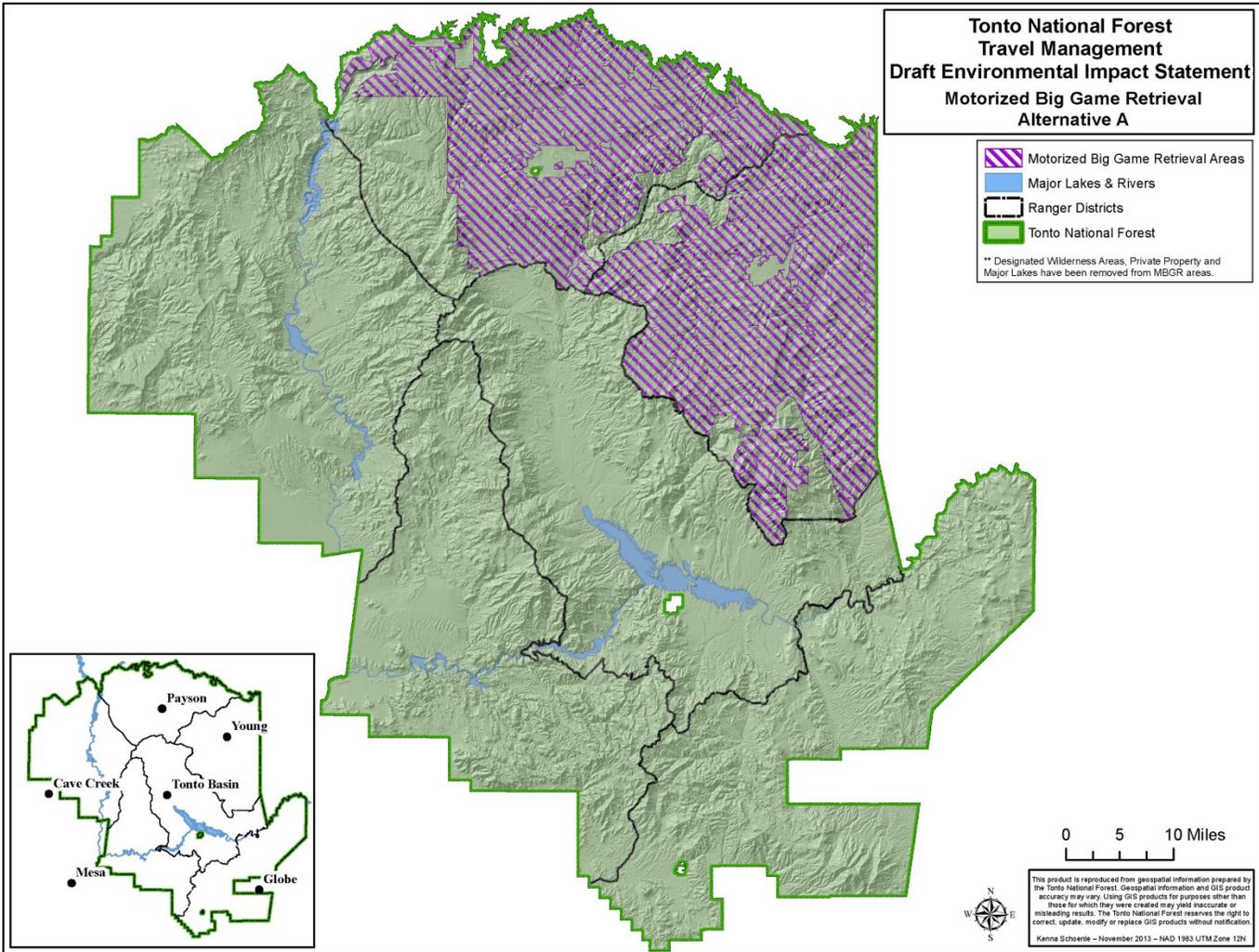


Figure 4: Map of Motorized Big Game Retrieval for Alternative A

In the remaining ranger districts, cross-country motorized travel is prohibited, unless posted open, and the current Forest Plan does not address a need for motorized big game retrieval. As a result, motorized vehicles are not allowed to travel cross-country for the purpose of retrieving downed game animals in most of the Cave Creek, Mesa, Globe, or Tonto Basin ranger districts. However, hunters may still unknowingly travel on unauthorized routes to retrieve game because of the current lack of signs on the ground or unintentionally taking a well-defined unauthorized route thinking it was a designated road on the current forest visitor map.

Motor Vehicle Use for Dispersed Camping

Use of motor vehicles off National Forest System roads to access campsites is a popular activity on the Tonto National Forest. In some instances, forest visitors park their vehicles at trailheads or roadside locations and hike to their camping spots. Others will drive cross-country to their desired camping spot, often with a recreational vehicle or camping trailer. Frequently-used dispersed campsites, where evidence of past use exists, are located along both National Forest System roads and unauthorized routes throughout the Forest. Currently, the distance traveled from existing roads to frequently-used dispersed campsites can vary depending on the terrain and proximity to water and shade trees. Based on knowledge from Forest Service law enforcement officers and Arizona Game and Fish Wildlife Managers, most of these dispersed campsites are within 300 feet of an existing road, including sites on the four districts where cross-country travel is currently prohibited. On the northern two ranger districts (Payson and Pleasant Valley), driving cross-country has been permitted regardless of the distance from an existing road (Figure 5). On the four southern ranger districts, driving off road is prohibited unless posted open and campers have been cited for driving off roads illegally.

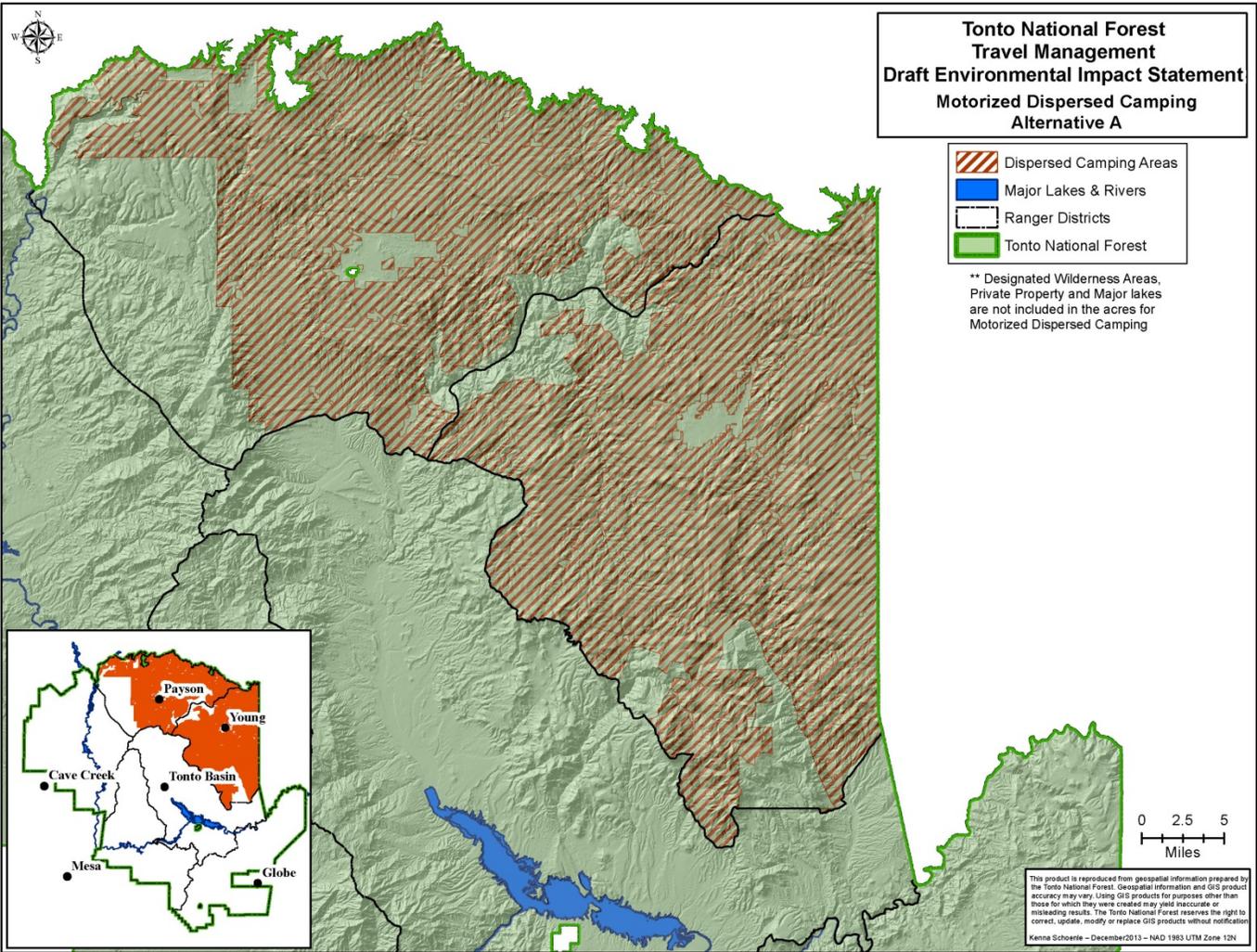


Figure 5: Map of Dispersed Camping for Alternative A

Within the last 15 years, Forest Service employees and contractors have mapped approximately 999 dispersed campsites within the Tonto National Forest¹⁵. This data was collected in a targeted manner, and is not an appropriate representation of dispersed camping within the Tonto National Forest. This data is not exhaustive, and as such, without site-specific information about existing dispersed sites that have yet to be mapped or recorded, a quantitative analysis of their effects cannot be conducted in this draft EIS. In addition, the data that has thus far been collected does not indicate the size or condition of the site. On the ground, most of the sites are the size of the disturbance associated with camping. Based on knowledge from Forest Service law enforcement officers and Arizona Game and Fish Wildlife Managers, these sites can range from less than 10 feet by 10 feet to an area approximately 100 feet across.

Additional Information Pertaining to Motor Vehicle Use Designation

Personal use fuelwood gathering and other forest products: Currently, permits for personal use fuelwood gathering are limited to the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts. Currently, this area is approximately 1,345,998 acres (Figure 6).

¹⁵ None of these inventoried dispersed camping sites are located in the Globe and Mesa ranger districts.

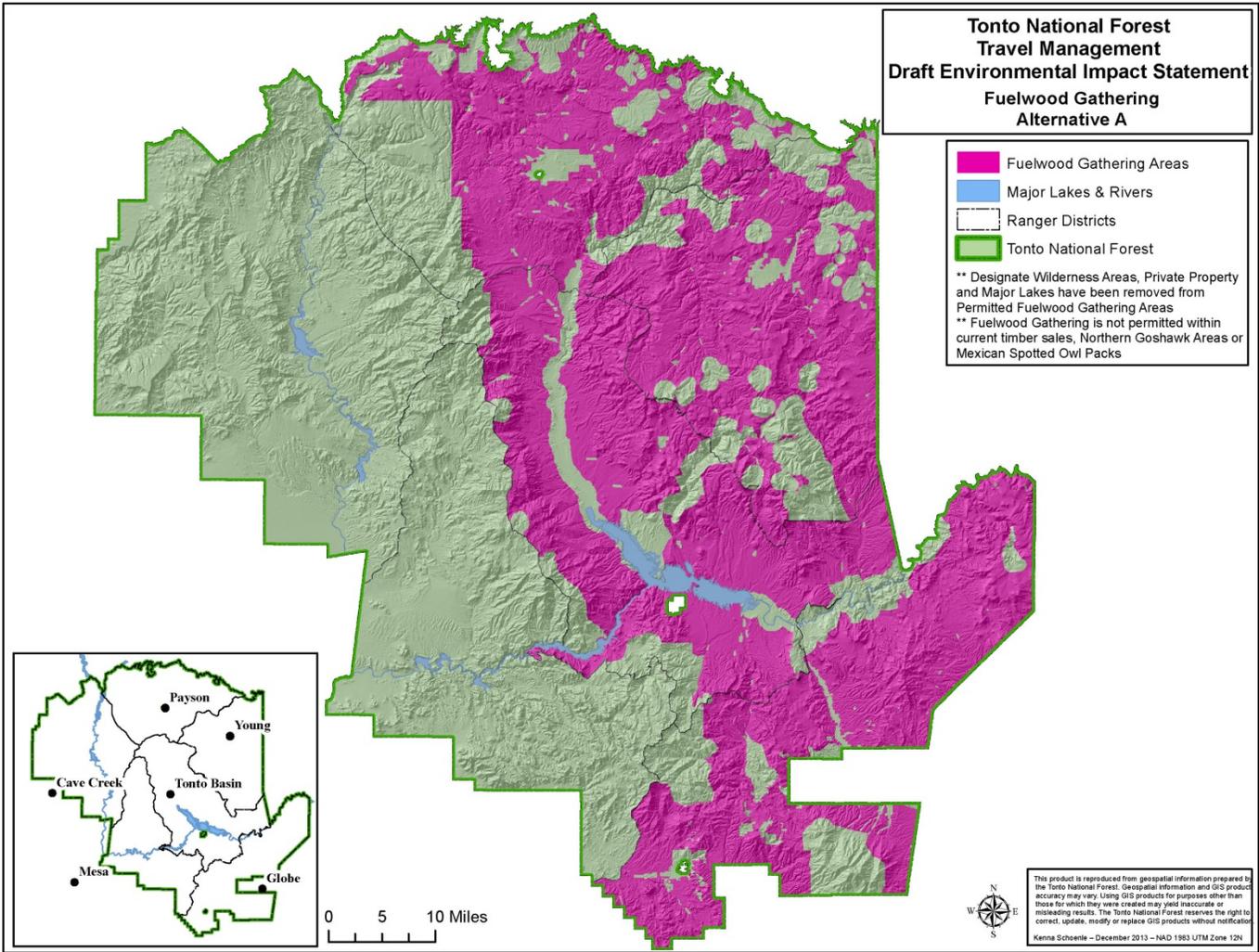


Figure 6: Map of Fuelwood Areas for Alternative A

Each year approximately 1,500 permits are issued and are for the Tonto National Forest only¹⁶. It does not allow cutting on other public land or on private land. Rules for permit holders include: Do not cut or remove wood from wilderness and experimental areas, campgrounds and picnic areas, restricted areas, administrative sites, ongoing commercial fuelwood or timber sales, special personal use areas, or nonharvest areas identified on the attached maps; and no fuelwood cutting is allowed on Mesa or Cave Creek ranger districts.

According to a Tonto National Forest silviculturist, the 2012 fuelwood gathering season ran from March 1 to December 31 (which is a standard season). During that time period, approximately 1,120 paid fuelwood permits for oak and juniper were issued, for a total volume of 4,484 hundred cubic feet. In addition, 296 free fuelwood permits for pinyon pine and ponderosa were issued, for a total volume of 1,184 hundred cubic feet.

Where fuelwood cutting is permitted, the following stipulations currently apply:

- Locate fuelwood before moving vehicle off route; take the most direct route to the product.
- Do not damage other vegetation in route to product location.
- Return to the designated road on the same direct path used; cover your route with slash or other available debris.
- If there is no good route; do not attempt to collect that fuelwood.
- Do not go off road when soils are wet or rutting may occur.

Additional forest products, such as seeds, cones, branches of shrubs, and driftwood, also need a permit to be gathered on the Tonto National Forest. The permits for most of these products are within existing permitted fuelwood gathering areas. Outside of these permitted areas, additional forest products would only be allowed using a motor vehicle on designated roads and in areas where motorized cross-country travel is permitted.

Collection of forest resources by tribal members: Currently, the policy (in compliance with the *American Indian Religious Freedom Act* and the U.S. Forest Service Policy toward American Indians and Alaska Natives (FSM 1563)) for the Tonto National Forest requires a permit for timber products to be used for religious purposes. No Forest Service permit is required for the collecting of minor quantities of medicinal and ceremonial plants, acorns, pinyon nuts, agave, tree boughs, water, plants, quartz crystals, other minerals, soil, invertebrate fossil remains, rocks, trees less than six feet in height, and other food plants or other resources for personal (noncommercial) use in traditional cultural or religious activities, provided those activities are in accordance with *Executive Order 13007*, applicable laws and regulations, and Forest Service policies regarding special forest products and botanical products. For tribal members, no artifacts or other cultural items or remains may be collected from archaeological sites without a permit. Motorized use for the gathering of forest resources is only allowed on designated roads. A permit does not allow cross-country vehicle travel.

¹⁶ There is currently not a limit to the number of permits issued.

Need to amend the Forest Plan to include language from the decision: Motorized travel currently follows the Forest Plan, forest order closures, and Congressional designations, such as wilderness areas. This alternative would result in no amendments to the Forest Plan.

Alternative B

This alternative provides less motorized access than the existing condition and the proposed action and was developed to address the following issues identified during the scoping of the proposed action:

- Designation of roads and motorized trails would result in user conflict;
- Designation of roads, motorized trails, and OHV areas would result in impacts to water and soil resources;
- Designation of roads and motorized trails would result in impacts to wildlife habitat;
- Designation of roads and motorized trails would result in impacts to cultural resources;
- Authorizing motorized big game retrieval off designated routes could impact water and soil resources, wildlife habitat, cultural resources, and nonmotorized recreational experiences; and
- Motorized dispersed camping corridors allow motorized use in areas that can cause impacts to water and soil resources, wildlife habitat, and cultural resources.

Roads and Trails Designated for Motor Vehicle Use

Alternative B would result in 2,367 miles of roads proposed for decommissioning; some of these roads may already be effectively obliterated on the ground from lack of use or due to previous road closure efforts (Table 3). For public access, approximately 894 miles of designated roads and 1,666 miles of motorized trails would be open; leaving approximately 144 miles of roads and 355 miles of motorized trails restricted to public motorized use but authorized for administrative use¹⁷ by the Forest Service or permitted activities. (Map B in the map packet shows the route system for this alternative.) Designated National Forest System roads within existing seasonal closure areas would be seasonally designated for motor vehicle use¹⁸.

Table 3: Roads and Trails for Alternative B

Type of Road/Trail	Miles
Roads Open to Passenger Vehicles	353.38
Roads Open to High Clearance Vehicles	540.13
Motorized Trails (Single Track)	1.12
Motorized Trails (General)	1,664.95
Administrative Use Only Road	144.30
Administrative Use Only Motorized Trail	355.04

¹⁷ Administrative use only means that motorized access is restricted, often with a locked gate, to Forest Service personnel or those that hold an authorized use permit to access the road or trail. These routes would not show up on the motor vehicle use map. Motorized user not authorized to be on these routes would be cited for being in violation.

¹⁸ A detailed account of each route for the Tonto National Forest for Alternative B can be found in the project record.

Type of Road/Trail	Miles
Closed	0.00
Decommissioned Routes	2,367.03
Total Motorized Routes Open to Public	2,559.57
Total Motorized System	3,058.90

Of the unauthorized roads inventoried, Table 4 shows the mileage and proposed designation for this alternative.

Table 4: Unauthorized Routes Proposed for Inclusion for Alternative B

Type of Road/Trail	Miles
Roads Open to Passenger Vehicles	4.12
Roads Open to High Clearance Vehicles	6.45
Motorized Trails (Single Track)	0.00
Motorized Trails (General)	0.00
Administrative Use Only Road	10.34
Administrative Use Only Motorized Trail	29.53
Total Motorized Open to Public	10.58
Total Miles Proposed for Inclusion	50.44

Areas Designated for Motor Vehicle Use

In this alternative, there would be no designation of OHV areas.

Permit Zones

For this alternative, there would be five permit zones where motorized vehicles have to stay on designated routes and cannot travel cross-country: Bulldog Canyon, Desert Vista, The Rolls, St. Clair, and Sycamore (Table 5 and Figure 7).

Table 5: Permit Zones for Alternative B

Name of Permit Zone	Ranger District	Acres
Bulldog Canyon	Mesa	34,720.0
Desert Vista	Cave Creek	33,479.3
The Rolls	Mesa	24,143.7
St. Clair	Cave Creek	24,454.9
Sycamore	Mesa	34,127.0
Total		150,924.9

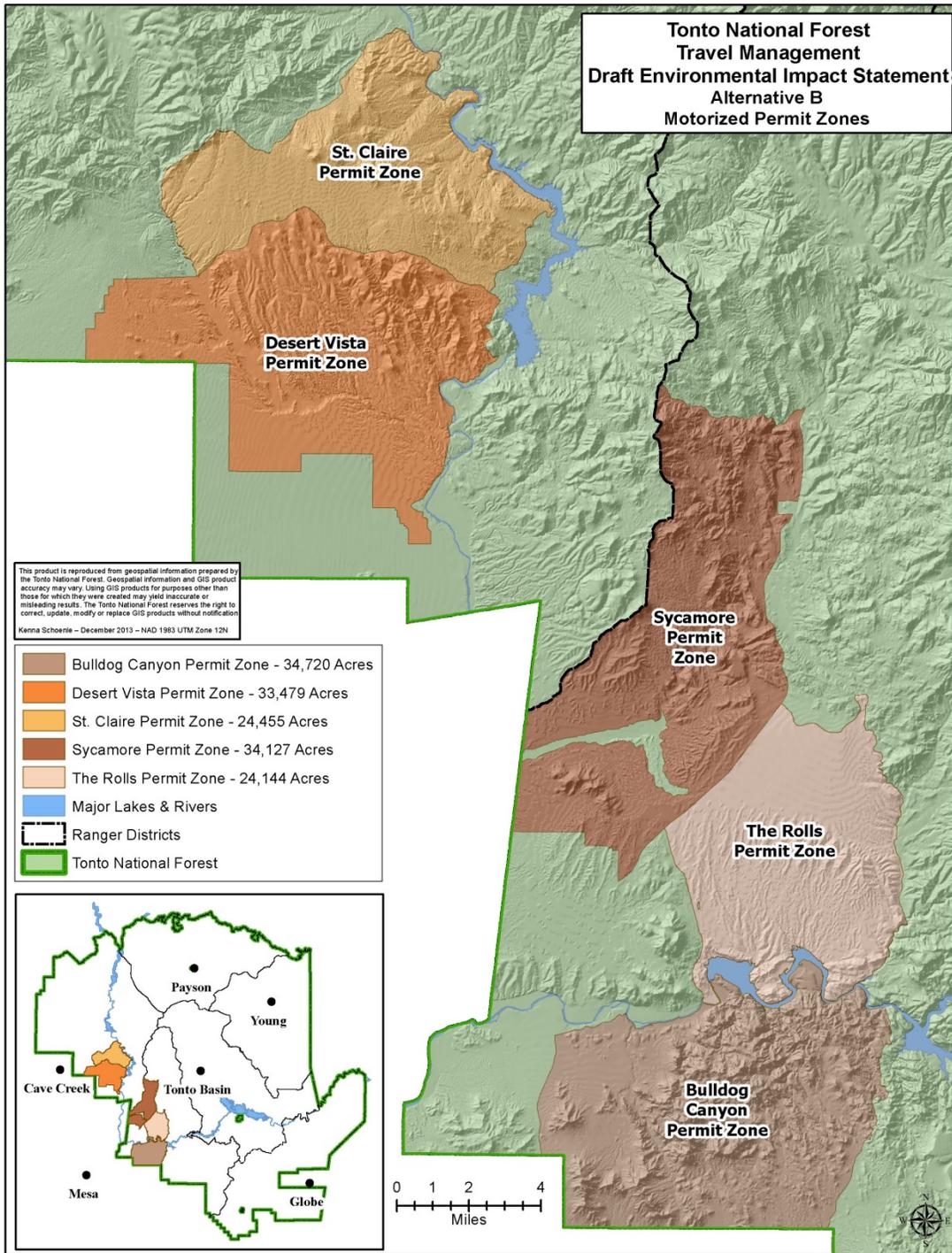


Figure 7: Map of Permit Zones for Alternative B

Motor Vehicle Use for Big Game Retrieval

No motorized cross-county travel would be allowed for the retrieval of any game species in this alternative.

Motor Vehicle Use for Dispersed Camping

Motorized access for dispersed camping in this alternative would be limited to designated dispersed sites that are accessible by a designated road or motorized trail. As indicated in the No Action Alternative (alternative A), Forest Service employees and contractors have mapped approximately 999 sites within the Tonto National Forest. However, not all of these sites would be designated in this alternative. Using a mapping exercise to draw a 50 foot buffer around these 999 sites, those that intersected designated routes for this alternative and were not within wilderness or private property would be designated as dispersed camping sites that can be accessed using a motor vehicle (Figure 8). Using this mapping exercise, 414 sites, totaling approximately 65 acres, would be designated for this alternative.

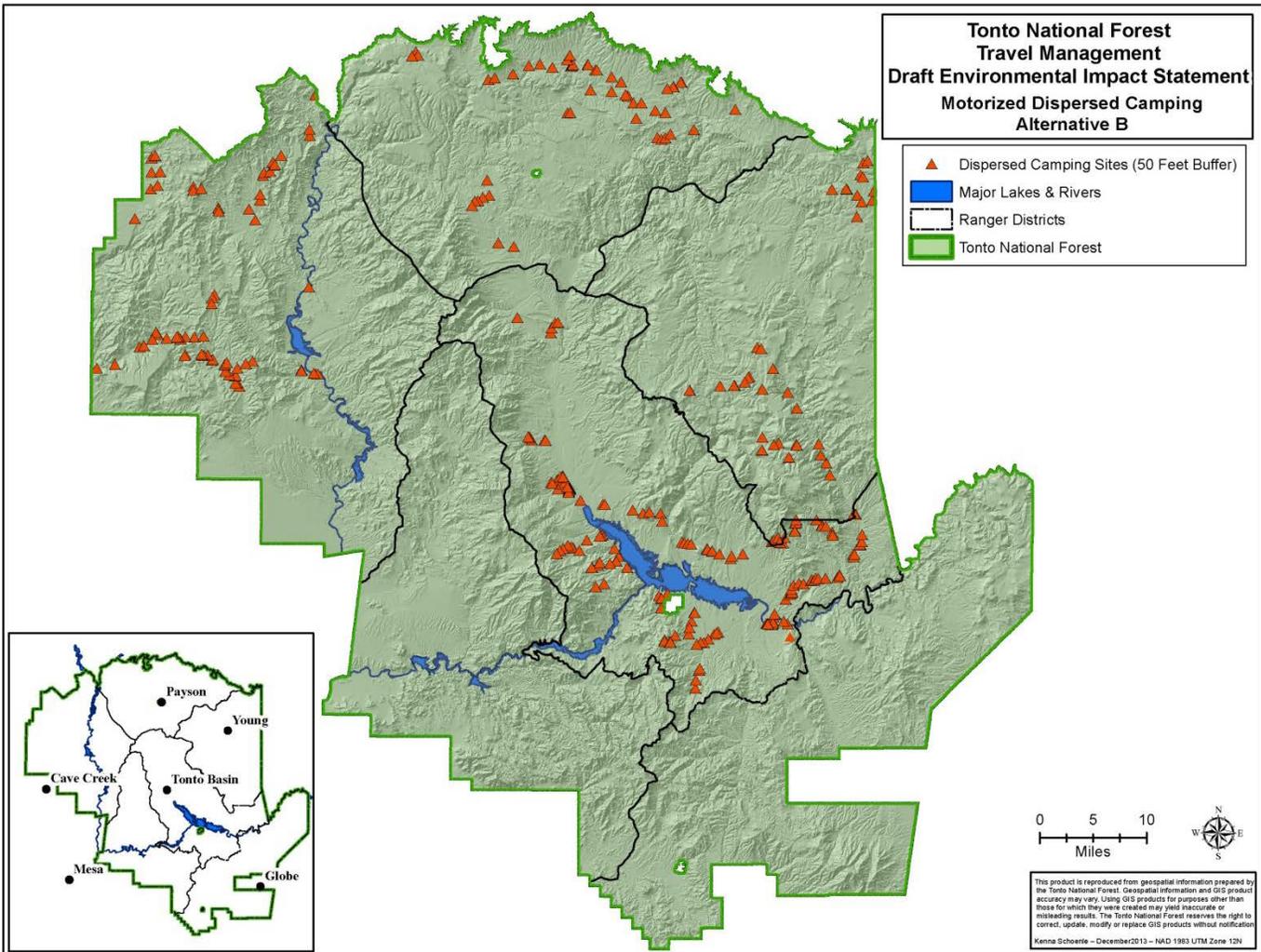


Figure 8: Map of Dispersed Camping for Alternative B

Additional Information Pertaining to Motor Vehicle Use Designation

Personal use fuelwood gathering: For some members of the public, especially those in remote towns located within the forest, fuelwood gathering on public lands is necessary to provide heat and a means for preparing food. As such, the use of a motorized vehicle for the purpose of collecting fuelwood would be permitted within 300 feet of a designated road or motorized trail within a woodcutting permit area, resulting in approximately 132,568 acres¹⁹ (Figure 9).

¹⁹ For the purpose of this analysis, all currently foreseeable fuelwood gathering permit areas are represented. However, in practice, these areas are not all open for use every year; this is dependent on existing vegetation conditions and the need to decrease dead and down material.

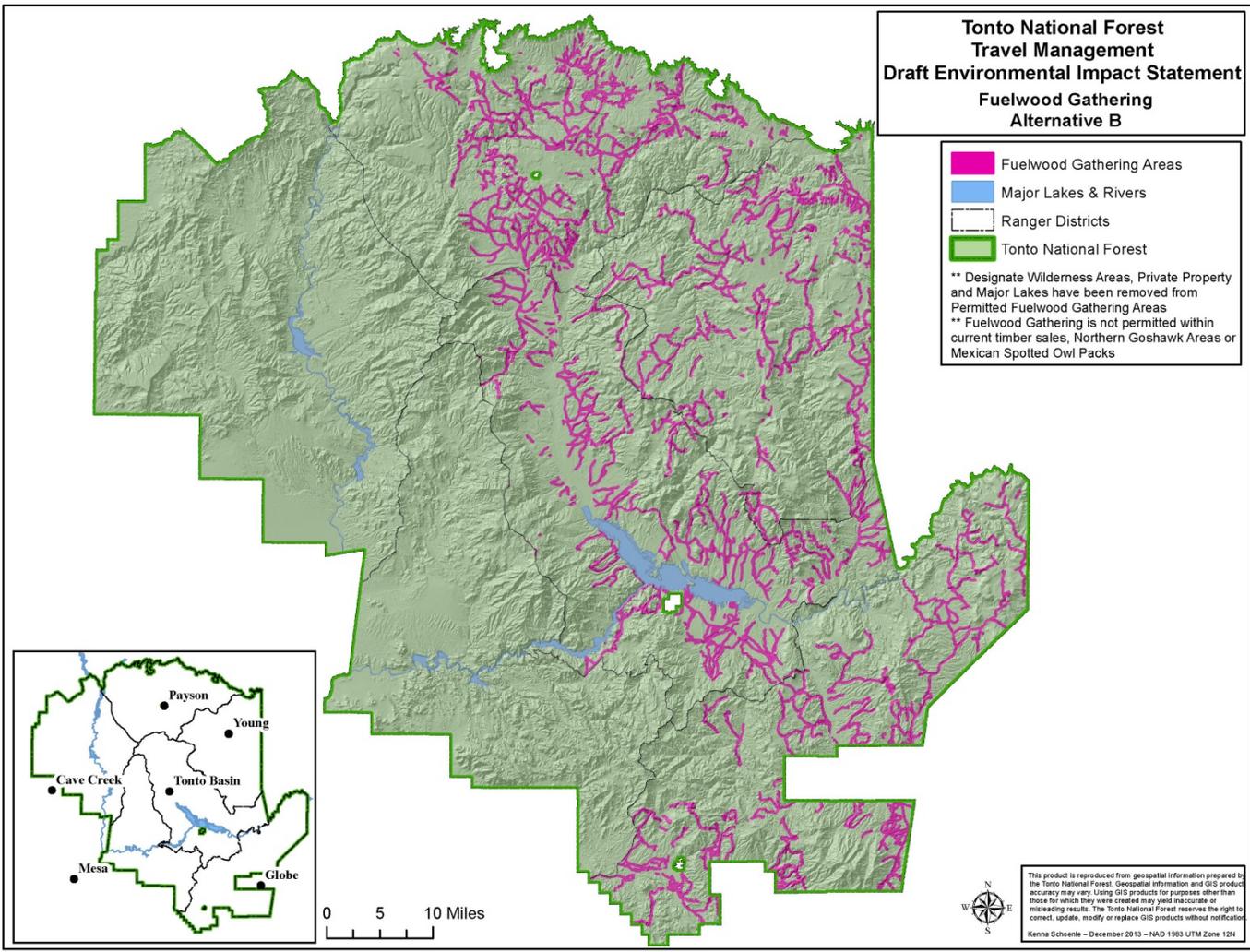


Figure 9: Map of Fuelwood Areas for Alternative B

Each year approximately 1,500 permits are issued and are for the Tonto National Forest only. Under this alternative, there is no quantitative information available that would indicate that the number of permits issued would change, either increasing or decreasing.

Collection of forest resources by tribal members: For Alternative B, there would be no change from the existing condition.

Need to amend the Forest Plan to include language from the decision: Alternative B would require the Forest Plan to be amended. A table summarizing the proposed changes to the forest plan is in Appendix A.

Alternative C

This alternative is a modified version of the proposed action scoped in February 2013 and was modified in response to comments received thus far in the project, along with feedback from Arizona Game and Fish Department, a Cooperating Agency for this project. The most notable change from the February 2013 proposed action is the designation of motorized trails for vehicles over 50 inches in width. Many comments came in indicating the need for motorized routes that provide a challenge and a range of opportunity greater than what ML 2 roads traditionally do. The ability to “rock crawl” and experience the opportunity to “conquer rough terrain” are potential elements that are not usually present on ML 2 roads that could be provided by the designation of motorized trails. Commenters also indicated that they would be inclined to volunteer with maintenance needs on motorized trails if they met the recreation needs, a Forest Service program called “Adopt a Trail.” Finally, comments received also indicated the need for retrieval of bear using a motor vehicle²⁰.

Alternative C also reflects changes that resulted from a review of the Tonto National Forest road system. This information was further reviewed on a district level, involving district rangers, Forest Service personnel familiar with existing road and resource conditions, and Arizona Game and Fish Department Wildlife Managers whose wildlife management responsibilities overlapped with the corresponding district boundaries. This process allowed for the correction of alignment of roads using aerial imagery gathered in 2012, as reflected in this alternative. In addition, roads that were incorrectly identified as a higher maintenance level were corrected when possible to reflect the current and desired use. More information on these changes is available in the project record.

Roads and Trails Designated for Motor Vehicle Use

Alternative C would result in 1,290 miles of roads proposed for decommissioning; some of these roads may already be effectively obliterated on the ground from lack of use or due to previous road closure efforts (Table 6). For public access, approximately 1,340 miles of designated roads and 2,230 miles of motorized trails would be open; leaving approximately 166 miles of roads and 399 miles of motorized trails restricted to public motorized use but authorized for administrative use²¹ by the Forest Service or permitted activities. (Map C in the map packet shows the route

²⁰ Additional information and justification for the inclusion of bear can be found in the Game and Nongame section of Chapter 2 of this document.

²¹ Administrative use only means that motorized access is restricted, often with a locked gate, to Forest Service personnel or those that hold an authorized use permit to access the road or trail. These routes would not show up on the motor vehicle use map. Motorized users not authorized to be on these routes would be cited for being in violation.

system for this alternative.) Designated National Forest System roads within existing seasonal closure areas would be seasonally designated for motor vehicle use²².

Table 6: Roads and Trails for Alternative C

Type of Road/Trail	Miles
Roads Open to Passenger Vehicles	544.47
Roads Open to High Clearance Vehicles	795.70
Motorized Trails (Single Track)	78.42
Motorized Trails (General)	2,150.94
Administrative Use Only Road	165.79
Administrative Use Only Motorized Trail	398.58
Closed	0.00
Decommissioned Routes	1,289.80
Total Motorized Open to Public	3,569.52
Total Motorized System	4,133.90

Of the unauthorized roads inventoried, Table 7 shows the mileage and proposed designation for this alternative.

Table 7: Unauthorized Routes Proposed for Inclusion for Alternative C

Type of Road/Trail	Miles
Roads Open to Passenger Vehicles	4.12
Roads Open to High Clearance Vehicles	6.45
Motorized Trails (Single Track)	72.59
Motorized Trails (General)	206.71
Administrative Use Only Road	10.75
Administrative Use Only Motorized Trail	29.53
Total Motorized Open to Public	289.88
Total Miles Proposed for Inclusion	330.16

Areas Designated for Motor Vehicle Use

In this alternative, motorized cross-county travel would be limited to four areas (Table 8 and Figure 10): The area around Bartlett Lake (Cave Creek Ranger District) between the variable

²² A detailed account of each route for the Tonto National Forest Alternative C can be found in the project record.

water level and the high water mark²³; Golf Course (Globe Ranger District); the area around Roosevelt Lake (Tonto Basin Ranger District) between the variable water level and the high water mark²⁴; and Sycamore (Mesa Ranger District) totaling approximately 6,779 acres. In addition, commenters indicated the need to provide an opportunity for youth riders just learning OHV use and safety. To address this need, there are four proposed “tot lots” totaling approximately 12 acres. These areas would be limited to children and would allow them to learn to ride without the presence of other motorized users.

Table 8: OHV Areas for Alternative C

Name of OHV Areas	Ranger District	Acres
Bartlett Lake	Cave Creek	922.2
Golf Course	Globe	17.3
Roosevelt Lake	Tonto Basin	4,507.6
Sycamore	Mesa	1,331.9
Tot Lot Areas		
532	Cave Creek	0.8
Sycamore	Mesa	3.0
The Rolls	Mesa	6.0
Wildcat	Cave Creek	1.6
Total		6,790.4

²³ Some areas between the high water mark and the water will be prohibited to cross-country motorized travel to protect resources and to depict places where natural barriers and topography make motorized travel dangerous.

²⁴ Ibid

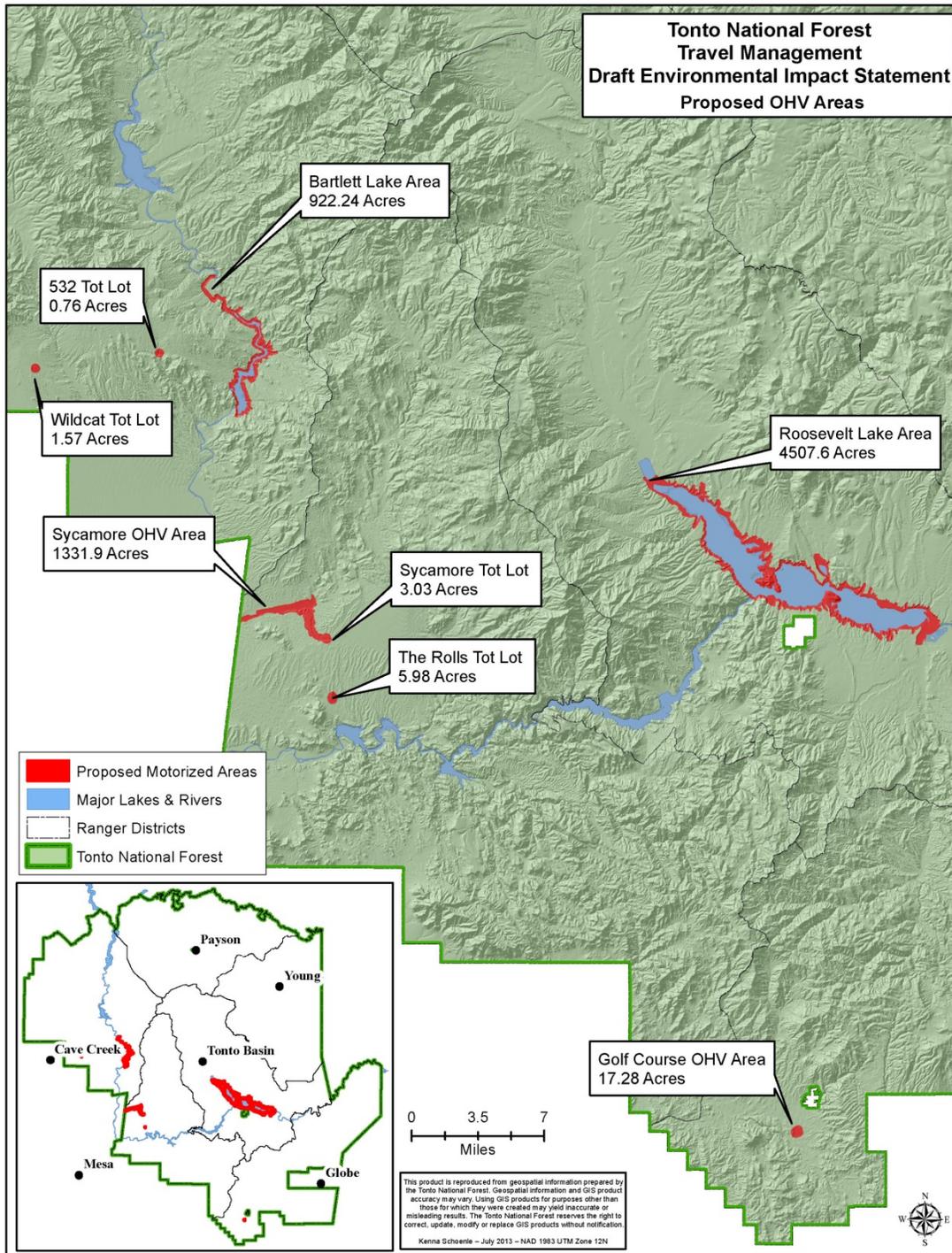


Figure 10: Map of OHV Areas for Alternatives C

Permit Zones

For this alternative, there would be four permit zones²⁵ where motorized vehicles have to stay on designated routes and cannot travel cross-country: Bulldog Canyon (Mesa Ranger District); Desert Vista (Cave Creek Ranger District); The Rolls (Mesa Ranger District); and St. Clair (Cave Creek Ranger District) (Table 9 and Figure 11).

Table 9: Permit Zones for Alternative C

Name of Permit Zone	Ranger District	Acres
Bulldog Canyon	Mesa	34,720.0
Desert Vista	Cave Creek	33,479.3
The Rolls	Mesa	24,143.7
St. Clair	Cave Creek	24,454.9
Total		116,798

²⁵ The Sycamore OHV Permit Zone was removed from this alternative in response to input questioning the ability to effectively implement controlled access for this area.

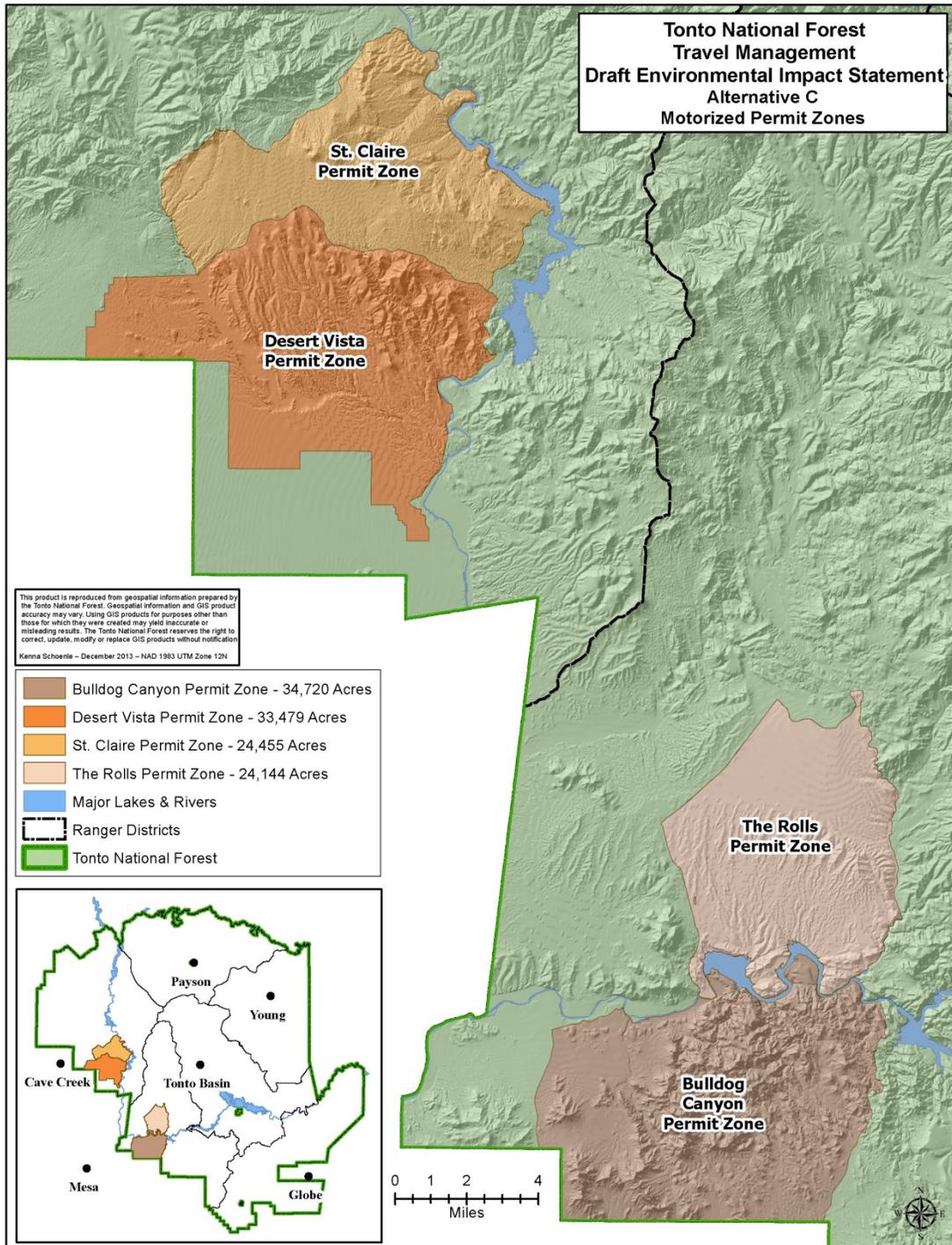


Figure 11: Map of Permit Zones for Alternative C

Motor Vehicle Use for Big Game Retrieval

Alternative C would allow motor vehicle use, up to one mile on both sides of all designated roads and motorized trails, solely for retrieving legally harvested elk and bear for all hunts²⁶.

Limitations to this corridor would be within congressionally designated areas where motorized travel is not permitted and other areas that would remain closed from existing closure orders. This results in approximately 1,293,178 acres where motorized retrieval would be permitted (Figure 12).

²⁶ Within this corridor, Arizona Game and Fish Department CHAMP holders would be permitted to hunt and retrieve per [Arizona Game and Fish Department Special Licenses](#) accessed May 16, 2013. Based on 2012 data provided by the Arizona Game and Fish Department (manger of the program), approximately 81 CHAMP permits were issued for game management units on the Tonto National Forest.

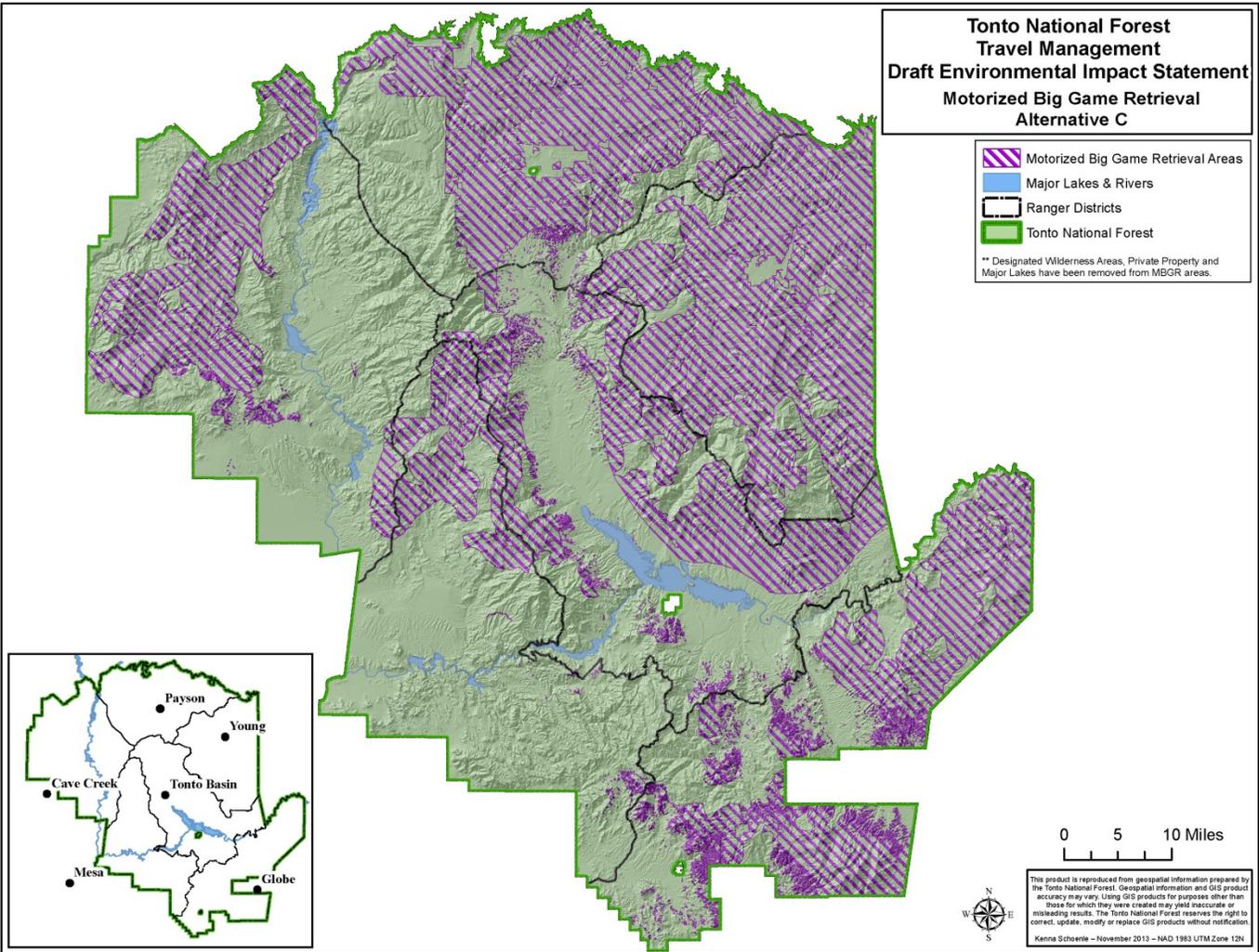


Figure 12: Map of Motorized Big Game Retrieval for Alternative C

The Arizona Game and Fish Department conducted an analysis to approximate the number of individuals that may use motorized big game retrieval on the Tonto National Forest for elk and bear²⁷ to assist in the understanding of the intensity of retrieval using a motorized vehicle off designated roads and motorized trails for this alternative.

Table 10 shows the approximate number of motorized trips that would be taken yearly, based on game management unit²⁸ and species.

Table 10: Retrieval of Elk and Bear Data for Alternative C

Game anagement Unit	Elk	Bear
21	*	0.90
22	103.02	2.74
23	90.58	9.16
24A	*	2.37
24B	*	0.40
37B	*	0.00
Total	193.60	15.57

*Permits for hunting elk are not issued for these units or elk harvested on the Tonto National Forest portions of these units and subsequent motorized big game retrieval is negligible.

Motor Vehicle Use for Dispersed Camping

Alternative C would allow motor vehicle use, up to 100 feet on both sides of all designated roads and motorized trails, for accessing dispersed camping sites (Figure 13). Limitations to this corridor would be in congressionally designated areas where motorized travel is not permitted and other areas that would remain closed from existing closure orders. For this alternative, an area of approximately 91,391 acres will be analyzed for the effects of motor vehicle use for dispersed camping.

²⁷ For a more detailed description of this analysis, see the Arizona Game and Fish Department Specialist Report in the project record.

²⁸ A map showing the game management units within the Tonto National Forest can be found in the description of Alternative A in this chapter

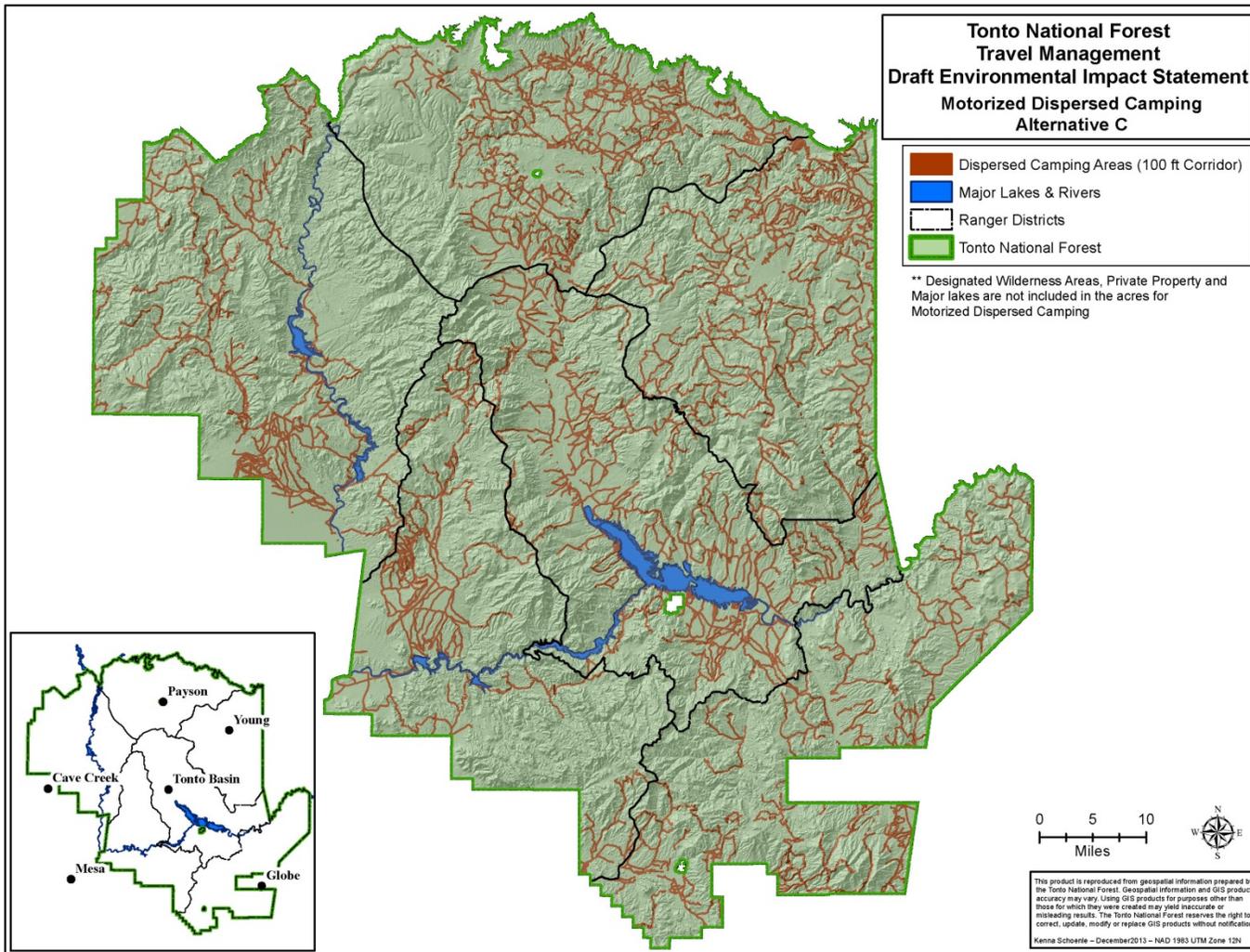


Figure 13: Map of Dispersed Camping Corridors for Alternative C

Additional Information Pertaining to Motor Vehicle Use Designation

Personal use fuelwood gathering: Alternative C would limit the use of a motorized vehicle for the purpose of collecting fuelwood to within 300 feet of a designated road or motorized trail within a woodcutting permit area, resulting in approximately 161,785 acres²⁹ (Figure 14).

²⁹ For the purpose of this analysis, all currently foreseeable fuelwood gathering permit areas are represented. However, in practice, these areas are not all open for use every year; it is dependent on existing vegetation conditions and the need to decrease dead and down material.

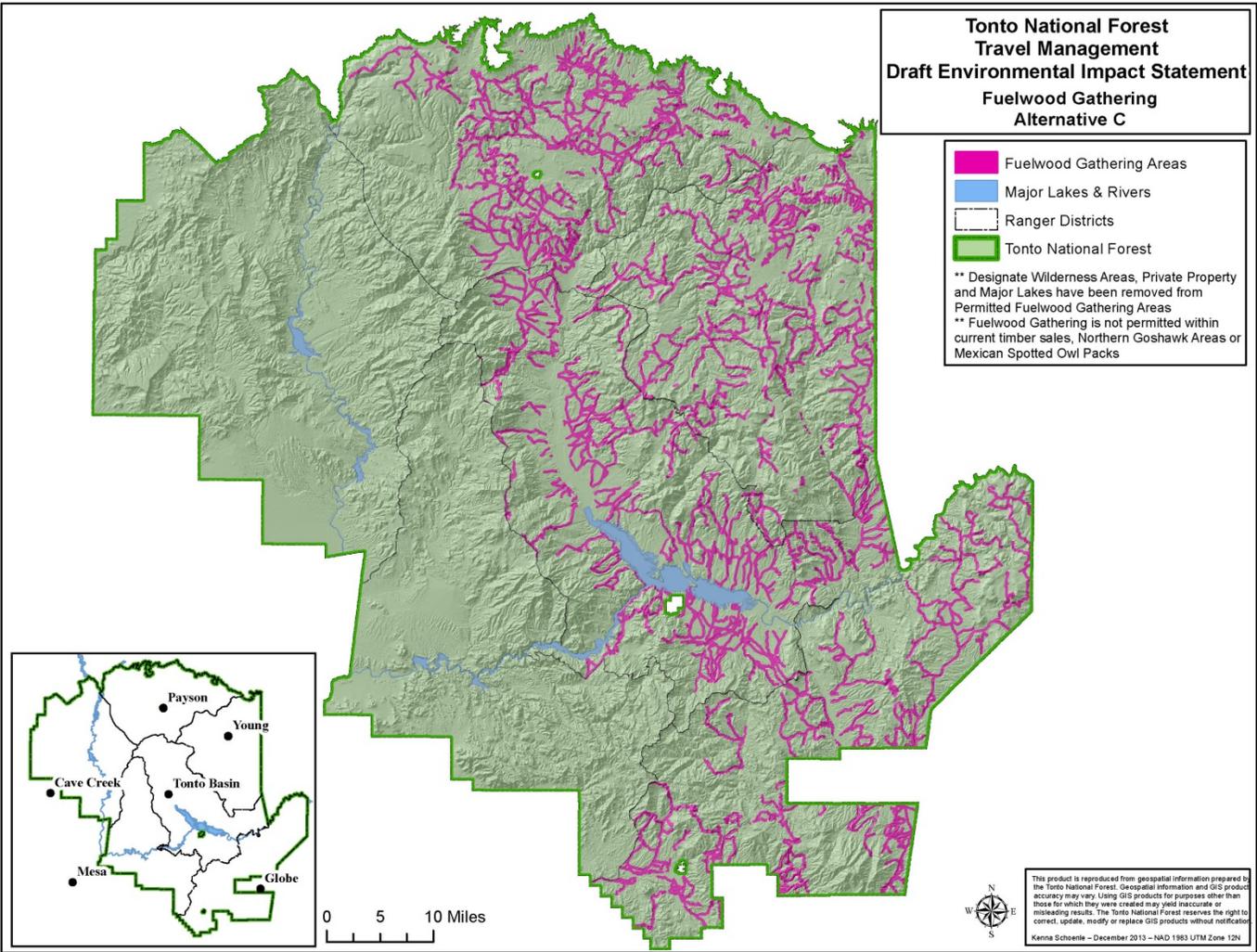


Figure 14: Map of Fuelwood Areas for Alternative C

Each year approximately 1,500 permits are issued and are for the Tonto National Forest only. Under this alternative, there is no quantitative information available that would indicate that the number of permits issued would change, either increasing or decreasing.

Additional forest products, such as seeds, cones, branches of shrubs, and driftwood, also need a permit to be gathered on the Tonto National Forest. In this alternative, collection of these products using a motor vehicle would only be permitted on designated roads and motorized trails.

Collection of forest resources by tribal members: For Alternative C, there would be no change from the existing condition.

Need to amend the Forest Plan to include language from the decision: Alternative C would require the Forest Plan to be amended. A table summarizing the proposed changes to the forest plan is in Appendix A.

Alternative D

This alternative provides more motorized access than the existing condition and the proposed action and was developed to address the following issues identified during the scoping of the proposed action:

- The amount of roads and motorized trails in the proposed action does not meet the current and future needs for motorized recreation and access throughout the Tonto National Forest;
- The proposed action does not meet the needs for diverse motorized recreation opportunities; and
- Limiting motorized access to dispersed camping to 30 feet from designated roads may reduce dispersed camping opportunities, cause user conflict, and concentrate resource impacts.

Roads and Trails Designated for Motor Vehicle Use

Alternative D would result in 194 miles of roads proposed for decommissioning; some of these roads may already be effectively obliterated on the ground from lack of use or due to previous road closure efforts (Table 11). For public access, approximately 3,347 miles of designated roads and 1,520 miles of motorized trails would be open; leaving approximately 49 miles of roads and 297 miles of motorized trails restricted to public motorized use but authorized for administrative use³⁰ by the Forest Service or permitted activities. (Map D in the map packet shows the route system for this alternative.) Designated National Forest System roads within existing seasonal closure areas would be seasonally designated for motor vehicle use³¹.

³⁰ Administrative use only means that motorized access is restricted, often with a locked gate, to Forest Service personnel or those that hold an authorized use permit to access the road or trail. These routes will not show up on the motor vehicle use map. Motorized users not authorized to be on these routes will be cited for being in violation.

³¹ A detailed account of each route for the Tonto National Forest for the Alternative D can be found in the project record.

Table 11: Roads and Trails for Alternative D

Type of Road/Trail	Miles
Roads Open to Passenger Vehicles	546.97
Roads Open to High Clearance Vehicles	2,798.91
Motorized Trails (Single Track)	102.74
Motorized Trails (General)	1,410.72
Administrative Use Only Road	49.27
Administrative Use Only Motorized Trail	296.54
Closed	0.00
Decommissioned Routes	201.22
Total Motorized Open to Public	4,859.34
Total Motorized System	5,205.15

Of the unauthorized roads inventoried, Table 12 shows the mileage and proposed designation for this alternative:

Table 12: Unauthorized Routes Proposed for Inclusion for Alternative D

Type of Road/Trail	Miles
Roads Open to Passenger Vehicles	4.77
Roads Open to High Clearance Vehicles	131.20
Motorized Trails (Single Track)	96.22
Motorized Trails (General)	320.26
Administrative Use Only Road	0.11
Administrative Use Only Motorized Trail	30.97
Total Motorized Open to Public	552.45
Total Miles Proposed for Inclusion	583.52

Areas Designated for Motor Vehicle Use

In this alternative, motorized cross-county travel would be limited to the same four areas and four “tot lots” that are being proposed in Alternative C.

Permit Zones

For this alternative, there would be one permit zone, the currently existing Bulldog Canyon Permit Zone on the Mesa Ranger District, totaling approximately 34,720 acres (Figure 15).

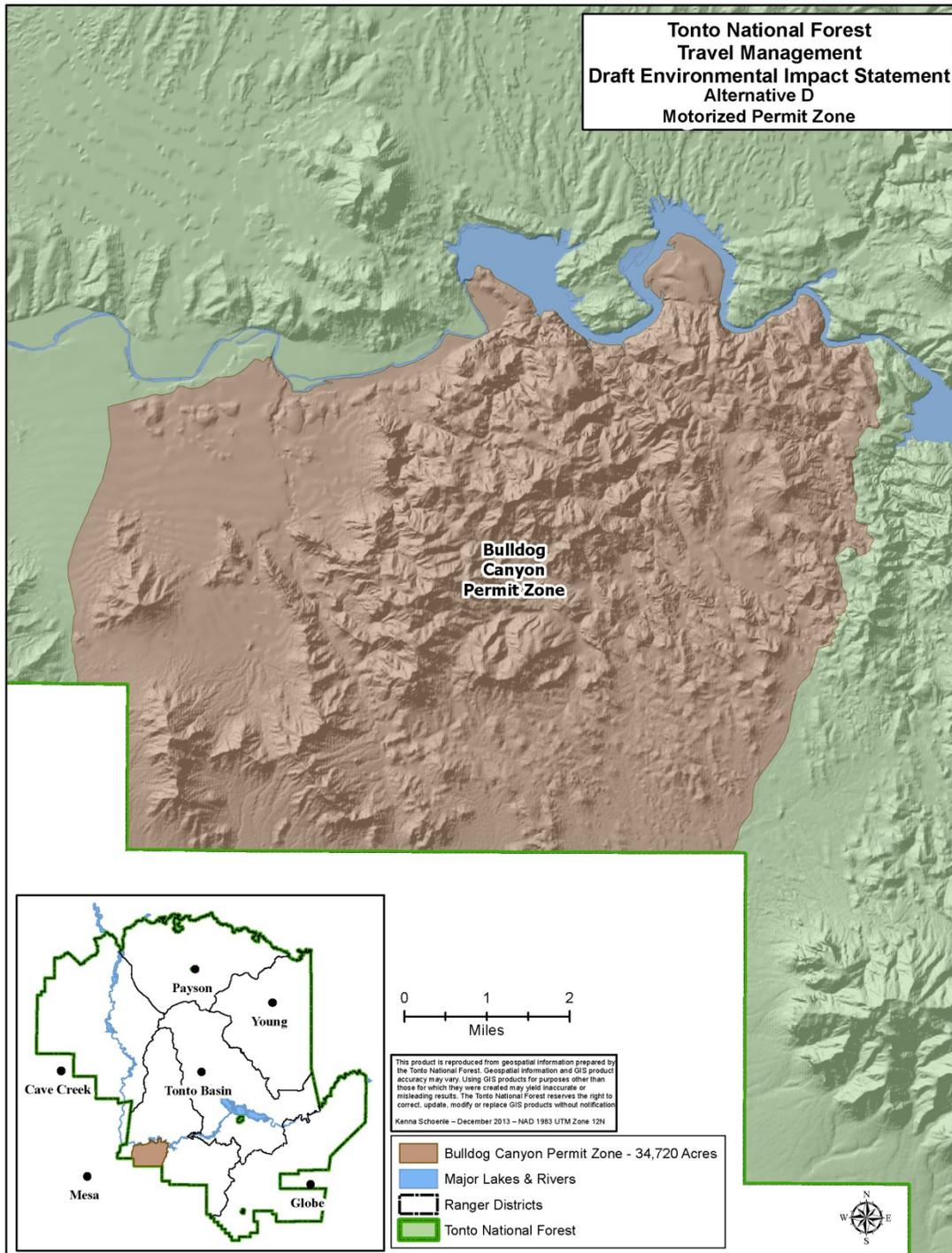


Figure 15: Map of Permit Zones for Alternative D

Motor Vehicle Use for Big Game Retrieval

Alternative D would allow motor vehicle use, up to one mile on both sides of all designated roads and motorized trails, solely for retrieving legally harvested mule deer, white tail deer, elk, and bear for all hunts³². Limitations to this corridor would be within congressionally designated areas where motorized travel is not permitted and other areas that would remain closed from existing closure orders. This results in approximately 2,068,208 acres where motorized retrieval would be permitted (Figure 16).

³² Within this corridor, Arizona Game and Fish Department CHAMP holders would be permitted to hunt and retrieve per [Arizona Game and Fish Department Special Licenses](#) accessed May 16, 2013.

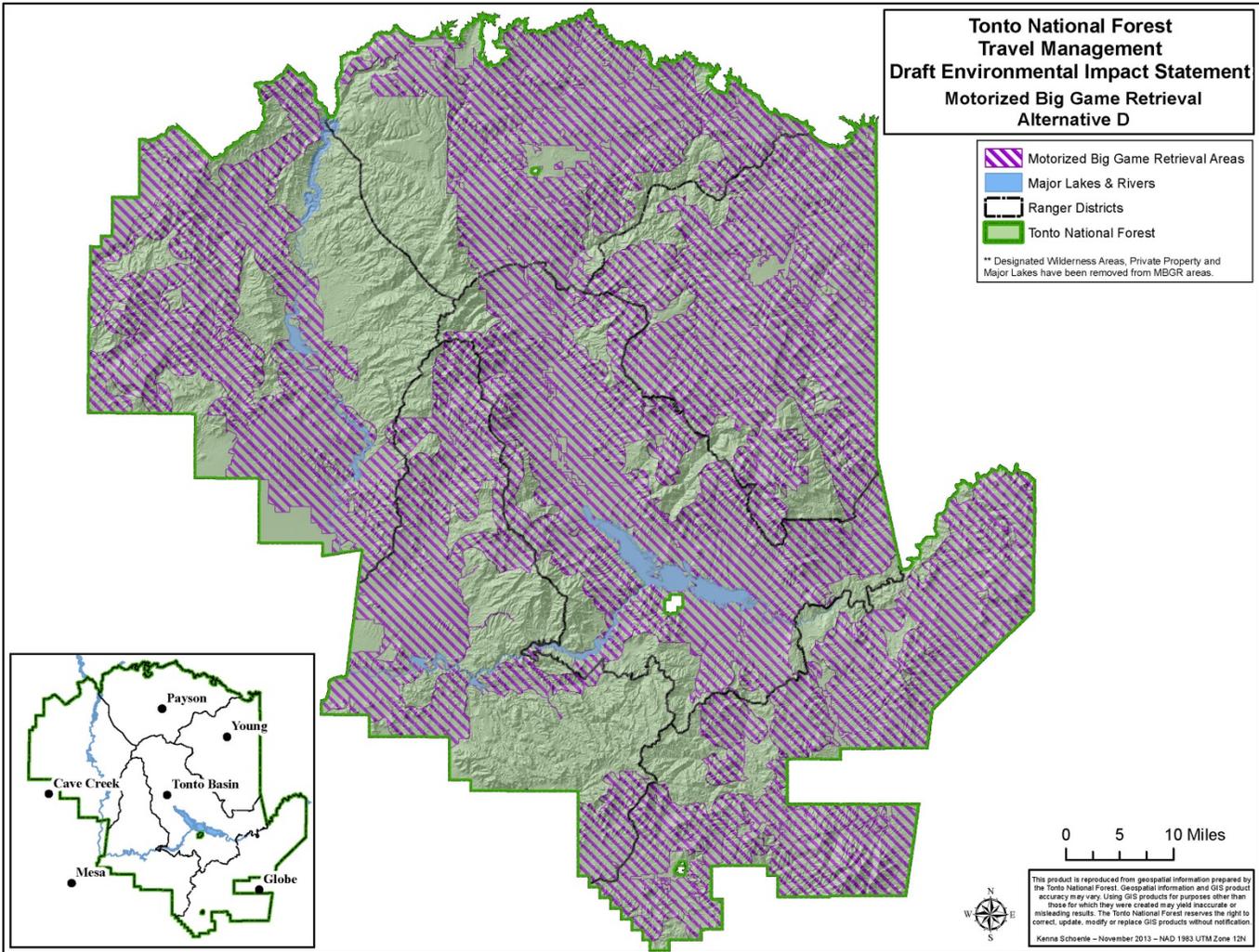


Figure 16: Map of Motorized Big Game Retrieval for Alternative D

Table 13 shows the approximate number of motorized trips that would be taken yearly³³, based on game management unit³⁴ and species.

Table 13: Retrieval of Mule Deer, Whitetail Deer, Elk, and Bear Data for Alternative D

Game Management Unit	Mule Deer	Whitetail Deer	Elk	Bear
21	25.86	20.08	*	0.90
22	22.36	44.39	103.02	2.74
23	52.41	65.93	90.58	9.16
24A	14.57	43.29	*	2.37
24B	18.61	32.32	*	0.40
37B	1.39	0.06	*	0.00
Total	135.26	206.07	193.60	15.57

*Permits for hunting elk are not issued for these units or elk harvested on the Tonto National Forest portions of these units and subsequent motorized big game retrieval is negligible.

Motor Vehicle Use for Dispersed Camping

Alternative D would allow motor vehicle use, up to 300 feet on both sides of designated roads and motorized trails, for accessing dispersed camping sites. Limitations to this corridor would be in congressionally designated areas where motorized travel is not permitted and other areas that would remain closed from existing closure orders. For this alternative, an area of approximately 336,038 acres will be analyzed for the effects of motorized travel in relationship to dispersed camping (Figure 17).

³³ For a more detailed description of this analysis, see the Arizona Game and Fish Department Specialist Report in the project record.

³⁴ A map showing the game management units within the Tonto National Forest can be found in the description of Alternative A in this chapter

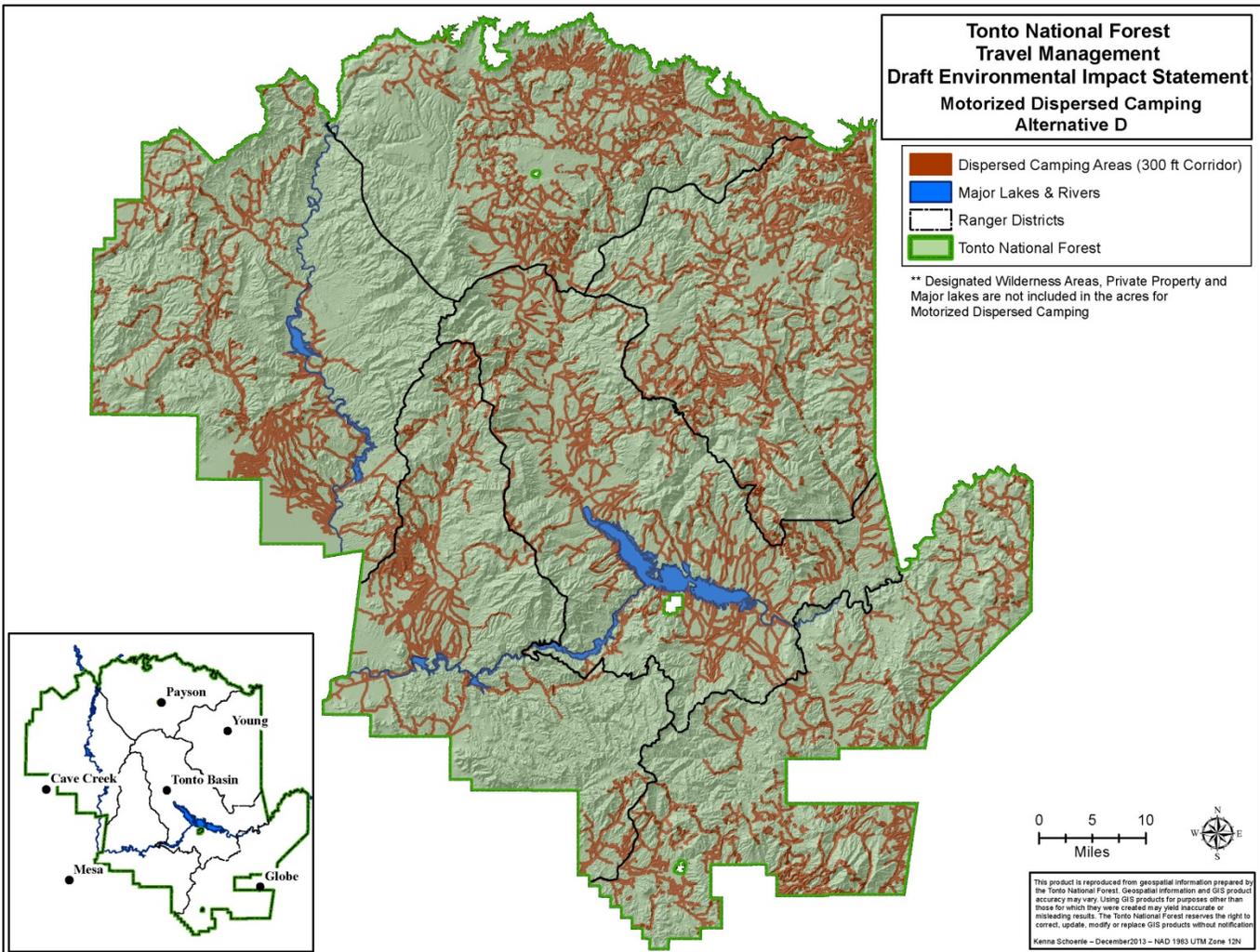


Figure 17: Map of Dispersed Camping Corridors for Alternative D

Additional Information Pertaining to Motor Vehicle Use Designation

Personal use fuelwood gathering: Alternative D would not limit the use of a motorized vehicle for the purpose of collecting fuelwood to those that have a personal use fuelwood cutting permit so long as they are within a woodcutting permit area. Just like the No Action Alternative, this area is approximately 1,345,998 acres³⁵ (Figure 18).

³⁵ For the purpose of this analysis, all currently foreseeable fuelwood gathering permit areas are represented. However, in practice, these areas are not all open for use every year; it is dependent on existing vegetation conditions and the need to decrease dead and down material.

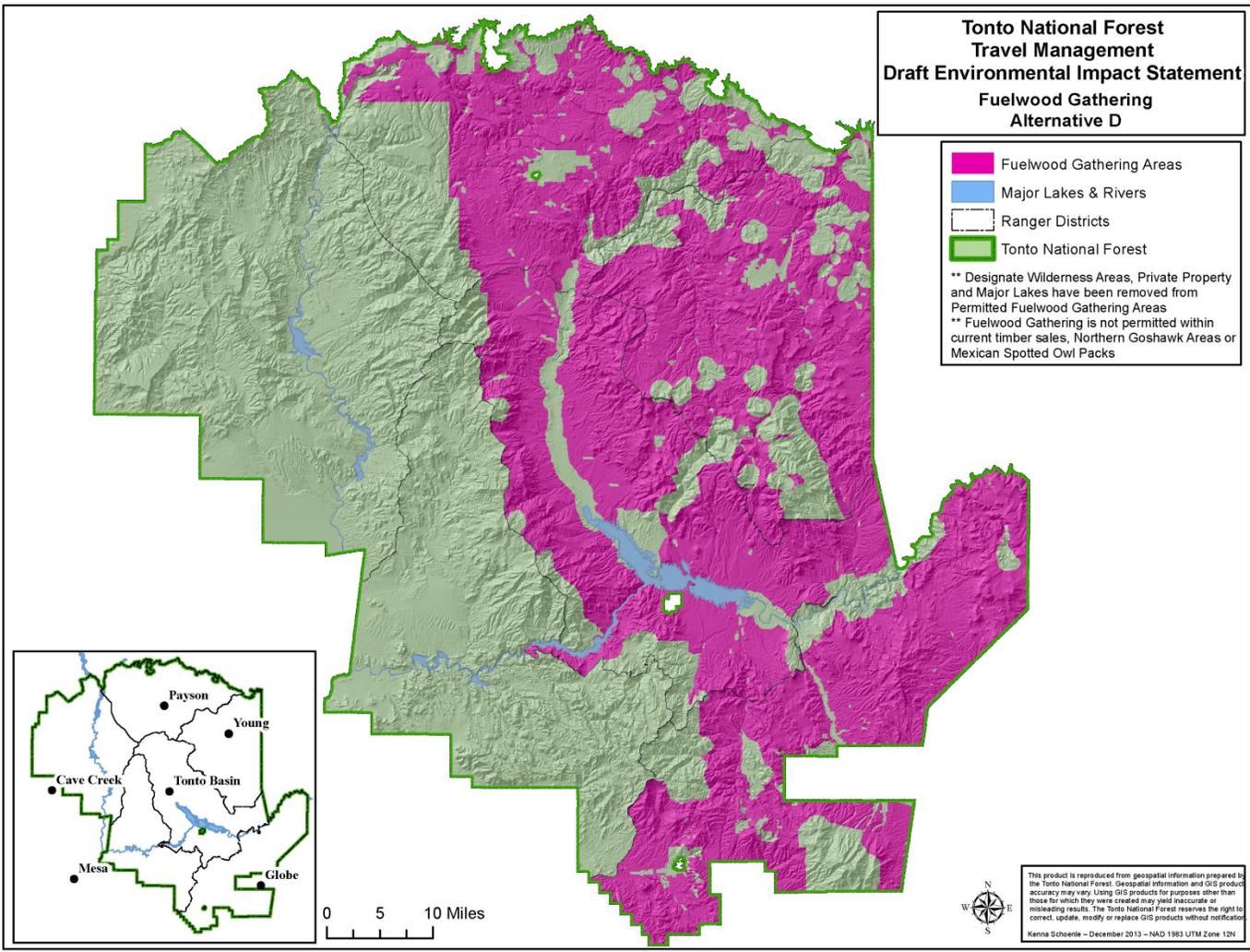


Figure 18: Map of Fuelwood Areas for Alternative D

Collection of forest resources by tribal members: For Alternative D, there would be no change from the existing condition.

Need to amend the Forest Plan to include language from the decision: Alternative D would require the Forest Plan to be amended. A table summarizing the proposed changes to the forest plan is in Appendix A.

Alternatives Considered but Eliminated from Detailed Study

The National Environmental Policy Act requires Federal agencies to rigorously explore and objectively evaluate all reasonable alternatives and to briefly discuss the reasons for eliminating any alternatives that were not developed in detail (*40 CFR 1502.14*). Public comments received in response to the proposed action provided suggestions for alternative methods for achieving the purpose and need. Some of these alternatives may have been outside the scope of the designation of roads, trails, and areas for motorized travel and the prohibition of cross-country travel on the Tonto National Forest, duplicative of the alternatives considered in detail, or determined to be components that would cause unnecessary environmental harm. Therefore, a number of alternatives were considered but dismissed from detailed consideration for reasons summarized below.

Original Proposed Action Published in the Federal Register

On February 1, 2013, a notice of intent to prepare an environmental impact statement was published in the *Federal Register*. The original proposed action would result in approximately 3,812 miles of designated NFS roads and trails and 1,411 acres of designated areas open to motor vehicles on the Tonto National Forest, with approximately 280 miles of user-created routes added to the forest transportation system. Specifically, approximately 2,567 miles of roads would be open to high clearance vehicles and approximately 967 miles would be open to passenger vehicles and approximately 1,187 miles of roads would be designated for administrative use only. Approximately 251 miles would be open to off-highway vehicle (OHV) travel only.

In addition, approximately 1,417 acres of designated areas would be open to motor vehicles use. Motorized retrieval of big game species would be limited to one mile on both sides of designated roads to retrieve a downed elk or bear only by an individual who has legally taken the animal. Motorized travel for the purpose of dispersed camping would not be allowed off designated roads and trails. Vehicles would be allowed to park one vehicle length, or up to 30 feet, from the edge of the designated road or trail.

Rationale for Elimination

This alternative was eliminated and replaced with alternative C, described in detail in this chapter, after considering all comments received thus far and a review of the existing road system using updated aerial imagery. The original proposed action scoped in 2013 was eliminated for the following reasons:

- Technical errors were found in the data within this alternative. Errors included such things as: missing Forest Service constructed routes, wrong alignment, length errors,

maintenance level identification, and incorrect jurisdiction identification. Technical errors have been corrected in the other action alternatives.

- Errors were found in the proposal (e.g., the proposed action originally proposed to close routes that were identified as a need by the public or forest staff for administrative uses or to access private inholdings).
- Distinctions between the original proposed action and Alternative C are not clear enough to show a major difference.
- All of the elements of the proposed action can be found in the other action alternatives.

Development of Existing Condition from Current Database

Currently, National Forest System roads are those identified with a road maintenance level in the Forest's road management records (call the Infrastructure or "Infra" database). This database was established to track and report on road management and maintenance level costs for Forest access and recreation. Though this database is updated regularly, it was never previously used to manage motor vehicle access on the Forest. The database had previously been used to identify a maintenance level for each road. Thus roads not receiving maintenance by the Forest Service and all motorized trails were often not included in the Infra database. On many forests, such as the Coconino National Forest, the Infra database was used as a template to identify the known road system, but was strongly supplemented with route information from public and agency input and site visits. The Infra database for the Tonto National Forest does not reflect the current condition to such a magnitude that it cannot be used as the existing condition.

Rationale for Elimination

On the Tonto National Forest, use of data in the Infra database as the current, existing condition would not provide a representative baseline from which to analyze because of actions that were taken, or often not taken, in tracking the current road system, as described below:

The 1985 Tonto National Forest Land and Resource Management Plan (Forest Plan): The Forest Plan indicated that the road and trail system at the time was "substandard" and that road maintenance needed to be at a level that provided for user safety and protection of investments, soil, and water resources. Substandard roads would be closed. The plan also listed road system miles by road maintenance levels; defining maintenance levels as follows (pp. 10-11):

- Level 1 (242 miles): "Roads are not open to traffic; they are maintained to protect the road investment and its surrounding resources. These roads may be opened for a specific activity and returned to Level 1 upon completion of the project."
- Level 2 (2246 miles): "Roads are maintained open for limited passage of traffic. Roads in this maintenance level are primitive type facilities intended for high clearance vehicles. Passenger car traffic is not a consideration."
- Level 3 (480 miles): "Roads are maintained open and safe for travel by a prudent driver in a passenger car. However, user comfort and convenience is not considered a priority."
- Level 4 (140 miles): "Roads are maintained to provide a moderate degree of user comfort and convenience at moderate travel speeds."

- Level 5 (95 miles): “Roads are maintained to provide a high degree of user comfort and convenience. These roads are normally two lanes with aggregate or paved surface.”

Resource Access-Travelway Management: After the decision on the Forest Plan, Tonto National Forest personnel conducted an intensive analysis of all inventoried roads on the forest, called the Resource Access-Travelway Management (RATM) process. A decision memo to implement the process was signed by the Forest Supervisor in 1990. The decision included miles of road system by road maintenance levels, including miles of roads to be obliterated: Level 1—1,906 miles; Level 2—2,198 miles; Level 3—399 miles; Level 4—83 miles; Level 5—77 miles; and Obliterated—13 miles. Once the RATM decision was signed, the information was documented in the Transportation Information Systems Database.

The information from the Transportation Information Systems Database was then exported into the Infra database concurrent with the development and implementation of the I-Web computerized tracking program and geographic information system (GIS) currently used. The management decisions recorded in Transportation Information Systems Database and transferred to I-Web program are assumed to be a direct relation to the decisions of the RATM process. Changes which were recorded in the I-Web modules post transition from Transportation Information Systems Database also occurred and are assumed to have been based on District and Line Officer decisions as well as refinement of the datasets in GIS.

Guidelines for Road Maintenance Levels (Forest Service Handbook 7709.58): Direction for road maintenance and its existing condition perceived to be applied from a management and maintenance standpoint is referred to as the operational maintenance level. Future desired condition of the management and maintenance of a road is referred to as the objective maintenance level. Specifically, roads “may be currently maintained at one level and planned to be maintained at a different level at some future date. The operational maintenance level is the maintenance level currently assigned to a road considering today's needs, road condition, budget constraints, and environmental concerns; in other words, it defines the level to which the road is currently being maintained. The objective maintenance level is the maintenance level to be assigned at a future date considering future road management objectives, traffic needs, budget constraints, and environmental concerns. The objective maintenance level may be the same as, or higher or lower than, the operational maintenance level. The transition from operational maintenance level to objective maintenance level may depend on reconstruction or disinvestment” (Forest Service Handbook 7709.58.12.3.1).

The decisions of the 1990 RATM process that were carried to I-Web form the basis for the GIS information and all other data related to the current condition of the Tonto National Forest road system. However, implementation of road management objectives previously assigned to roads from the RATM process was never fully implemented due to various factors, including lack of funding and changes in ranger district personnel. In many instances, roads that were listed with an operational maintenance level of 2 or higher were identified with an objective maintenance level of 1 (closed to vehicular traffic), resulting in approximately 90 percent or more of the roads which were identified to be managed and maintained as maintenance level 1 (intermittent/closed) never received a prescriptive treatment or maintenance to implement a custodial closure and remain currently open to motorized use. In similar fashion, a small percentage of roads which are recorded in the I-Web data and GIS as objectively being decommissioned³⁶ were generally never

³⁶ Decommissioned is defined as the demolition, dismantling, removal, obliteration and /or disposal of a deteriorated or otherwise unneeded asset or component, including necessary cleanup work. This action eliminates the deferred

implemented. In addition, many roads which were identified as operational maintenance level 1 and objective level 1 in I-Web were seemingly incorrectly identified as “intermittent/closed” operationally to begin with. The result of the RATM process and how it was carried through several databases, along with the lack of implementation of proposed closed or decommissioned roads, results in a current situation on the Tonto National Forest where what is in the database for a road may not match what is currently on the ground.

A Travel Analysis Process (TAP) was completed for the Tonto National Forest with the intent to identify opportunities for the national forest transportation system to meet current and future management objectives, and provide information that allows integration of ecological, social, and economic concerns into recommendations, which can be used to assist with future decisions. This process recommended a minimum road system that included some unauthorized routes. These recommendations were presented to the public as the proposed action during scoping for the environmental assessment in 2009. While Tonto National Forest resource specialists were assembled to evaluate routes through the TAP based upon localized, site-specific resource risks (i.e., potential impacts to cultural resources and wildlife/habitat, etc.) and benefits (administrative needs, access to commercial facilities, recreational opportunities, etc.), the data collected is incomplete. As such, the recommendations that came from the TAP were not used to generate any of the action alternatives being considered in this analysis.

As part of this travel management process, the Tonto National Forest reviewed the existing road system (which was determined to be the objective maintenance level from RATM as adjusted based on other NEPA decisions) it currently manages. It was during this process, which included speaking with district personnel familiar with the roads, that the disparity between the current data for the forest’s road system and what exists on the ground was revealed. As an example, there are approximately 267 miles of roads in RATM that had an objective level of decommissioned. After completing the review, approximately 75 miles were recommended as potential motorized trails and approximately 3 miles were identified as part of the desired road network for Alternative C. Similarly, there are approximately 1,739 miles of roads in RATM that had an objective level of ML 1 (closed to all motorized travel). After completing the review, approximately 936 miles were recommended as potential motorized trails and approximately 98 miles of roads were identified as part of the desired road network for Alternative C.

In summary, the direction from the 1985 Forest Plan is outdated, the RATM decision was never fully realized or implemented, the TAP does not have the sufficient information to inform travel management decisions, and a recent review of the current road system exposed errors. Thus, the current Infra database is not an adequate baseline for this NEPA analysis and will be eliminated from detailed study.

Alternative Submitted by the Center for Biological Diversity

An alternative was submitted by the Center for Biological Diversity (Center), accompanied with route-specific lists detailing where motor vehicle use should be prohibited. In general, the Center’s proposal would limit motorized use:

- In critical wildlife habitat and water resources (such as streams, lakes, and riparian areas) to decrease potential effects. This includes prohibiting motorized use within 300 feet of

maintenance needs for the fixed asset. Portions of an asset or component may remain if they do not cause problems or require maintenance.

- streams and lakes and in areas that provide critical habitat for sensitive, threatened, and endangered wildlife species;
- In areas of primitive and semiprimitive nonmotorized recreation opportunity spectrum classes from the 1985 Tonto National Forest Plan. This includes prohibiting motorized use for dispersed camping and big game retrieval in these areas;
 - In areas with high cultural resource site densities or sensitive cultural resource areas. This includes prohibiting motorized use for dispersed camping and big game retrieval in these areas; and
 - In proximity to designated wilderness areas and inventoried roadless areas to decrease potential effects associated with noise pollution and possible illegal intrusions by motorized vehicles. This includes prohibiting motorized use within a quarter of a mile of the wilderness boundary and within all inventoried roadless areas.

Rationale for Elimination

In order to spatially understand the Center's proposal of the above recommendations, these elements were mapped using GIS. The suggested motor vehicle prohibitions associated with wildlife habitat and water resources were the most restrictive of the above list for OHV use across the forest. If all roads that met this criteria were proposed for closure or decommissioning (and those that would no longer be accessible as they would not connect to remaining designated roads), several large sections of the forest would be inaccessible except by non-motorized means. Three notable areas that would not be accessible by motorized means are:

- Nearly the entire area of the Cave Creek Ranger District, including access to Bartlett Reservoir, Horseshoe Reservoir, much of the Verdi River, and access to the western side of the Mazatzal Wilderness;
- Nearly the entire area between State Routes 188 and 288, including very limited access to Salome and Hells Gate Wilderness Areas, and access to the northern side of Roosevelt Lake; and
- The area between the northern boundary of the Tonto National Forest along the Mogollon Rim and the town of Payson, which includes Forest Service Road 64, also known as the Control Road, developed and named because of its strategic location in controlling and preventing wildland fires.

While the Travel Management Rule instructed consideration of effects on, "Damage to soil, watershed, vegetation, and other forest resources" and "Harassment of wildlife and significant disruption of wildlife habitats" (36 CFR 212.55 (b)(1) and 36 CFR 212.55 (b)(2)), it also stipulates consideration of effects on "...public safety, provision of recreational opportunities, access needs, conflicts among uses of National Forest System lands, the need for maintenance and administration of roads, trails, and areas that would arise if the uses under consideration are designated" (36 CFR 212.55 (a)). The motor vehicle use restrictions proposed by the Center would result in limiting access to areas on the Tonto National Forest that provide for opportunities for non-developed to low developed recreation sites. The potential result would be relocating those recreation users seeking a more primitive experience into areas already highly developed and lacking a primitive experience, such as the southern side of Roosevelt Lake, and the Superstition and Salt River Canyon Wilderness Areas. Much of the areas that would not permit motor vehicle access have steep terrain, resulting in limiting non-motorized access for some forest visitors.

Restricting access along the Control Road presents different concerns. There are many private property inholdings north of Payson along the Control Road, including Bonita Creek Estates and Tonto Village. Many of these inholdings have subdivisions, where multiple property owners live. While access to private property within the National Forest is permitted "...in order to reach their homes and to utilize their property" (36 CFR 212.6 (b)), visitors and services, such as mail delivery and utility service, would not be permitted under this provision in the rule.

Because of the limitations that potentially conflict with the Travel Management Rule, Forest Plan direction which provides for a range of recreational opportunities and the administration of the Forest Transportation System, the broad alternative proposal submitted by the Center is being dismissed from further study. However, many of the components of this submitted alternative, especially where specific routes were mentioned, were included in Alternative B, which does not add unauthorized routes, limits the use of motorized vehicles off designated roads and trails, and proposes to close many of the suggested routes to motorized use.

Comparison of Alternatives

This section provides a summary of the alternatives and the potential effects of implementing each alternative considered in detail. Table 14 provides a side-by-side comparison of the alternatives by the six elements provided in the alternative descriptions earlier in this chapter.

Table 14: Side-by-Side Comparison of Alternatives

	Alternative A	Alternative B	Alternative C	Alternative D
Roads and Trails Designated for Motor Vehicle Use (Miles)				
Roads Open to Passenger Vehicles (ML 3-5)	644.72	353.38	544.47	546.97
Roads Open to High Clearance Vehicles (ML 2)	2,307.67	540.13	795.70	2,798.91
Motorized Trails (Single Track)	0.00	1.12	78.42	102.74
Motorized Trails (General)	0.00	1,664.95	2,150.94	1,410.72
Administrative Use Only Road (ML 2 – ML 5)	0.00	144.30	165.79	49.27
Administrative Use Only Motorized Trail	0.00	355.04	398.58	296.54
Closed (ML 1)	n/a	0.00	0.00	0.00
Decommissioned Routes	n/a	2,367.03	1,289.80	201.22
Forest System Roads Likely Open to Public Use (ML Unknown) ³⁷	2,006.20	n/a	n/a	n/a
Unauthorized (User Created)	672.34	0.00	0.00	0.00

³⁷ A detailed explanation of these routes can be found in the Existing and Desired Conditions section of Chapter 1 of this document.

	Alternative A	Alternative B	Alternative C	Alternative D
Total Motorized Open to Public	4,958.58	2,559.57	3,569.52	4,859.34
Total Motorized System	4,958.58	3,058.90	4,133.90	5,205.15
Inventoried Unauthorized Routes³⁸ Proposed for Inclusion (Miles)				
Roads Open to Passenger Vehicles	n/a	4.12	4.12	4.77
Roads Open to High Clearance Vehicles	n/a	6.45	6.45	131.20
Motorized Trails (Single Track)	n/a	0.00	72.59	96.22
Motorized Trails (General)	n/a	0.00	206.71	320.26
Administrative Use Only Road	n/a	10.34	10.75	0.11
Administrative Use Only Motorized Trail	n/a	29.53	29.53	30.97
Total Motorized Open to Public	n/a	10.58	289.88	552.45
Total Miles Proposed for Inclusion	n/a	50.44	330.16	583.52
Areas Designated for Motor Vehicle Use (Acres)				
Name of Area (Total Acres)	Payson and Pleasant Valley Ranger Districts (703,618 total)	300 feet both sides of all designated roads and trails within fuelwood cutting permit areas (132,568 total)	Bartlett Lake (922); Golf Course (17); Roosevelt Lake (4,508); Sycamore (1,333); 4 Tot Lots (11) (6,790 total)	Same as Alternative C (6,790 total)
Permit Zones (Acres)				
Name of Permit Zone (Total Acres)	Bulldog Canyon (34,720 total)	Bulldog Canyon (34,720); Desert Vista (33,479); The Rolls (24,144); St. Clair (24,455); Sycamore (34,127) (150,925 total)	Bulldog Canyon (34,720); Desert Vista (33,479); The Rolls (24,144); St. Clair (24,455) (116,798 total)	Same as Alternative A (34,720 total)

³⁸ Since 2007, the Tonto National Forest has collected or received geographic information about unauthorized routes that are either obvious on the ground or are being used for motorized travel, totaling approximately 672 miles to date.

	Alternative A	Alternative B	Alternative C	Alternative D
Motor Vehicle Use for Big Game Retrieval (Acres)				
Total Acres Available (including Width of Corridor) (Species Allowed)	703,618 (elk, bear, mule deer, whitetail deer)	No motorized big game retrieval would be allowed	1,293,178 (1 mile both sides of all designated routes) (elk, bear)	2,068,208 (1 mile both sides of all designated routes) (elk, bear, mule deer, whitetail deer)
Motor Vehicle Use for Dispersed Camping (Acres)				
Distance from Designated Routes (Total Acres)	Driving off-road has been permitted in northern districts, prohibited in southern districts unless posted open (703,618 total)	414 Designated Sites (Buffered 50 feet from center point) (65 total)	100 feet both sides of all designated routes (91,391 total)	300 feet both sides of all designated routes (336,038 total)
Additional Information Pertaining to Motor Vehicle Use				
Personal Use Fuelwood Gathering (Total Acres)	Permitted to gather wood in designated woodcutting permit areas (1,345,998 total)	Within 300 feet of all designated routes within a designated woodcutting permit areas (132,568 total)	Within 300 feet of all designated routes within designated a woodcutting permit areas (161,785 total)	Same as Alternative A (1,345,998 total)
Collection of Forest Resources by Tribal Members	Only allowed on designated routes.	Same as Alternative A	Same as Alternative A.	Same as Alternative A
Need to Amend Forest Plan	Not necessary	Would Require Forest Plan Amendment ³⁹	Would Require Forest Plan Amendment ⁴⁰	Would Require Forest Plan Amendment ⁴¹

Information below is focused on activities and effects where different levels of effects or outputs can be distinguished quantitatively or qualitatively among alternatives. Table 15 shows the comparison based on the resource areas from Chapter 3 of this document

³⁹ The amendment would include striking language allowing cross-country travel on the entire Payson and Pleasant Valley Ranger Districts and modifying the current Recreation Opportunity Spectrum. A detailed summary of these amendments can be found in Appendix B.

⁴⁰ Ibid

⁴¹ Ibid

Table 15: Comparison of Effects for Alternatives by Resource

	Alternative A	Alternative B	Alternative C	Alternative D
Transportation Facilities				
Maintenance cycle of designated roads	ML 2 roads would be a 5.9 year cycle; ML 3-5 roads would be a 2.1 year cycle.	ML 2 roads would be a 1.4 year cycle; ML 3-5 roads would be a 1.2 year cycle	ML 2 roads would be a 1.8 year cycle; ML 3-5 roads would be a 2.0 year cycle	ML 2 roads would be a 1.8 year cycle; ML 3-5 roads would be a 7.2 year cycle
Recreation Resources				
Roads and Trails	Few opportunities to recreate way from roads, except in designated wilderness areas	Greatest ability to recreate away from motorized routes outside of designated Wilderness	Ability to recreate away from motorized routes would be greater than Alternatives A and D, but less than Alternative B	Nearly identical to Alternative A
Recreation Opportunity	No change from current ROS	Greatest increase in nonmotorized opportunities; Greatest decrease in motorized opportunities	Increase of semiprimitive non-motorized from Alternative A	Greatest increase in motorized opportunities; Greatest decrease in nonmotorized opportunities
Motorized Trail Maintenance	There are currently no designated motorized trails (\$0 total)	\$999,000 total	\$1,338,000 total	\$912,000 total
OHV Areas	No areas would be designated	OHV users could be dissatisfied at the lack of opportunity to travel off designated motorized route system	Provides opportunity to travel off designated motorized route system in 8 areas	Same as Alternative C
Big Game Retrieval	Only allowed in Payson and Pleasant Valley Ranger Districts	Greatest increase in nonmotorized opportunities forestwide	Has the potential to shift opportunities for nonmotorized recreation forestwide	Has the potential to shift opportunities for nonmotorized recreation forestwide
Dispersed Camping	Only allowed in Payson and Pleasant Valley Ranger Districts	Greatest potential for competition for sites, concentration of use and user conflict	Has the potential to shift opportunities for nonmotorized recreation forestwide	Has the potential to shift opportunities for nonmotorized recreation forestwide
Roadless, Wilderness, and Special Areas				
Wilderness	No change from current conditions	Greatest opportunity for improving all four Wilderness characters	Improves all four Wilderness characters over current conditions	Improves all four Wilderness characters over current conditions
Wild and Scenic Rivers	No change from current conditions	Greatest decrease for motorized access; Greatest opportunity for solitude	Decrease in motorized access from current conditions; Increase in solitude from current conditions	Greatest increase for motorized access; Greatest decrease for solitude

	Alternative A	Alternative B	Alternative C	Alternative D
Visual Resources				
Roads and Trails Designated for Motor Vehicle Use	Greatest potential for existing landscape character to become more natural in appearance; Greatest potential for forest to move toward the desired conditions for scenic quality.	Less than Alternative B, greater than Alternative D potential for existing landscape character to become more natural in appearance; Less than Alternative B, greater than Alternative D potential for forest to move toward the desired conditions for scenic quality.	Least potential for existing landscape character to become more natural in appearance; Least potential for forest to move toward the desired conditions for scenic quality.	Roads and Trails Designated for Motor Vehicle Use
Areas Designated for Motor Vehicle Use	Greatest potential for existing landscape character to become more natural in appearance; Greatest potential for forest to move toward the desired conditions for scenic quality.	No change from existing conditions.	No change from existing conditions.	Areas open to motorized cross-country travel
Motor Vehicle Use for Dispersed Camping	Within designated area: Least potential for existing landscape character to become more natural in appearance; Least potential for forest to move toward the desired conditions for scenic quality.	Within designated area: Less than Alternative D, greater than Alternative B potential for existing landscape character to become more natural in appearance; Less than Alternative D, greater than Alternative B potential for forest to move toward the desired conditions for scenic quality.	Within designated area: Greatest potential for existing landscape character to become more natural in appearance; Greatest potential for forest to move toward the desired conditions for scenic quality.	Motorized cross-country travel for dispersed camping
Socioeconomics				
Social and Economic Trends of The Four-County Area	Negligible	Negligible	Negligible	Negligible
Environmental Justice: Access for fuelwood gathering, big game retrieval, dispersed camping using a motor vehicle	Access would continue	Substantial decrease could disproportionately affect populations of concern	Decrease in access for fuelwood, increase in access for retrieval and dispersed camping could affect populations of concern	Increase in motorized use access could positively affect populations of concern

	Alternative A	Alternative B	Alternative C	Alternative D
Heritage Resources				
Effects of roads, motorized trails, and OHV areas	No change in current road system or cross-country travel on Payson and Pleasant Valley ranger districts	Significantly reduce direct and indirect effects to cultural resources compared to current condition; Decreases access for monitoring and patrolling of sites	Significantly reduce direct and indirect effects to cultural resources compared to current condition	Significantly reduce direct and indirect effects to cultural resources compared to current condition
Contemporary Indian Uses				
Effects of roads, motorized trails, and OHV areas on traditional use areas, sacred sites, and traditional activities; and Access to traditional resources and places of significance to Tribes	Continued cross-country travel on Payson and Pleasant Valley ranger districts would result in an increase in the cumulative effect and may inhibit or limit the use of such areas; No change from existing conditions	Reduces effects to sacred sites and traditional use areas; May restrict access for the practice of known contemporary Indian uses	Reduces effects to sacred sites and traditional use areas; Provides more access opportunities for known contemporary Indian uses	Reduces effects to sacred sites and traditional use areas; Provides the most access opportunities for known contemporary Indian uses
Game and Nongame Species				
Estimated percent of Tonto National Forest available for wildlife recreation (one mile buffer from roads/trails)	72% 2,050,400 acres	63% 1,813,400 acres	73% 2,081,500 acres	77% 2,204,500 acres
Estimated number of motorized big game retrievals	550 (elk, bear, mule deer, whitetail deer)	0	209 (elk, bear)	550 (elk, bear, mule deer, whitetail deer)
Estimated effect on satisfaction of wildlife related recreationists for motorized dispersed camping restrictions	Satisfied	Dissatisfied	Satisfied	Satisfied
Estimated direction of wildlife and wildlife habitat for desired future conditions	Away from	Towards	Towards	Away from
Law Enforcement				
General Enforcement	Difficult because of inconsistent rules and laws	Likely to result in higher violation rates	Amount of access would likely garner public support and thus achieve more voluntary compliance	

	Alternative A	Alternative B	Alternative C	Alternative D
OHV Areas	Damage and route creation currently takes place in areas closed to cross-country travel	Simplify enforcement as defense for driving off designated routes would be harder to defend	Designated areas may result in few attempts to travel off designated routes	Same as Alternative D
Permit zones	Prevents or reduces significant road proliferation and successful enforcement of driving off road violations in current permit zone	Increased effectiveness in enforcement within the permit zones; could move illegal uses to areas outside permit zones not currently impacted, Sycamore Permit Zone would be difficult to conduct efficient or successful enforcement	Same permit zones as Alternative B, except without Sycamore so effects similar	Same as the current condition
Wildlife and Plant Habitat Resources				
Effects to lesser long-nosed bat; Yuma clapper rail; Chiricahua leopard frog; Gila chub; desert pupfish; razorback sucker; and Gila topminnow	May affect the species but is not likely to adversely affect the species or its habitat			
Effects to ocelot and loach Minnow	No effect to the species or its habitat			
Effects to Western yellow-billed cuckoo and narrow-headed and northern Mexican gartersnakes	Not likely to jeopardize the continued existence of the species or result in the destruction or adverse modification of habitat			
Effects to southwestern willow flycatcher and Mexican spotted owl	May affect the species and is likely to adversely affect the species or its habitat	May affect the species but is not likely to adversely affect the species or its habitat	May affect the species and is likely to adversely affect the species or its habitat	
Effects to Colorado pikeminnow	May affect the species but is not likely to adversely affect the species or its habitat	No effect to the species or its habitat		May affect the species but is not likely to adversely affect the species or its habitat
Effects to spikedace	May affect the species but is not likely to adversely affect the species or its habitat	No effect to the species or its habitat	May affect the species but is not likely to adversely affect the species or its habitat	
Effects to Arizona cliffrose	No effect to the species or its habitat			May affect the species but is not likely to adversely affect the species or its habitat

	Alternative A	Alternative B	Alternative C	Alternative D
Effects to Arizona hedgehog cactus	May affect the species but is not likely to adversely affect the species or its habitat		May affect the species and is likely to adversely affect the species or its habitat	
Effects to critical habitat for southwestern willow flycatcher	likely to result in destruction or adverse modification of designated critical habitat for the species	not likely to result in the destruction or adverse modification of designated critical habitat for the species	likely to result in destruction or adverse modification of designated critical habitat for the species	
Effects to critical habitat for Mexican spotted owl	Likely to result in destruction or adverse modification of designated critical habitat for the species			
Effects to critical habitat for narrow-headed and northern Mexican gartersnakes	Not likely to result in the destruction or adverse modification of proposed critical habitat for the species			
Effects to critical habitat for loach minnow	No effect to designated critical habitat for the species			
Effects to critical habitat for spikedace; Gila chub; Chiricahua leopard frog; and razorback sucker	Not likely to result in the destruction or adverse modification of designated critical habitat for the species			
Effects to all federal candidate species	Determination: Alternative may impact individuals of the species, but is not likely to result in a trend toward federal listing or loss of viability.			
Effects to Forest Service sensitive species	Determination: Alternative may impact individuals of the species, but is not likely to result in a trend toward federal listing or loss of viability ⁴² .			
Effects to bald and golden eagles	Determination: Alternative may impact individuals of the species, but is not likely to result in a trend toward federal listing or loss of viability.			
Effects to all Management Indicator Species	No change in habitat quantity or quality for species. Maintains current population and habitat trends	Increase in habitat quality for species. This increase would not alter forestwide habitat and population trends. Beneficial effects to habitat and populations	Increase in habitat quality for species. This increase would not alter forestwide habitat and population trends. Beneficial effects over Alternative A and Alternative D	Increase in habitat quality for species. This increase would not alter forestwide habitat and population trends. Beneficial effects over Alternative A

⁴² The following have a no impact on the species determination: Lizard, Bezy's night (Alternative B); Springsnail, fossil (Alternative B); Bugbane, Arizona (Alternative B); Fleabane, Fish Creek (Alternative B); Sedge, Chihuahuan (Alternative B); Sedge, Cochise (Alternatives A, B, and C); and Vetch, horseshoe deer (Alternative B).

	Alternative A	Alternative B	Alternative C	Alternative D
Effects to macro-invertebrates	Road density would not decrease. Maintains current population and habitat trends	Decreased road density over all alternatives. Beneficial effects to habitat and populations over all alternatives	Reduces road density from Alternative A and Alternative D, increases road density from Alternative B. Beneficial effects over Alternative A and Alternative D	Reduces road density from Alternative A, increases road density from Alternative B and Alternative C. Beneficial effects over Alternative A
Effect to populations or habitat quality for Migratory Birds	Unintentional take is highly unlikely to occur at a level that would have a measurable effect	Greatest reduction in areas of potential affects by reducing road density	Reduces areas of potential affects by reducing road density	Similar to no action
Effects to Important Bird Areas	No change from current condition	Highest beneficial effect because reduction in miles of roads and trails open to public use	Beneficial effect because reduction in miles of roads and trails open to public use	Similar to no action
Effects associated with snags and dead/downed wood	No change from current condition	Positive effect because reduction in fuelwood gathering acres	Positive effect because reduction in fuelwood gathering acres	Similar to no action
Potential Spread of Noxious and Invasive Weeds (Cumulative Acreage)	24,782	4,336	20,739	25,852
Hydrological Resources				
Motorized routes near streams (miles)	2,239	1,351	1,773	2,210
Motorized routes in riparian areas (miles)	415	242	314	395
Number of stream crossings	7,148	4,278	5,614	6,986
Soil Resources				
Overall Effects of roads, motorized trails, and OHV areas	Continued effects to soils	Least overall effects to soils than the existing condition	Less overall effect to soils than the existing condition	More overall effects than other action alternatives; similar to existing condition
Air Quality				
NAAQS Violation Potential	No change from existing	Reduction in emissions; Reduction in criteria pollutant emissions; Significant adverse air quality impacts are not expected	Same as Alternative B	Same as Alternative B

Chapter 3. Affected Environment and Environmental Consequences

This chapter summarizes the physical, biological, social, and economic environments on the Tonto National Forest and the effects of implementing each alternative on that environment. It also presents the scientific and analytical basis for the comparison of alternatives presented in the chapter 2. It is organized by individual environment or resource topic.

The Affected Environment section for each resource topic describes the existing or baseline condition against which environmental effects are evaluated and from which progress toward the desired condition can be measured. The Environmental Consequences section for each resource topic discusses direct, indirect, and cumulative effects, and applicable mitigation measures. Effects can be neutral, beneficial, or adverse. Environmental consequences form the scientific and analytical basis for comparison of the alternatives, through compliance with standards set forth in the 1985 Tonto National Forest Land and Resource Management Plan (Forest Plan), as amended, with the 1969 National Environmental Policy Act (NEPA), and the 1976 National Forest Management Act. The Irreversible and Irrecoverable Commitments of Resources section is at the end of this chapter.

Analysis Process

The environmental consequences presented here address the impacts of the actions proposed in each alternative for the Tonto National Forest Travel Management Project. Each motorized route and cross-country area proposed in the alternatives has been reviewed by resource specialists.

Environmental effects are disclosed for the following types of actions common to all action alternatives:

- **Prohibition of Cross-country Motor Vehicle Travel.** The direct and indirect effects of prohibiting motorized cross-country travel forestwide are described generally in each alternative, considering both current conditions and projected trends. Both short-term and long-term effects are presented.
- **Determination for Motor Vehicles Driven Off Designated Routes.** Effects resulting from permitting motorized access for the sole purpose of motorized dispersed camping, big game retrieval, or collection of forest products are described generally by alternative.
- **Additions to the National Forest Transportation System of New Roads and Motorized Trails.** The effects of adding new routes by incorporating inventoried unauthorized routes are analyzed by alternative in this chapter. For most resources, one or more resource indicators or analysis measures are used to measure the direct and indirect effects of each alternative. Both short- and long-term effects are presented.
- **Changes to the Existing National Forest Transportation System.** Effects caused by changes to vehicle class, season of use, and proposed decommissioning are described generally by alternative.

Additionally, effects are disclosed in this chapter for actions that are unique to an alternative.

Cumulative Effects

According to the Council on Environmental Quality (CEQ) NEPA regulations, “cumulative impact” is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such actions (*40 CFR 1508.7*).

In order to understand the contribution of past actions to the effects of the proposed action and alternatives, this analysis relies on current environmental conditions as a proxy for the impacts of past actions. This is because existing conditions reflect the aggregate impact of all prior human actions and natural events that have affected the environment and might contribute to cumulative effects.

This cumulative effects analysis does not attempt to quantify the effects of past human actions by adding up all prior actions on an action-by-action basis. There are several reasons for not taking this approach. First, a catalog and analysis of all past actions would be impractical to compile and unduly costly to obtain. Current conditions reflect innumerable actions over the last century (and beyond), and trying to isolate the individual actions that continue to have residual impacts would be nearly impossible. Second, providing the details of past actions on an individual basis would not be useful to predict the cumulative effects of the proposed action or alternatives. In fact, focusing on individual actions would be less accurate than looking at existing conditions, because there is limited information on the environmental impacts of individual past actions, and one cannot reasonably identify each and every action over the last century that has contributed to current conditions and what exactly that contribution was. Additionally, focusing on the impacts of past human actions would risk ignoring the important residual effects of past natural events, which may contribute to cumulative effects just as much as human actions. Looking at current conditions captures all the residual effects of past human actions and natural events, regardless of which particular action or event contributed those effects. Third, public scoping for this project has yet to identify any public interest or need for detailed information on individual past actions. Finally, the Council on Environmental Quality issued an interpretive memorandum on June 24, 2005 regarding analysis of past actions, which states, “agencies can conduct an adequate cumulative effects analysis by focusing on the current aggregate effects of past actions without delving into the historical details of individual past actions.” For these reasons, the analysis of past actions in this section is based on current environmental conditions.

General Assumptions and Limitations

The following assumptions and limitations apply to the project and the decision that will be forthcoming:

- No NEPA decision is necessary to continue use of the National Forest Transportation System (i.e. OHV and transportation) as currently designated and managed under the No Action alternative. These decisions were made previously.
- Unauthorized or user-created roads, trails, and areas are not National Forest Transportation System facilities. They are unauthorized. The agency never took action to create, manage, or construct them for public use. They were created by the public as a result of cross-country travel.

- Temporary roads, trails, and areas built to support emergency operations or temporarily authorized in association with contracts, permits, or leases are not intended for public use. They are not part of the National Forest Transportation System. Any proposal to add these temporary roads to the National Forest Transportation System will require a NEPA decision.
- Any unauthorized routes not included in the action alternatives are not precluded from consideration for addition to the National Forest Transportation System in future travel management actions.
- “Designation” is an administrative act which does not trigger NEPA analysis. Designation technically occurs with printing of the Motor Vehicle Use Map (MVUM) and does not require additional analysis.

Resource Reports

Each section in this chapter provides a summary of the project-specific reports, assessments, and input prepared by Forest Service resource specialists that are incorporated by reference in this draft EIS. The following reports are incorporated by reference:

- Transportation Facilities Report
- Recreation Report
- Wilderness, Wild & Scenic Rivers, Inventoried Roadless Areas, and Special Management Areas Report
- Visual Resources Report
- Socioeconomic Report
- Heritage Resources Report
- Contemporary Indian Uses Report
- Law Enforcement Report
- Arizona Game and Fish Department Report (Game and Nongame Species)
- Biological Assessment and Biological Evaluation (BA/BE) for Wildlife
- Management Indicator Species Report
- Migratory Bird Report
- Noxious Weed Risk Assessment (Noxious Weeds Report)
- Hydrology and Watershed Report
- Soils Report
- Air Quality Report

These reports are part of the project record on file at the Forest Supervisor’s Office in Phoenix, Arizona. Copies of these reports are available upon request by contacting Anne Thomas, Project Leader, at (602) 225-5213 or by email at mariannethomas@fs.fed.us

Legal and Regulatory Compliance

NEPA at *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.” Each resource section includes a list of applicable laws, regulations, policies, and executive orders that are relevant to that resource. Surveys, analyses, and findings required by those laws may also be addressed in each of those sections.

Transportation Facilities

This section discusses the effects of the alternatives on management and maintenance of National Forest System (NFS) roads and trails (i.e., transportation facilities). It addresses the extent to which the alternatives respond to the direction related to transportation facilities in the Tonto National Forest Plan (Forest Plan) (U.S. Forest Service, 1985) and considers whether changes to these facilities provide for adequate public safety and result in a sustainable route system.

Affected Environment

National Forest System roads are used for multiple purposes by various user groups. Forest staff utilizes the transportation system for a variety of administrative purposes, including fire management, law enforcement, and facilities management (e.g., utility, telecommunication, and mining facilities). Ranching, utility, telecommunication and mining permittees, and operators depend on the transportation system to maintain their permitted operations. Most roads on the forest are also used by hunters, for access to dispersed camping and by off-highway vehicle (OHV) recreationists. One example of a multiple-use road is Forest Road 24 on the Cave Creek Ranger District, also known as Seven Springs Road. The road accesses private property, range improvements, administrative sites, mining resources and recreation sites; and is used by recreationists, hunters, FS staff, private landowners, and OHV users among others. This road is categorized as a principal feeder/trunk route serving as a connector road with minor system roads feeding into it. Forest Roads 41, 562, and 468 are examples of roads that feed into Forest Road 24.

The Forest Service currently classifies maintenance of National Forest System roads by five maintenance levels (ML)⁴³. This analysis refers to ML 3-5 roads that are maintained for prudent drivers in a standard passenger car, ML 2 roads that are maintained for high-clearance vehicles, ML 1 roads that are placed in storage for intermittent use. Utilization of roads identified as “administrative use only” is restricted to Forest Service personnel and emergency response personnel. Other authorized users of these routes can include special use and grazing permittees; mining companies; county, state, and Federal agencies; private land owners; and utility companies.

According to the current database for roads on the Tonto National Forest, there are approximately 2,952 miles of roads open to the public: 645 miles for passenger vehicles and 2,308 miles for high clearance. This database shows that there are 1,739 miles of ML 1 (closed to vehicular use) roads and 267 miles of decommissioned routes. However, after reviewing updated satellite imagery and gathering on-the-ground information from ranger district personnel, Forest Service Law Enforcement Officers, and Arizona Game and Fish Department employees, it was determined that

⁴³ For more information about the existing condition of the roads system, see that section in Chapter 1 of this document.

many of the ML 1 and decommissioned routes are currently open to the public and being used. Because of this, it was decided that the existing condition for the roads system on the Tonto National Forest, the baseline for which the effects of the proposed changes to the road system for this project, results in approximately 4,959 miles of roads open to motor vehicle use⁴⁴.

One example of ML 1 roads still being utilized occurs in the Sugarloaf area on the Mesa Ranger District. Several roads feeding into the 1855 road that accesses the area, including forest roads 1857, segments A and B of 1857, 3472, and 1877 (equating to approximately six miles) are still being used despite their ML 1 status.

The average annual road maintenance budget is \$2,326,900 (based on fiscal year 2008 to fiscal year 2012). Though not every mile of NFS road requires yearly maintenance, the annual maintenance budget is insufficient for supporting the Forest's annual maintenance needs. Only a percentage of the total roads on the forest are maintained each year, as opposed to the entire 2,757 miles of ML 2 through ML 5 roads. Maintenance that goes unperformed each year is considered deferred maintenance. Over the years, the Tonto National Forest road system has accrued a substantial amount of deferred maintenance. The Tonto does have cooperative maintenance agreements with Gila and Maricopa counties to help address combined road maintenance needs. Approximately 514 miles of NFS roads (264 miles of ML 2 roads, 193 miles of ML 3 roads, 44 miles of ML 4 roads, and 13 miles of ML 5 roads) are included in cooperative maintenance agreements with these counties⁴⁵.

Environmental Effects

Assumptions

The descriptions of the four alternatives being analyzed, including the No Action, in the draft EIS are organized by six elements discussed in Chapter 2. These elements affect the Forest System Roads differently and will require different assumptions to effectively analyze them. Roads and trails open to motorized travel will be analyzed further. The effect of the cross-country travel will not be analyzed further as routes created by cross-country travel are not considered U.S. Forest Service routes.

The assumption for this analysis is that there are no additional impacts in road maintenance associated with special order (or seasonal) closures because road maintenance is planned around the closures. Therefore, seasonal closures will not be discussed further in this analysis.

The assumption for this analysis is that motorized big game retrieval utilizes the existing forest roads and trails to the hunting destination. Therefore no additional analysis is needed. The retrieval efforts made off the forest roads and trails are not creating a road and therefore not analyzed as such.

The assumption for this analysis is that there are no additional impacts in transportation maintenance costs associated with designation of permit zones. The maintenance costs associated with the gates and signage needed for managing permit zones are considered part of the annual

⁴⁴ A more detailed discussion of the inconsistencies between what is in the Tonto National Forest databases for roads and trails and what is currently on the ground can be found in Chapter 2, Alternatives Considered but Eliminated from Detailed study.

⁴⁵ Forest Road Agreement between U.S. Forest Service and Gila County (2009) and Forest Road Agreement between U.S. Forest Service and Maricopa County (2011).

maintenance cost for that route. The construction of necessary fencing for permit zones however are considered project work and will not be analyzed as an annual cost in this analysis.

Motorized dispersed camping corridors are designated on several of the alternatives. However, there are no impacts in associated transportation maintenance costs that are not captured by total mileage of available NFS roads and motorized trails.

Methodology

The Forest Service does not receive sufficient funding to match the calculated estimates in Infra. Annualized items are funded on a project-by-project basis and are competed for regionally and nationally. Therefore, annual maintenance costs do not reflect the way the Forest actually maintains its road system. Every mile of road does not need to be maintained every year. Rather, roads are maintained on a cyclic basis and in response to safety hazards and situations where resource damage may occur. There are some high-use roads that receive maintenance every year to repair winter and storm run-off damage and damage due to heavy traffic loads. Other roads do not require more than periodic inspection and occasional maintenance to repair damage to the road surface and road structures, eliminate traffic hazards, and prevent resource damage. This is true of most of the existing roads maintained for high clearance vehicles (ML 2) and the roads and motorized trails proposed for addition to the system under the action alternatives.

Table 16 shows how many miles of road received annual maintenance from fiscal year 2009 to fiscal year 2012.

Table 16: Summary of Road Receiving Annual Maintenance by Maintenance Level (in Miles)

Maintenance Level	FY2009	FY2010	FY2011	FY2012	Average
2	470	477	341	276	391
3	279	298	255	173	252
4	38	31	38	66	44
5	13	10	2	3	7
Total	800	816	636	518	

The consideration of tracking the true cost of maintaining each mile of road is problematic. The costs and metrics that are currently available do not effectively convey how the annual road maintenance budget is being managed with respect to the roads that need maintenance. The Infra costs available would show that the needed budget to maintain our roads will exceed our available budget by five times. Although there is always a need for additional funds to maintain our roads, there has never been a time that the Forest has had the Infra-based funding available on an annual basis. The cost comparison will be included in the analysis; however the analysis will focus on the relative difference in cost between alternatives, not the discrepancy of available funding.

The methodology compares the amount of roads that we have historically maintained with our budget as a percentage of the overall roads system to those of each alternative. This will

effectively show how far our historical maintenance efforts would go toward maintaining the road system for each of the alternatives. The motorized trails would not be considered as a road as they would be analyzed through the recreation specialist report.

Direct and Indirect Effects

The four alternatives vary greatly in the mileage of roads needing maintenance (Table 17). The mileage noted in this table represents the road system the Tonto National Forest Service is required to periodically maintain. A portion of the road system is open to the public, while a portion of the road system is open for administrative purposes only. The mileage noted below reflects the total road miles for each maintenance level category inclusive of the administrative use only roads, and will be used for the analysis.

Table 17: Road Needing Maintenance by Maintenance Level (in Miles) for Each Alternative

Maintenance Level	Alternative A	Alternative B	Alternative C	Alternative D
3-5	645	376	572	548
2	2,308	663	935	2,849
Total	2,953	1,507	1,507	3,397

Cycle-Time Analysis

The metric used for comparison between the alternatives is the “cycle” time between regular forest road maintenance as a measure of years. The cycle time is the ratio of the total number of miles to the average miles maintained per year. The result will be a measure of how many years it would take to maintain every mile of road once before we start over. The lower the cycle time, the more often we maintain a forest road.

As an example, ML 2 roads designated in alternative A equates to 2,308 miles (Table 17). Table 16 indicates the Tonto National Forest has maintained on average 391 miles of ML 2 roads per year. Dividing Alternative A ML 2 mileage (2,308) by the average number of miles of ML 2 roads maintained per year (391) results in a value of 5.9, indicating with the number of ML 2 roads in alternative A it would take 5.9 years to maintain each road one time. Similarly, if the total number of miles of ML 3-5 for alternative A (645), is divided by the average number of miles of ML 3-5 roads maintained per year from table 4 (303), derived from adding averages for ML 3, 4 and 5, the result is 2.1. This indicates with the number of ML 3-5 roads in alternative A would take 2.1 years to maintain each road one time.

Alternative A

The alternative would not add any new facilities to the existing transportation system. Maintenance, signing, and improvements of unauthorized routes would not occur, because appropriated road and trail maintenance funds are restricted to expenditure for system roads and trails. Initially this alternative requires the least expenditure of funds. However, it has the potential to increase the need for resource funding to repair damage and degradation caused by continued motorized use of existing unauthorized routes and the creation of new unauthorized

routes through continued cross-country travel (Table 18). Maintenance of the ML 2 roads would be a 5.9 year cycle (once every 5.9 years the road would be maintained). Maintenance of the ML 3-5 roads would be a 2.1 year cycle.

Table 18: Road Miles Needing Maintenance by Maintenance Level for Alternative A

Maintenance Level	Alternative A (Miles)	Average Maintenance* (Miles)	# of Years to Cycle all Roads
3-5	645	303	2.1
2	2,308	391	5.9

*From data provided in Table 17

Alternative B

This alternative provides the least amount of motorized access of all alternatives. This alternative would result in the decommissioning of all roads not designated for motorized use.

Administrative roads would remain open. Some of these roads may already be effectively closed on the ground from lack of use or due to previous road closure efforts. Maintenance of the ML 2 roads would be a 1.7 year cycle (once every 1.7 years the road would be maintained) (Table 19). Maintenance of the ML 3-5 roads would be a 1.2 year cycle.

Table 19: Road Miles Needing Maintenance by Maintenance Level for Alternative B

Maintenance Level	Alternative A (Miles)	Average Maintenance* (Miles)	# of Years to Cycle all Roads
3-5	376	303	1.2
2	663	391	1.7

*From data provided in Table 17

Alternative C

This alternative is a modified version of the proposed action scoped in February 2013. It reflects the changes that resulted from a review of the desired road network that was discussed earlier in this chapter. This information was further reviewed on a district level, involving district rangers, Forest Service personnel familiar with the existing road and resource conditions, and Arizona Game and Fish Department enforcement officers whose game retrieval units overlapped with the corresponding district boundaries. This process allowed for the correction of alignment issues of roads using aerial imagery gathered in 2012, as reflected in this alternative. This alternative would result in the closure of all motorized routes (road and trails) not designated for motorized use that are not located within an area already closed to motorized use or entry. Some of the roads may already be effectively closed on the ground from lack of use or due to previous road closure efforts. Maintenance of the ML 2 roads would be a 1.9 year cycle (once every 1.8 years the road would be maintained) (Table 20). Maintenance of the ML 3-5 roads would be a 2.4 year cycle.

Table 20: Road Miles Needing Maintenance by Maintenance Level for Alternative C

Maintenance Level	Alternative A (Miles)	Average Maintenance* (Miles)	# of Years to Cycle all Roads
3-5	572	303	1.9
2	935	391	2.4

*From data provided in Table 17

Alternative D

This alternative provides the most motorized access of all alternatives. This alternative would result in the closure of all motorized routes (road and trails) not designated for motorized use that are not located within an area already closed to motorized use or entry. Some of these roads may already be effectively closed on the ground from lack of use or due to previous road closure efforts. Maintenance of the ML 2 roads would be a 1.8 year cycle (once every 1.8 years the road would be maintained) (Table 21). Maintenance of the ML 3-5 roads would be a 7.3 year cycle.

Table 21: Road Miles Needing Maintenance by Maintenance Level for Alternative D

Maintenance Level	Alternative A (Miles)	Average Maintenance* (Miles)	# of Years to Cycle all Roads
3-5	548	303	1.8
2	2,849	391	7.3

*From data provided in Table 17

Maintenance Cost Analysis

The cost of National Forest System road maintenance occurs on an annual basis and varies by maintenance level⁴⁶. The following table shows the funding requirements to perform routine and periodic maintenance for all existing system roads on an annual basis (Table 22). It does not show actual funding. The annual cost shown below would maintain the roads in their current condition and begin to address the backlog of deferred maintenance. Shortfalls in road maintenance funding have resulted in a large backlog of deferred maintenance needs. Deferred maintenance can be generally defined as annual or routine maintenance that was not completed when scheduled.

Table 22: Routine and Deferred Maintenance Cost Estimates for Existing NFS Roads (RATM) By Maintenance Level

Maintenance Level	# of Miles	Annual Maintenance Needs per mile	Annual Cost
3-5	559	\$8,230	\$4,600,570
2	2,198	\$1,949	\$4,283,902

⁴⁶ Consideration of costs for maintaining the additional routes that would become motorized trails is detailed further in the Recreation Section.

Maintenance Level	# of Miles	Annual Maintenance Needs per mile	Annual Cost
Totals	2,757	-----	\$8,884,472

The ability to perform road maintenance is limited by the availability of time, personnel, equipment, materials, and funding. The amount of road maintenance accomplished per day or per season is dependent on the road maintenance level and condition of the road being maintained. The condition of the road is affected by both the environment and the volume of traffic over the road between maintenance cycles. Environmental factors include soil moisture, tree and brush growth, storm and spring run-off, and other natural events such as floods.

The average annual road maintenance budget is \$2,326,900 (based on fiscal year 2008 to fiscal year 2012). It is important to note that while the annual maintenance budget is insufficient for supporting the Forest’s annual maintenance needs, not every mile of NFS road or trail requires yearly maintenance. As shown in table 5, only a percentage of the total roads on the forest are maintained each year, as opposed to all 2,757 miles of ML 2 through 5 roads. Therefore, the difference between the annual maintenance budget and the annual needs is not as drastic as it appears. For example, in 2003, the estimated annual cost to maintain all NFS roads to standard was about \$4.8 million. While this amount still exceeds the annual budget of approximately \$2.3 million, this is a significantly smaller annual difference.

Alternative A

The alternatives reflect the No Action and would not add any new facilities to the existing transportation system. Maintenance, signing, and improvements of unauthorized routes would not occur, because appropriated road and trail maintenance funds are restricted to expenditure for system roads and trails. Initially this alternative requires the least expenditure of funds. However, it has the potential to increase the need for resource funding to repair damage and degradation caused by continued motorized use of existing unauthorized routes and the creation of new unauthorized routes through continued cross-country travel (Table 23). The cost to maintain the ML 2 -5 routes within this alternative would be \$9,718,195 which is 417 percent of our annual maintenance budget.

Table 23: Maintenance Cost Estimates for Alternative A (based on 2006 figures)

Maintenance Level	# of Miles	Annual Maintenance Needs per mile	Annual Cost
3-5	645	\$8,230	\$5,308,350
2	2,308	\$1,949	\$4,498,292
Totals	4,319		\$9,718,195

Alternative B

This alternative is a modified version of the proposed action scoped in February 2013. It provides the least amount of motorized access of all alternatives. This alternative would result in the decommissioning of all roads not designated for motorized use that are not located within an area

already closed to motorized use or entry. Administrative roads would remain open. Some of these roads may already be effectively closed on the ground from lack of use or due to previous road closure efforts. The cost to maintain the ML 2 -5 routes within this alternative would be \$4,386,667 which is 189 percent of our annual maintenance budget (Table 24).

**Table 24: Maintenance Cost Estimates for Alternative B
(based on 2006 figures)**

Maintenance Level	# of Miles	Annual Maintenance Needs per mile	Annual Cost
3-5	376	\$8,230	\$3,094,480
2	663	\$1,949	\$1,292,187
Totals	4,319		\$4,386,667

Alternative C

This alternative is a modified version of the proposed action scoped in February 2013. The cost to maintain the ML 2 -5 routes within this alternative would be \$6,529,875 which is 281 percent of our annual maintenance budget. (Table 25)

**Table 25: Maintenance Cost Estimates for Alternative C
(based on 2006 figures)**

Maintenance Level	# of Miles	Annual Maintenance Needs per mile	Annual Cost
3-5	572	\$8,230	\$4,707,560
2	935	\$1,949	\$1,822,315
Totals	4,319		\$6,529,875

Alternative D

This alternative provides the most motorized access of all alternatives. This alternative would result in the closure of all motorized routes (road and trails) not designated for motorized use. Some of these roads may already be effectively closed on the ground from lack of use or due to previous road closure efforts. The cost to maintain the ML 2 -5 routes within this alternative would be \$10,062,741 which is 432 percent of our annual maintenance budget. (Table 26)

Table 26: Maintenance Cost Estimates for Alternative D (based on 2006 figures)

Maintenance Level	# of Miles	Annual Maintenance Needs per mile	Annual Cost
3-5	548	\$8,230	\$4,510,040
2	2849	\$1,949	\$5,552,701
Totals	4,319		\$10,062,741

Summary of Direct and Indirect Effects

The cost of NFS road maintenance would vary by alternative. Alternative D increases maintenance costs more than any alternative. Alternative B would reduce the annual maintenance needs by approximately \$5.3 million per year compared to Alternative A, resulting in the lowest annual road maintenance cost. Alternative C would reduce the maintenance need by \$3.2 million per year compared to Alternative A. These costs would offset some of the savings mentioned above. Based on this analysis, Alternative B is the preferred alternative.

To support the existing transportation system with current and projected appropriated and non-appropriated maintenance funding, routine maintenance is being reduced, maintenance cycles are extended, and selective repairs are made to ensure public safety and prevent resource damage. Major repairs such as resurfacing or new bridges are funded by special appropriations outside of the Forest’s annual budget. Current and projected funding levels do not cover deferred maintenance, which means that the deferred maintenance backlog grows annually.

All action alternatives would all create maintenance funding shortfalls to a greater degree than Alternative A, mostly because of adding motorized trails to the transportation system. Not performing routine annual maintenance on time may increase the amount of deferred maintenance. If annual maintenance was fully funded, it would still leave a large amount of deferred maintenance that would prioritized for completion upon identification of danger to the public or the potential for severe resource damage.

Cumulative Effects – All Alternatives

In addition to funding, the forest achieves yearly road maintenance goals by working in conjunction with county and state governments. Fluctuation of budgets with other governmental agencies could impact the total number of miles of maintenance achieved.

Potential effects on the road system from activities such as urban development, increased visitation, mineral exploration and other construction activities could include temporary increases in the amount of traffic and road use by OHV vehicles and larger vehicles, primarily construction trucks. Much of the cost of any additional road maintenance needed as a result of commercial activities proposed with these future projects would be borne by the purchaser of the commercial product, and any temporary road needed to access the product would be constructed and then decommissioned by the purchaser when no longer needed.

The effects of cumulative activities, when added to the effects of the activities proposed with this project, would result in additional current maintenance needs. There is also the potential for

increased conflict between commercial and noncommercial road users. Some roads and trails being designated as open for motor vehicle use could have an increased concentration of traffic, while other roads and trails could have a decreased concentration of traffic. Potential for conflict would be mitigated by the appropriate use of signing and traffic control during implementation of activities.

Recreation Resources

Unmanaged recreation has been identified by the Forest Service as one of four —key threats to the nation’s forests and grasslands. The use of OHVs is seen as a major component of unmanaged use (U.S. Forest Service, 2005b). During the past ten years, OHV use has increased dramatically across the nation and on millions of acres of public land in the Western United States. In Arizona, OHV use has increased by 347 percent since 1998 (Arizona Game and Fish Department, 2013a).

Managing motorized recreation is particularly challenging on the Tonto National Forest with its fragile desert ecosystems and high demand for motorized access. The Tonto National Forest is the most heavily-used National Forest for motorized recreation, with nearly a million visitors using OHVs on the Forest annually (U.S. Forest Service, 2012). Currently, Payson and Pleasant Valley Ranger Districts are open to motorized cross-country travel yearlong, unless otherwise restricted. Cross-country travel was restricted on the Cave Creek, Globe, Mesa, and Tonto Basin ranger districts per forest plan, unless posted open; however, illegal cross-country travel is known to occur. OHV use has occurred off forest system routes, in sensitive riparian areas, through heritage sites, in threatened or endangered species habitat, into designated wilderness areas, through streams and up stream banks, and across highly erodible slopes.

Affected Environment

As a result of increasing population, housing development, and OHV use, an extensive network of unauthorized routes has been established on the Forest. Forestwide, unauthorized routes are associated with nearly every private parcel of land within or next to the Forest. This shows that motorized access to the Forest is important to the local population for hunting and other recreational opportunities. However, there is a growing contingent of the population, who also live at the Forest’s edge, that is distressed by what they view as constant noise, dust, unchecked trespass, and resource damage associated with unmanaged motorized vehicle use⁴⁷.

User Conflicts

Because of an increase in OHV use, there is a greater chance for conflicts between users that favor motorized recreation and those that do not. The earliest approach to recreational conflict was to view it as competition for resources among user groups (Devall and Harry, 1981; Owens 1985). Two more theoretically grounded and somewhat overlapping conceptualizations today are categorized as follows: conflict as goal interference and conflict based on differences in social values (MacLennan and Moore, 2011). Jacob and Schreyer (1980) conceptualized that goal interference can arise between recreationists on the basis of four distinct factors: activity style – the various personal meanings attached to an activity, resource specificity – the significance attached to using a specific recreation resource for a given recreation experience, mode of

⁴⁷ For more information, see the Law Enforcement section of this chapter.

experience – the varying expectation of how a natural environment is perceived, and tolerance for lifestyle diversity – the tendency to accept or reject lifestyles different from one’s own.

All of these types of conflict can arise between motorized and nonmotorized recreationists. Use conflict often can be “asymmetrical” in that one user group is generally more impacted by conflict than the other. The most often reported social and safety impacts are conflicts between OHV and nonmotorized users, displacement of users, conflicts with private land owners, and irresponsible OHV operation⁴⁸. Often motorized and nonmotorized users share the same or similar goals, but those seeking quiet and solitude through nonmotorized means are more likely to be disturbed by engine noise from an ATV than are those traveling by motor vehicle.

Members of the public, Arizona Game and Fish Department, and Arizona State Parks have shared their concerns about unrestricted OHV travel on public lands. Complaints focus on noise, litter, lack of environmental ethics and unsafe acts. In addition, “The Nonmotorized Arizona Trails 2000” (Arizona State Parks, 1999, p. 60) showed that 82 percent of motorized and 81 percent of nonmotorized trail users expressed concern over behavior of other users.

While conflicts exist on the Tonto National Forest between motorized users and nonmotorized users such as vehicular trespassing along the nonmotorized Arizona Trail and vehicular trespass into wilderness areas, they also exist between various types of motorized recreational vehicles (OHV types).

Conflicts between OHV types occur between four-by-four (4X4) full-sized vehicles, ATVs, and off-road motorcycles because of preferences for width of routes, distance travelled, and speed. Full-sized, 4X4 vehicles prefer wide routes and traveling long distances, since they drive in comfort with their supplies and soft seat, along with means to cool or warm themselves. ATV and off-road motorcycles look for narrow, short routes, since they cannot carry supplies and exert more energy riding. In addition, 4X4 full-sized vehicles take corners more slowly because they are larger, heavier, and more difficult to maneuver than the lighter weight ATV and off-road motorcycles that travel fast around corners. Dangerous conditions arise when different classes of motorized recreational vehicles meet at blind corners or narrow passages where there is poor visibility.

Motor vehicles are a legitimate and appropriate way for people to enjoy their National Forests in the right places, and with proper management. Current regulations were developed when OHVs were less widely available, less powerful, and less capable of cross-country travel than today’s models. The growing popularity and capabilities of OHVs demand new regulations, so that the Forest Service can continue to provide these opportunities while sustaining the health of National Forest Service lands and resources.

Americans cherish the National Forests and 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. National Forests should provide access for both motorized and nonmotorized users in a manner that is environmentally sustainable over the long term. The National Forest is not reserved for the exclusive use of any one group, nor must every use be accommodated on

⁴⁸ GAO report June 2009 report to subcommittee on National Parks, Forests, and Public lands, Committee on Natural Resources, House of Representatives; Enhanced Planning Could Assist Agencies in Managing Increased Use of Off-Highway Vehicles

every acre. The Forests are managed by law for multiple uses. The Travel Management Rule supports the management of National Forest System (NFS) lands for multiple use as provided in the Multiple Use-Sustained Yield Act of 1960, which authorizes and directs the Secretary of Agriculture to develop and administer the renewable resources of timber, range, water, recreation, and wildlife on the national forests for multiple use and sustained yield of the products and services.

Recreation Opportunities

Visitor use on the Tonto National Forest is year round. Visitors flock to the forest's lower Sonoran Desert in the winter and in the summer seek refuge from the heat at the Salt and Verde Rivers or at one of the six man-made reservoirs along these rivers. Summer travelers also find visitors in the high country camping under tall pines or fishing meandering trout streams south of the Mogollon Rim.

In addition to the large number of motorized recreationists described above, the Tonto National Forest also supports a wide range of nonmotorized recreation including hiking, backpacking, bicycling, horseback riding, watching and photographing wildlife and scenery, swimming, rafting, geo-caching, hunting, fishing, visiting archaeological and historical sites, and picnicking. Although some of these activities may include motorized travel to access them, the motorized travel is not the main point of the activity⁴⁹.

Permit Zones

Additionally, forest users can receive a free permit to the Bulldog Canyon OHV Area (not considered an OHV area per the Travel Management Rule), where users are provided a map and regulations for use of the 30 miles system roads within. *Forest Order No. 12-152* (signed by the Forest Supervisor March 19, 1997) restricted motorized travel in the existing permit zone due to considerable environmental damage occurring from uncontrolled vehicle use. Visitors currently receive a free permit and gate code from the Mesa Ranger District to access the Permit Zone. Motorized vehicles are required to stay on the high-clearance vehicle roads and passenger car roads. Motorized cross-country travel off these routes is prohibited within the Permit Zone. Permits are not required for non-motorized users such as equestrians and hikers. They may enter the zone through equestrian/pedestrian gates. The number of permits issued for the Bulldog Permit Zone is estimated on average of 750 per month over the course of a year, or 9,000 annually. During periods of high use (winter), permits issued can be up to 30 to 50 permits per day.

Prior to 1997, Bulldog Canyon had issues including illegal activities: violent crimes; dumping of car parts and abandoned vehicles, illegal dumping, and excessive trash; large parties/raves; target shooting, and extensive route proliferation. There were many conflicts between different OHV types and between motorized and non-motorized users. In addition, the impact of these issues degraded the natural desert landscape. Guided Jeep Tours also provide access to this area.

⁴⁹ For more detailed information about the recreational opportunities available on the Tonto National Forest, please see the Recreation Report in the project record.

Motor Vehicle Use for Big Game Retrieval

Big game hunting is a popular activity on the Tonto National Forest that brings many high-clearance and four-wheel drive vehicles to the Forest for both official hunting seasons and scouting for game before the seasons begin⁵⁰. For purposes of motorized big game retrieval on the Tonto National Forest, big game often refers to black bear, and elk. These species may require a vehicle to retrieve them, whereas other game species, such as javelina, are typically retrievable without aid of a motor vehicle.

With no restriction to motorized cross-country travel on the Pleasant Valley and Payson ranger districts, big game retrieval using motor vehicles is currently allowed within all recreation opportunity classes of these two ranger districts. motorized big game retrieval using motor vehicles is not allowed, however is known to occur, on the Cave Creek, Globe, and Mesa ranger districts where the prohibition on cross-country travel is difficult to enforce.

Motor vehicles are not allowed to travel off-road for the purpose of game retrieval on the Cave Creek, Mesa, Globe, or Tonto Basin Ranger Districts. Instead, the Payson and Pleasant Valley Ranger Districts currently allow motor vehicles to travel off-road to retrieve any downed game animal as there is no prohibition to cross-country travel on these two districts.

Motor Vehicle Use for Dispersed Camping

Generally, dispersed camping is more popular at higher elevations on Payson and Pleasant Valley Ranger Districts from May through September, where cross-country travel is permitted. The Cave Creek, Globe, Mesa, and Tonto Basin Ranger Districts are generally more popular during colder seasons (although cross-country travel on these four districts is prohibited). During hunting season, many hunters set up dispersed campsites in their favorite hunting area.

Recreational Opportunity Spectrum

National Forest visitors are diverse in their preferences for recreational settings, experiences, and activities. The Forest Service uses the Recreation Opportunity Spectrum (ROS) class system to help guide future development and management to provide the variety of recreation experience desired by the public. The ROS classes include: Primitive; Semi-Primitive Nonmotorized; Semi-Primitive Motorized; Roded Natural; Rural; and Urban. ROS classes help match visitors with their preferred recreation setting. These objectives are general goals, not standards and guidelines, and do not strictly govern future development.

In the early 1980s, the ROS Users Guide (U.S. Forest Service, 1982) was followed to inventory all areas of the forest according to their recreation opportunity spectrum. According to the inventory, urban settings occur on the Tonto National Forest adjacent to developed communities such as Payson, Globe, Pine, Strawberry, and Superior. Rural settings occur on forest lands extensively modified typically for residential development. Most areas of the Forest zoned Roded Natural occur in state highway and NFS road corridors along with the Forest's lakes. Semi-Primitive Motorized settings occur between areas classified as Roded Natural and Semi-Primitive Non-Motorized while Primitive settings tend to be in wilderness areas.

⁵⁰ For more information on hunter satisfaction, see the Game and Nongame section of this chapter.

Table 27 and Figure 19 display the overall acres of the ROS classifications within the Tonto National Forest in 1985, when the Forest Plan was signed.

Table 27: Recreation Opportunity Spectrum Classes for the Tonto National Forest (1985)

ROS Class	Acres	Percent of Forest
Urban	31,373	1.1
Rural	41,859	1.4
Roaded Natural	613,448	20.7
Semiprimitive Motorized	994,373	33.5
Semiprimitive Nonmotorized	1,007,967	34.0
Primitive	260,506	8.8
Unknown	16,143	0.5
Total	2,965,669	100

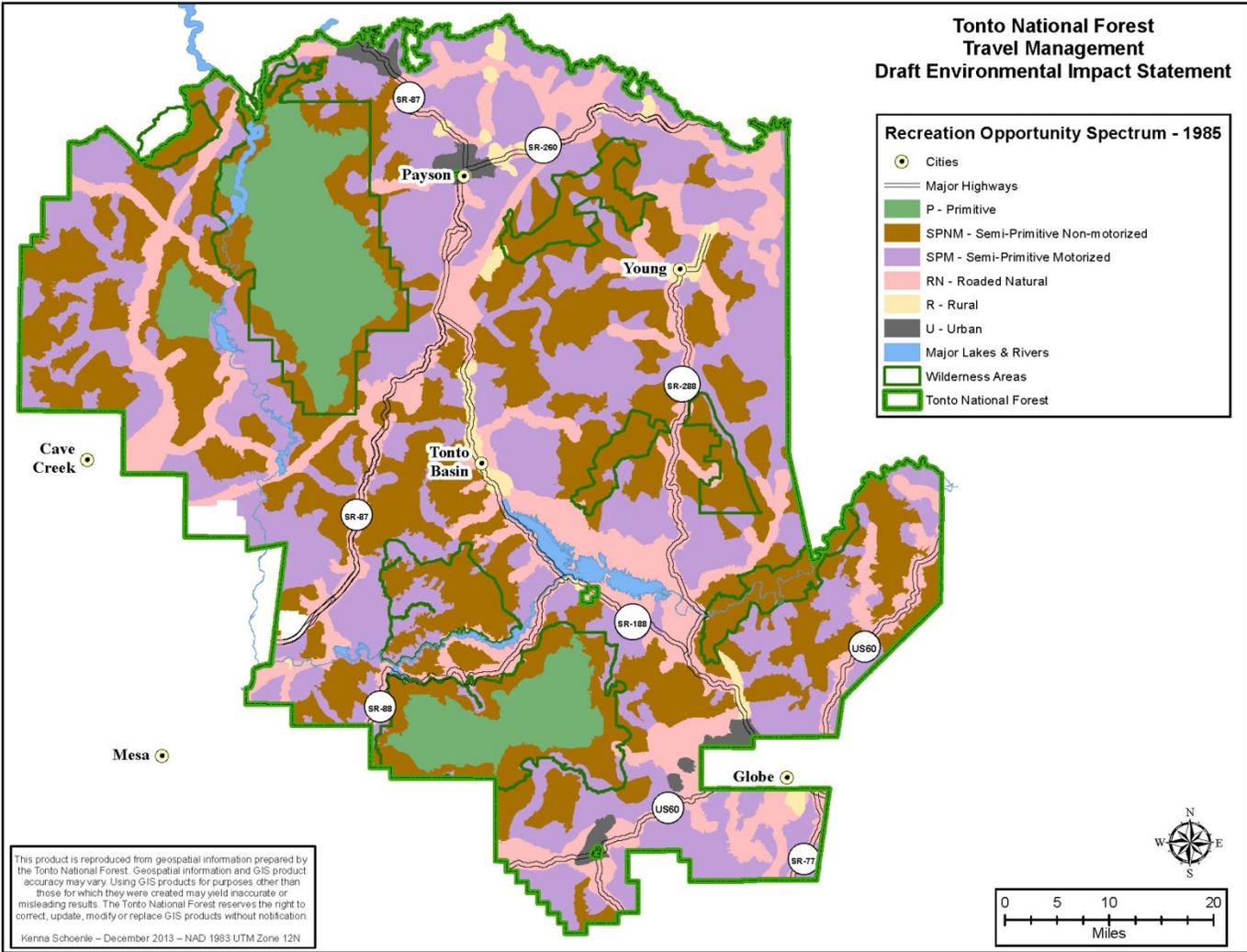


Figure 19: Map of Recreation Opportunity Spectrum for the Tonto National Forest (1985)

In the 1985 ROS inventory, there were only 260,506 acres designated as Primitive ROS, which is traditionally used when classifying Wilderness areas. Notes written by forest landscape architects documenting the inventory indicate that the Wilderness areas on the Tonto National Forest were inventoried exactly as non-wilderness areas of the forest, resulting in some of the wilderness areas not receiving the primitive ROS class that they should have. When the mapping process for the Forest Plan was completed in 1985, GIS systems did not exist. The original Mylar inventory maps were digitized and integrated into the GIS system in 2006. Since ROS maps were integrated into the Tonto National Forest GIS system, there have been numerous changes in the software used to manage geographic data. These changes have resulted in spatial differences, including forest and Wilderness boundaries, which have contributed to discrepancies in the Forest Plan for all ROS classes.

Because of these inconsistencies and errors in the current database representing ROS on the Tonto National Forest, it was determined that more accurate representation of the existing conditions for ROS was necessary for this analysis. This was done by first assigning all Wilderness areas as Primitive. Next, the road system in the Infra database was buffered using the same process that was used in the Forest Plan⁵¹. The updated current condition for the forest includes approximately 30,939 acres in Urban settings, which is 434 acres less than in 1987, 41,691 acres in Rural settings (168 acres less than in 1987), 571,379 acres in Roaded Natural settings (42,069 acres less than in 1987), and 519,259 acres in Semiprimitive Nonmotorized which is 488,708 acres less than in 1987 (Table 28 and Figure 20). The majority of the Forest now has 1,212,083 acres in Semiprimitive Motorized (217,710 acres more than in 1987). Approximately 588,937 acres are in the Primitive ROS class, which is 328,431 acres more than was indicated in the Forest Plan. This new GIS ROS layer is the best available data. The Tonto National Forest is currently developing the formal ROS reinventory in preparation for Forest Plan Revision. When the new ROS inventory is completed in 2014, it will be used for all project level analysis in the future.

Table 28: Modified ROS for Current Condition (2013)

ROS Class	Acres	Percent of Forest
Urban	30,939	1
Rural	41,691	1
Roaded Natural	571,379	19
Semiprimitive Motorized	1,212,083	41
Semiprimitive Nonmotorized	519,259	18
Primitive	588,937	20
Total	2,964,287	100

⁵¹ For more information, see Appendix A of the Recreation Report in the project record.

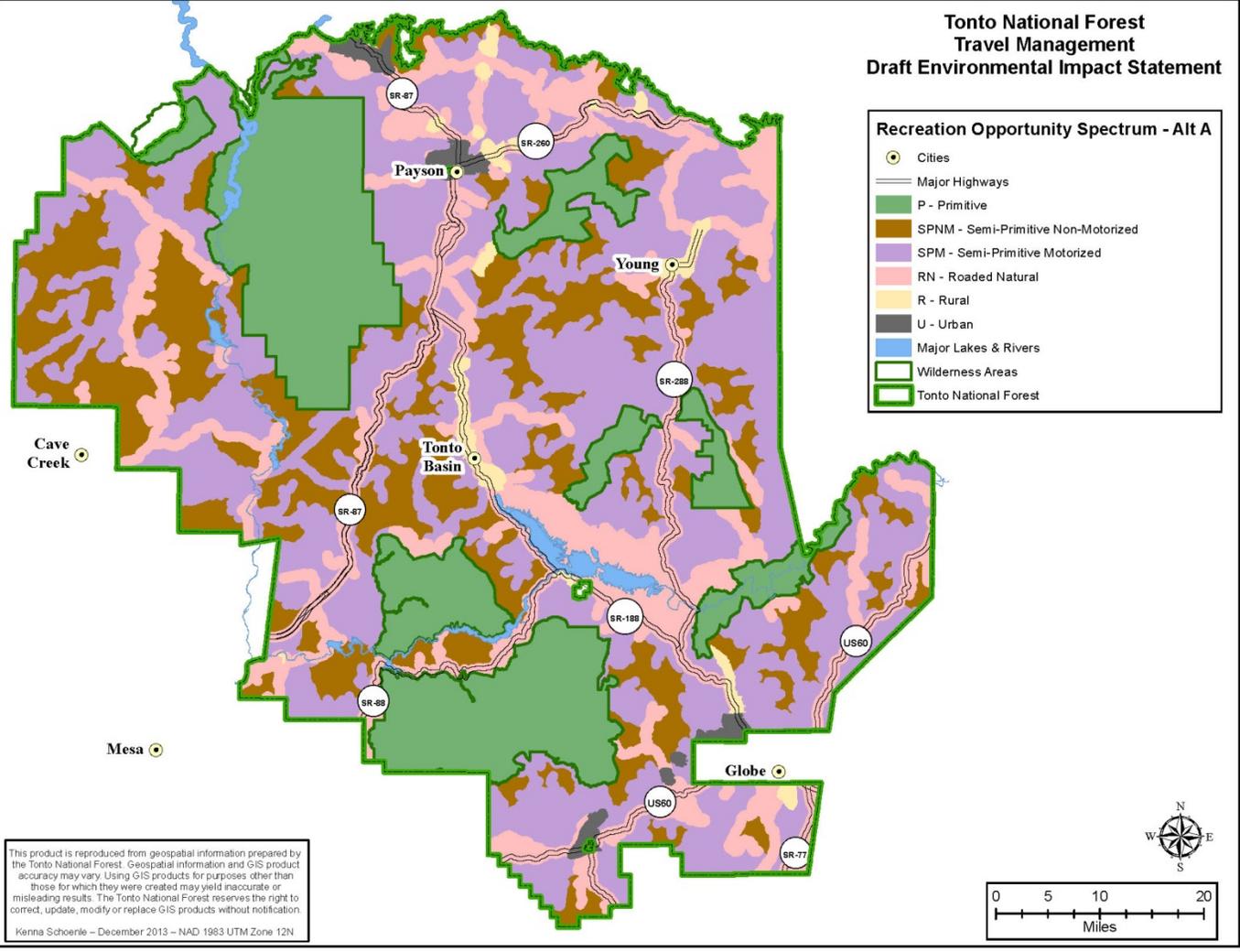


Figure 20: Map of Modified ROS for Current Condition (2013)

Arizona and Great Western Trail Opportunities

The Arizona Trail is an 800 plus mile National Scenic Trail from Mexico to Utah that connects mountain ranges, canyons, deserts, forests, wilderness areas, historic sites, trail system, points of interest, communities, and people⁵². The trail, which is predominantly nonmotorized, serves day hikers, backpackers, equestrians, mountain bicyclists, trail runners, nature enthusiasts, cross-country skiers, snowshoers, and mule and llama packers. While all of these activities currently take place on the Arizona Trail, it is the intent for the Forest Service to manage the trail as a corridor and identify resources within the corridors that should be preserved. The trail travels through the Superstition, Four Peaks, and Mazatzal wilderness areas on the Tonto National Forest. The Arizona Trail Association divides the trail into “passages,” 192.8 miles of which are located on the Tonto National Forest.

Since 1992, a diverse partnership of land management agencies, the Great Western Trail (GWT) Association, and the Arizona State Association of 4 Wheel Drive Clubs have worked to make the Arizona Section of the GWT a reality⁵³. The GWT, one of 16 National Millennium Trails, is a nonexclusive corridor of routes that accommodates a diverse myriad of trail users, both motorized and nonmotorized. In Arizona, the GWT is a system of existing backcountry roads that run north and south from Mexico to Utah. The first segment of the Arizona section of the trail was established in 1996, of which 8 miles is located on the Bull Dog Canyon Trail on the Mesa Ranger District. Another portion, the 71 mile Cave Creek segment was established in 1998. A total of 79 miles of the trail are located on the Tonto National Forest.

National Recreation Trail Opportunities

Approximately 50 miles of the Highline National Recreation Trail provides nonmotorized hiking, mountain biking and horseback opportunities along the Mogollon Rim on the Payson Ranger District. The trail with its spectacular views, canyons, and brushy hills was established in 1870, with Zane Grey using it for hunting in the area. A 19-mile segment of the Highline coincides with the nonmotorized Arizona Trail, all of which is nonmotorized. The Highline National Recreation Trail is not open to motorized use.

Another National Recreation Trail, Sixshooter Canyon trail provides a 6-mile continuous climb through several life zones into the Pinal Mountains with splendid views of Miami/Globe and surrounding area. The trail may be accessed from the CCC trailhead or Ferndell Trailheads on the Globe Ranger District and provides opportunities for nonmotorized activities; it also is not open to motorized use. The trail provides access to an Arizona National Champion tree, a Canyon Maple⁵⁴.

National Visitor Use Monitoring Data

The National Visitor Use Monitoring (NVUM) survey process was designed to better understand recreation use of the National Forest System lands (U.S. Forest Service, 2012). The NVUM program provides science-based estimates of the volume and characteristics of recreation

⁵² Additional information regarding the Arizona Trail can be found at [Arizona Trail website](#)

⁵³ Additional information regarding the Great Western Trail can be found at [Great Western Trail website](#)

⁵⁴ Additional information regarding National Recreation Trails can be found at [American Trails website](#)

visitation to the National Forest System⁵⁵. Visitor use monitoring was collected on the Tonto National Forest during fiscal years⁵⁶ 2003, 2008, and is currently being collected for 2013.

Information provided regarding NVUM data is from the 2008 surveys (U.S. Forest Service, 2012) unless stated otherwise. The information gleaned from NVUM is valid and applicable at Forest, Regional, and National levels, but was not designed to be accurate at the district or site specific level.

The total estimated site visits to the forest in fiscal year 2008 is 5,108,000 with 800,000 to developed day use sites, 961,000 to developed overnight use sites, 3,195,000 to general forested areas, and 152,000 to designated wilderness areas. A site visit is the entry of one person onto a National Forest site or area to participate in recreation activities for an unspecified period of time. Demographic results show that over 72 percent of visits are made by males. Hispanics/Latinos (13 percent) are the most common racial or ethnic minority. There are relatively few people aged 60 and up (12 percent) in the visiting population. Just over one third is in their thirties or forties and approximately 22 percent are under the age of 16. The Tonto National Forest serves a mostly local client base with the majority reporting that they are from Maricopa County. Nearly 73 percent of visits come from people who live within 50 miles of the forest.

The eight most frequently selected main activities reported by those surveyed on the Tonto National Forest are hiking/walking (26.3 percent), viewing natural features (23.4 percent), relaxing (23.3 percent), motorized trail activity (17.7 percent), fishing (15 percent), viewing wildlife (14.8 percent), driving for pleasure (14.5 percent), and OHV use (11 percent). These use figures could likely underestimate users since they represent what users indicated as the primary purpose of their visit. Users may not have indicated their mode of travel as the primary purpose of their visit

In terms of motorized trails, currently there are no designated single or double tract motorized trails on the Tonto National Forest. Although, some visitors to the forest indicated they had used motorized trails, more than likely they were actually using forest system roads that have not been maintained or an unauthorized route. Without a dedicated motorized trail system, it may be assumed that the needs of those seeking a motorized trail experience are not being met.

The overall satisfaction results showed that almost 73 percent of the people who visited were very satisfied with the overall quality of their recreation experience. Another 17 percent were somewhat satisfied. Less than 4 percent expressed any level of dissatisfaction. Developed facilities, access, and perception of safety all exceeded the target. The percent meeting expectation scores for all elements were fewer than 80 percent in Developed Sites.

To determine if current conditions met the needs of forest visitors, the NVUM survey conducted on the Tonto National Forest in 2008 included satisfaction questions. In the satisfaction portion of the survey, only “road condition” directly related to travel management. The majority of the visiting population felt roads and signage were very important. When visitors were asked about their satisfaction with the road conditions, approximately 50 percent were “very satisfied” and approximately 25 percent were “somewhat satisfied” (U.S. Forest Service, 2012). Less than 5 percent of those surveyed indicated that they were “very dissatisfied” with the road conditions (U.S. Forest Service, 2012). Based on this information, it is assumed that the amount of roads

⁵⁵ Supporting data for the NVUM information above can be found at [Forest Service Recreation website](#)

⁵⁶ Government fiscal years are October 1st through September 30th.

available for motorized recreation is meeting the needs. Although, without site-specific data it is not possible to determine if the location or type of road (paved or dirt) is specifically meeting the needs based on the NVUM survey data.

National Recreation Trends

Information from *Outdoor Recreation Trends and Futures*, a technical report by Cordell (2012), states one overriding national trend is quite evident: the mix of outdoor activities chosen by Americans and the relative popularity of activities overall have been evolving over the last several decades. One general category of activity showing growth in the first decade of the 21st century is nature-based recreation. Among types of nature based recreation, motorized activities showed growth up to 2005, but then showed a decrease up to 2009 that was similar to 2000. The trend in hunting, fishing, and backcountry activities remained relatively flat during this period. The clear growth area was within the overall group of activities oriented toward viewing and photographing nature. This study projects outdoor recreation activities to grow out to the year 2060. The top five activities projected with the highest growth potential in terms of participants are developed and other skiing, challenge activities, equestrian activities, and motorized water activities. The lowest rate of projected participant growth are visiting primitive areas, motorized off road activities and motorized snow activities, hunting, fishing, and floating water activities. These projections differ from Arizona trends discussed below.

Arizona Motorized Outdoor Recreation Trends

The 2013 Arizona Statewide Comprehensive Outdoor Recreation Plan (SCORP) reports that based on the Arizona Trails 2010 Plan, OHV users represent almost 22 percent of the Arizona population which include residents who use motorized vehicle on trails for multiple purposes⁵⁷. Of that, 11 percent of Arizona residents reported that motorized trail use accounted for the majority of their use and are considered “core users.” With Phoenix and surrounding communities being among the fastest growing populations in the State, adjacent forest areas can expect a large increase in visitation.

The Arizona Trails 2010 Plan (Arizona State Parks, 2009) first level priority motorized trail recommendations include the following: protect access to trails/acquire land for public access; maintain and renovate existing trails and routes; mitigate and restore damage to areas surrounding trails, routes and areas; and establish designated motorized trails, routes and areas. Second level priority motorized trail recommendations include the following: increase on-the-ground management presence and law enforcement; provide and install trail/route signs; provide maps and trail/route information; and provide educational programs.

Arizona’s top priority issues identified in the SCORP include: secure sustainable funding; improve collaborative planning and partnerships; and respond to needs of special population and changing demographics. Second priority issues include: resolve conflicts; secure access to public; protect Arizona’s natural and cultural resources and communicate with and educate the public. The two tiers of issues and associated goals and action strategies are described in more detail in Chapter 6 of the SCORP.

⁵⁷ Additional information regarding SCORP can be found at [Arizona State Parks website](#)

Trail Maintenance Costs

Currently there are no designated motorized trails on the Tonto National Forest. The budget allocated to maintain trails is currently, and has been historically, used to maintain non-motorized trails. However, as indicated in the NVUM survey results, many visitors to the Tonto National Forest believe they are recreating on motorized trails; likely ML 2 roads that have overgrown vegetation and challenging terrain.

Environmental Effects

Assumptions and Methodology

Assumptions

Existing National Forest System roads offer a broad range of recreation opportunities providing access for nonmotorized activities such as: hiking, bicycling, and horseback riding and for motorized activities including OHV riding, motorized dispersed camping, and motorized big game retrieval. In the action alternatives, motorized trails can range from single track, that would accommodate a dirt bike, to the width of a standard dirt road, that could be drive by any vehicle with high enough clearance or appropriate suspension. For this analysis, unless otherwise indicated, roads and full-size, four-by-four (4X4) vehicle motorized trails will be treated the same.

Assumptions Associated with User Conflicts: Overall, user conflict on motorized routes is expected to be minimized by implementing the Travel Management, because the locations of motorized routes, motorized dispersed camping and big game retrieval corridors, designated OHV Areas, and permit zones would all be defined and published on the Motor Vehicle Use Map (MVUM). When a user's expectations of what they will experience are aligned with the opportunities provided that user's satisfaction is increased and conflict between users had the potential to be reduced. Researchers have found that such a system reduces direct conflicts (Filmore and Bury, 1978; Frost and McCool, 1988; Albritton and Stein 2007; Snyder *et al.*, 2008).

Assumptions Associated with Permit Zones: The roads and motorized trails within the permit zones will be analyzed no differently than the roads and motorized trails on the rest of the forest. Since the NVUM survey did not address permit zones specifically, there is a lack of information to determine the visitor use satisfaction with them. However, the Law Enforcement Report (in the project record) identifies compliance and enforcement issues associated with the permit zones.

Assumptions Associated with Motor Vehicle Use for Big Game Retrieval and Dispersed Camping: Corridors for motorized dispersed camping and motorized big game retrieval would all be defined with locations and published on the motor vehicle use map (MVUM). This would offer the public a means to better plan their recreational pursuits based on the unique expectations of the individual. MVUM would be updated on an annual basis.

Assumptions Associated with Motor Vehicle Use for Dispersed Camping: The follow are assumptions that are common to all action alternatives:

- Implementing the travel management rule only affects motorized dispersed camping (i.e., traveling off the designated NFS road system with a vehicle to set up a camp); it does not affect dispersed camping by any other nonmotorized means. Dispersed camping by any other nonmotorized means, such as parking within one vehicle length (including vehicle

and trailer) alongside a designated open road and walking into a dispersed campsite to set up camp would continue to be allowed anywhere on the forest in all action alternatives.

- Corridors for motorized dispersed camping are meant solely for the purpose of motor vehicle access to dispersed campsites. These corridors would be limited to what is needed to provide direct ingress and egress to the campsite, with the campsite the base of activity. These corridors would not be open to unrestrained motor vehicle use, i.e., driving a motor vehicle outside that which is needed to drive to and from the campsite.
- Outfitters would be limited to the same corridors proposed for motorized dispersed camping. This has a potential to change the type of hunting opportunity provided to the public.

Assumptions Associated with Trail Maintenance Costs: The follow are assumptions that are common to all action alternatives:

- There are no maintenance costs or needs for big game retrieval using motor vehicles projected in any of the action alternatives, so this activity will not be analyzed in terms of trail maintenance costs.
- There are no maintenance costs or needs for access of dispersed camping using motor vehicles projected in any of the action alternatives so this activity will also not be analyzed in terms of trail maintenance costs.
- There are no maintenance costs or needs for personal use fuelwood gathering and other forest products projected in any of the action alternatives so this activity will also not be analyzed in terms of trail maintenance costs.
- Decommissioning of unauthorized routes is not being considered under this analysis: therefore, costs associated with decommissioning are not calculated.

Methodology

Analysis methods included the use of Forest Service databases and Geographic Information System (GIS) data coverage for roads, trails, and with the current conditions for ROS from the Forest Plan amendment. The GIS mileage was used as a relative comparison for analyzing all resource areas. For this analysis, miles of roads and trails open or closed to different vehicles were calculated using the Forest Service GIS spatial data. Information about road and trail mileages is located in the Forest Service Infrastructure database (Infra) and in the project file. The Trails Infrastructure database is not completely linked to the GIS database. Calculations and numbers represent the GIS mileages of roads and trails within the administrative boundary of the forest, for comparative purposes. For Recreation Opportunities major Interstate and Highway mileages managed by other jurisdictions that travel within the Tonto National Forest boundary are included to display road opportunities available to visitors' forest wide.

This analysis was completed using the Recreation Opportunity Spectrum framework outlined in The Recreation Opportunity Spectrum Users Guide (ROS) (U.S. Forest Service, 1982). In Semi-Primitive Non-Motorized (SPNM) settings, roads are not compatible with motorized vehicle use. There are existing roads in this setting on the Tonto National Forest and there are roads proposed in SPNM in the action alternatives. Consistency with each ROS setting criterion (e.g., size, type, and degree of access; remoteness, etc.) is an ideal concept (U.S. Forest Service, 1986). When

considering real conditions on the ground, one or more of the setting criteria are routinely inconsistent with the “ideal” characteristics for that setting. Inconsistencies arise from a variety of causes, including earlier management actions or purposeful courses of action. For the latter, the apparently inconsistent factor might be completely in line with the type of opportunity most needed in the area (U.S. Forest Service, 1986).

The designations identified for ROS within the Forest Plan and amended Forest Plan are objectives to meet management goals to optimize users’ recreation experiences on the Tonto National Forest. These categories are not prescriptive; for example the ROS categories of Semi-Primitive Motorized and Roaded Natural do not require a minimum miles of roads or motorized trails within these Opportunity Classes.

Data Limitations

There is no data available regarding user conflicts. Violation notices that have been issued on the Forest are discussed in the Law Enforcement section of this chapter. National Visitor Use Monitoring data is presented in the background section. This data pertains to the forest level and is not site specific. Estimates of motorized use are described in Alternative A – No Action Alternative. There is not a complete inventory of site locations or use data for dispersed sites. The Infra database does not contain a complete listing of trailheads located on the forest. With this data limitation, a comparison of existing motorized access to trailheads with the motorized access proposals within the action alternatives is not feasible.

Alternative A – Direct and Indirect Effects

Roads and Trails Designated for Motor Vehicle Use

Management of motorized recreation on the Tonto National Forest would not change from the existing condition. The existing total of 2,953 miles of road open to passenger and high clearance vehicles on the Tonto National Forest would remain open to the public for motorized travel by previous decision. In addition, 2,006 miles of open routes, where the maintenance level is unknown, would likely continue to be used by motorists. There are currently no motorized trails designated for general motorized use or for single track motorcycle use.

Under current conditions it is often not clear which routes are intended for motorized and nonmotorized activities. Lack of a designated route system does not provide for a diverse range of safe, motorized recreational opportunities and does not meet the expectations or desires of OHV enthusiast. This lack leads to an increase in the number of unauthorized routes. As the number of users continue to increase, the demand for additional motorized routes for recreation activities is likely to increase.

The No Action Alternative does not provide many opportunities to recreate in the forest without being near a road, except in designated wilderness areas (Figure 21). Currently approximately 59 percent of the forest is within 0.5 miles of an open motorized route, with no areas outside of Wilderness located greater than 4 miles away from a road. Of the non-wilderness, 1.5 percent of the forest is located within 2 to 4 miles from an open motorized route. Currently designated wilderness provides the only opportunity for those forest visitors seeking solitude where they can recreate in a setting greater than four miles from an open road. The road system provides access to all recreation niche settings particularly front country and linear adventure. The current mix of motorized and nonmotorized recreation opportunities does not appear to be meeting the needs of

the motorized public. This could be attributed to the fact that currently there is not a designated motorized trail route system on the Tonto National Forest.

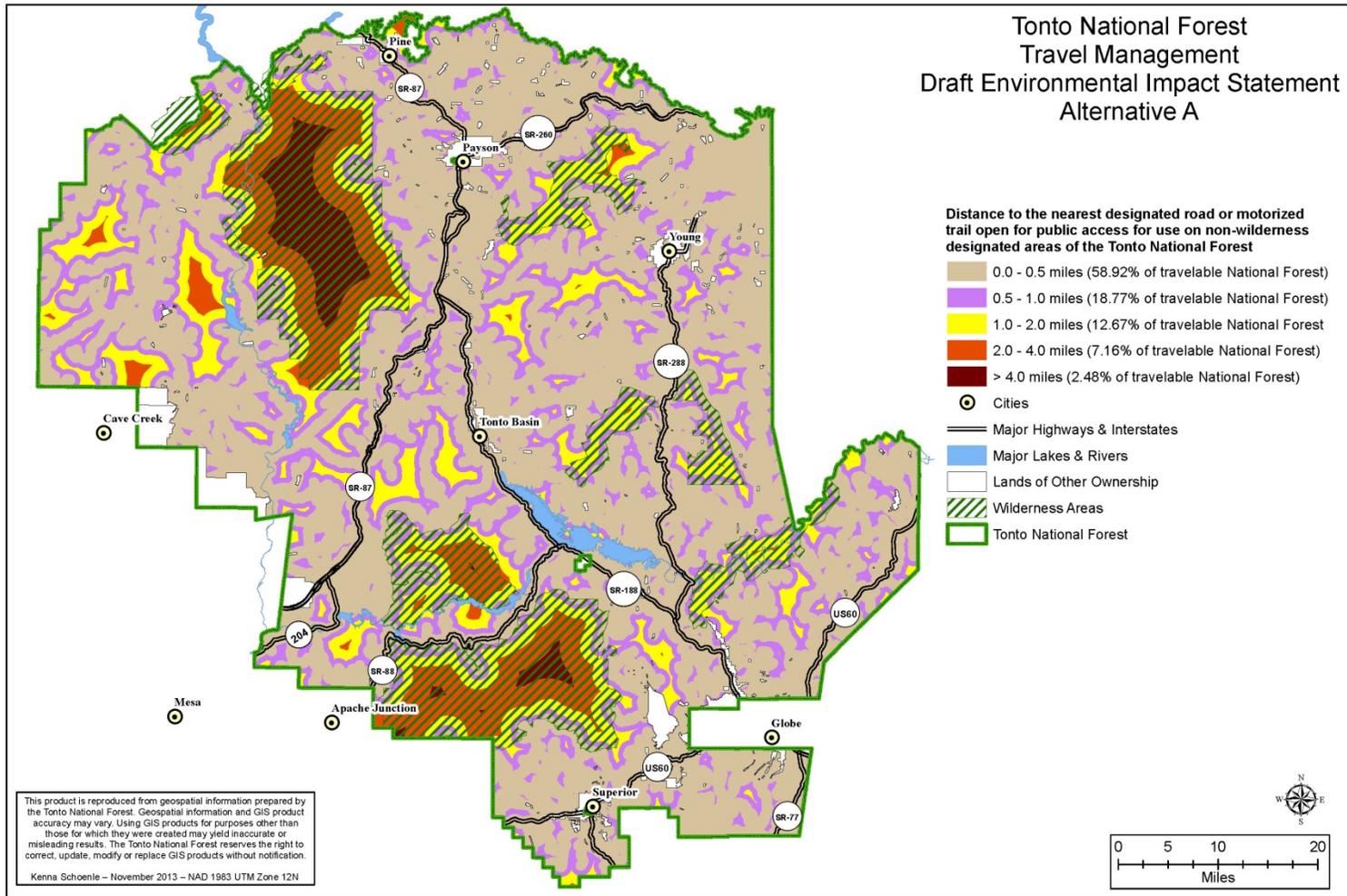


Figure 21: Map of Distance to Nearest Designated Road or Motorized Trail – Alternative A

Effects of User Conflicts

OHV use is likely to increase on the Forest, because of popularity of this activity and/or because of restrictions placed on state and local government land. Since there are currently no trails specifically managed for motorized use, and motorized users are expected to continue to travel cross-country and utilize the nonmotorized trail system, it is likely conflict between motorized and nonmotorized users would increase. An increase in conflicts between motorized users such as: ATV; off-road motorcycle; high-clearance vehicle; UTV; and full sized vehicle enthusiasts would also be likely, since there would not be clear guidelines for each type of use. The current safety issues from these conflicts would likely continue. Use of and the creation of additional unauthorized routes is likely to continue and increase, along with degradation to the natural landscape.

Effects to the Arizona and Great Western Trails

Currently 4.2 miles of the nonmotorized Arizona Trail are located on system roads. In addition, many of the passages of the Arizona Trail cross a motorized route. Table 29 shows the number of times a motor vehicle route crosses the trail, for a total of 50 times over the course of the 186 miles of the trail that in on the Tonto National Forest. These crossing on a trail that is intended to be a non-motorized trail and provide an non-motorized experience does not meet the intent nor provide the experience many hikers, mountain bikers, trail runners, and equestrian riders who utilize the trail.

Table 29: Occurrences of Motor Vehicle Routes Crossing Arizona Trail – Alternative A

Passage Name	Trail Mileage	Number of Motorized Crossings
Alamo Canyon	10.9	3
Reavis Canyon	17.8	12
Superstition Wilderness	28.6	5
Four Peaks	18.4	5
Pine Mountain	18.9	9
Saddle Mountain	15.2	3
Mazatzal Divide	20.9	0
Red Hills	13.6	1
Whiterock Mesa	10.9	1
Hardscrabble Mesa	11.5	8
Highline	18.6	3
Gila River Canyons	0.3	0
Total	185.6	50

The Great Western Trail is located on 71 miles of passenger vehicle (ML 3-5) and 8 miles of high clearance (ML 2) roads. This currently provides a semiprimitive motorized setting and experience for visitors on the Great Western Trail.

Effects to Recreation Opportunity Spectrum

There would be no change in the current conditions for the Recreation Opportunity Spectrum classes for the forest.

Effects of Motorized Trail Maintenance

Out year budget funding projections are currently unknown. No alternative would change the amount of funds available for trail maintenance. Since the Tonto National Forest currently does not have a designated motorized trail system, the emphasis of the trail program is on maintenance, reconstruction, and signing of forest nonmotorized trail system. Funding is limited for the signing and restoration of unauthorized routes. The partnership and volunteer program on the Tonto National Forest greatly attribute to the accomplishment of visitor contacts, trail maintenance, and reconstruction, and restoration of unauthorized routes.

Using the 2005 to 2010 Average National Trail Cost Figures, the estimated five year averages of the current Tonto National Forest non-motorized trail needs are: Total Operations \$160,863, Deferred Maintenance \$2,229,440, Annual Trail Maintenance \$529,440 and Trail Capital Improvement (Trail Reconstruction) \$2,948,985. The total (2005 to 2010 average Allocation figure) for funding the Tonto National Forest's Trails Program including Operations, Maintenance, and Trails Capital Investment is \$1,677,237, which currently goes to maintain the nonmotorized trail system.

Areas Designated for Motor Vehicle Use

Cross-country motorized travel is currently permitted on the Payson and Pleasant Valley ranger districts. There are also many locations where highly-concentrated motorized use occurs on Cave Creek, Globe, and Mesa ranger districts even though these areas are currently closed to cross-country travel. These locations are popular places, where the public has found motorized recreational use most enjoyable due to the proximity to the Metropolitan Phoenix Area and the varied desert terrain. Families with young OHV users and beginners, OHV clubs, and small groups of motorized recreation enthusiasts frequent these intensively-used areas. These areas have become informally known as Desert Vista, St. Clair, Pipeline, Golf Course, Hewitt Station, Seven Mile Wash, Sycamore Creek, and The Rolls. Sycamore Creek is indicative of the use occurring in these concentrated use areas. Users of this site refer to it as "Sycamore OHV area" but the Tonto National Forest has not designated any of the areas described above as a cross-country travel area per the Travel Management Rule. An extensive network of unauthorized routes along with hill climbs can be found in Sycamore Wash. Often, these routes are created by users trying to exit the wash by driving up the incline or using these inclines to enhance the difficulty or vary the terrain in their motorized experience.

No change from the current condition is anticipated under this alternative.

Effects of User Conflicts

As the number of users continues to increase, demand for cross-country travel could likely increase. Although cross-country travel in the lower elevation, desert areas is not permitted, illegal use would likely continue, expanding areas where cross-country travel has been observed. In addition, conflicts between OHV users, recreational shooters, and nonmotorized users would continue to occur in these locations.

Motor Vehicle Use for Big Game Retrieval

Due to no prohibition on cross-country travel unless otherwise posted, the Payson and Pleasant Valley ranger districts would continue to allow motor vehicles to travel off-road to retrieve any downed game animal (approximately 703,618 total acres).

Motor vehicles are not allowed to travel off-road for the purpose of game retrieval on the Cave Creek, Mesa, Globe, or Tonto Basin ranger districts. The prohibition on cross-country travel would continue on these ranger districts. However, it is likely that some motorized big game retrieval is currently occurring and would continue to occur. This would have the potential to dissatisfy nonmotorized visitors (including hunters that prefer to not use motor), hikers, and horsemen who travel within these districts expecting a quiet recreation experience.

Effects of User Conflicts

This alternative provides 703,618 acres for motorized big game retrieval on the Payson and Pleasant Valley Ranger Districts. User conflicts can occur when hunters, traveling by foot or horseback, encounter hunters using motor vehicles in areas where motorized use is not expected to occur. There is a potential for this type of conflict to occur on Globe, Cave Creek, and Tonto Basin ranger districts where motorized retrieval is currently prohibited.

Motor Vehicle Use for Dispersed Camping

Generally, dispersed camping is more popular at higher elevations on Payson and Pleasant Valley ranger districts from May through September. The Cave Creek, Globe, Mesa, and Tonto Basin ranger districts are generally more popular during colder seasons. During hunting season, many hunters set up dispersed campsites in their favorite hunting area.

As previously described, there would be no change in recreational opportunities for motorized dispersed camping. On the Payson and Pleasant Valley ranger districts with no prohibition on cross-country travel unless otherwise posted, motor vehicles would continue to be allowed to travel off-road to access dispersed campsites on roughly 703,618 acres. These opportunities are provided within the high county and backcountry niche settings.

Motorized vehicles are currently not allowed to travel off-road for accessing dispersed campsites on the southern ranger districts (Cave Creek, Mesa, Globe, or Tonto Basin). However, it is likely that some motorized dispersed camping is currently occurring and would continue to occur during the fall and winter cooler seasons.

Effects of User Conflicts

These effects would be the same as those for motorized big game retrieval, as the areas open for this activity are the same.

Alternative B – Direct and Indirect Effects

Roads and Trails Designated for Motor Vehicle Use

There would be approximately 1,666 miles of motorized trail added to the system, which includes 1 mile of single-track motorcycle trail. In this alternative, there are 11 miles of unauthorized routes proposed to be added to the road system that will be open to the public, while none of the

inventoried unauthorized routes are proposed to be as added to the motorized system trail. The inventoried unauthorized routes are currently used and would provide additional road access on the forest. Overall, Alternative B proposes almost 4,006 miles less of motorized routes open to the public than currently exists.

Under Alternative B, the ability to recreate away from motorized routes outside of designated Wilderness would be greater than the current condition (Figure 22). Approximately 43 percent of the forest would be located within 0.5 miles from an open motorized route outside of wilderness, with less than five percent located outside of Wilderness providing an opportunity greater than 4 miles from an open motorized route. This alternative provides an opportunity for those seeking solitude to recreate 4 miles from an open road outside of designated Wilderness. Outside of Wilderness, 5.3 percent would be located 2 to 4 miles from an open motorized route.

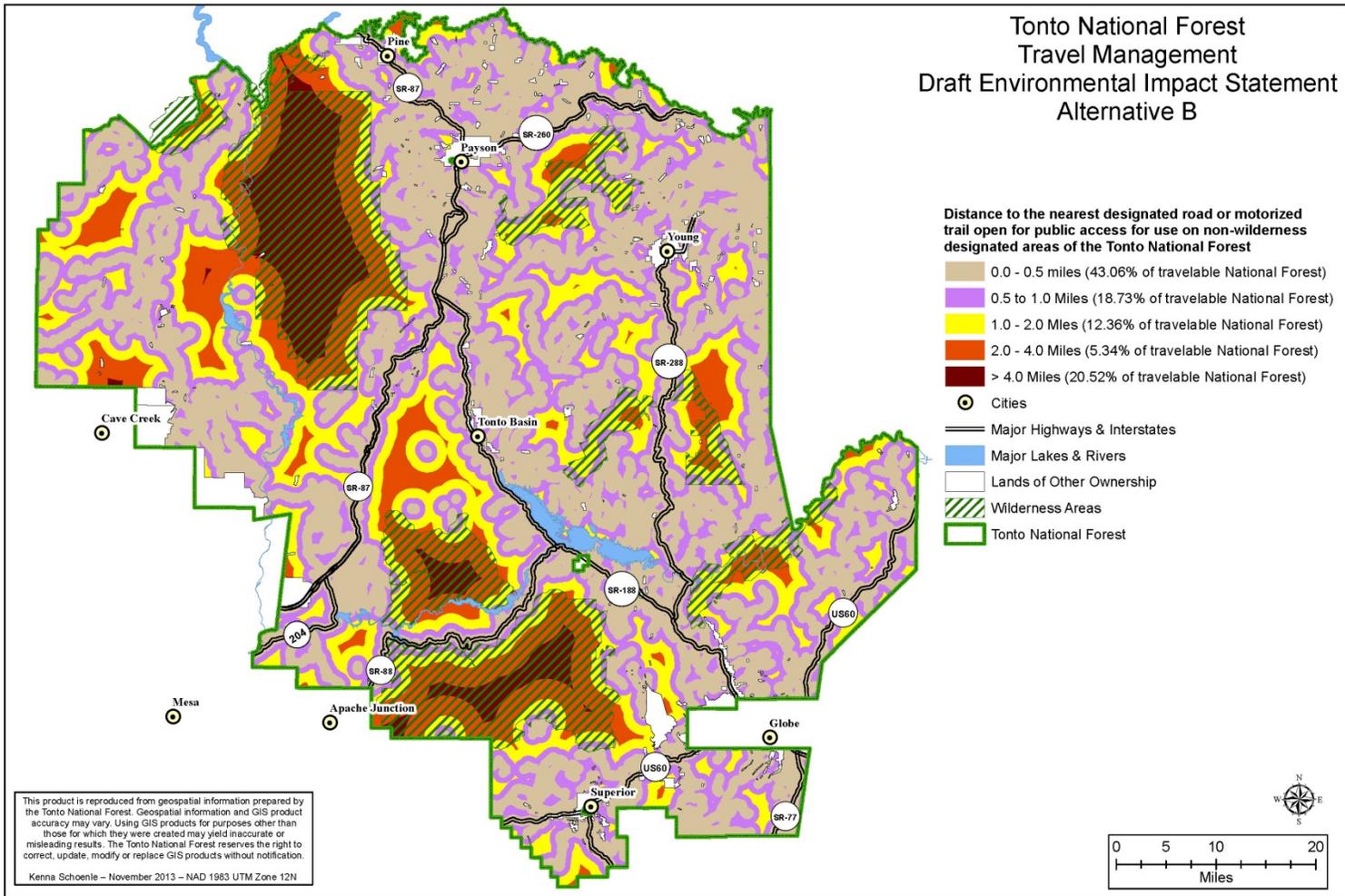


Figure 22: Map of Distance to Nearest Designated Road or Motorized Trail – Alternative B

Less emphasis is focused on OHV opportunities in the front country and driving for pleasure and motorized long distance trail use in the linear adventure recreational niches. This alternative provides the most opportunities for primitive and unconfined recreation activities outside of designated Wilderness.

Effects of User Conflicts

Forest recreation managers’ report many motorized users are feeling disenfranchised and frustrated that they keep “losing trails and areas” to ride. After decades of relatively unrestricted use, many motorized users are beginning to feel squeezed (Yankoviak, 2005). Conflict for motorized users may stem from off-site interactions when other user groups seek to restrict motorized access and issue complaints about OHV use to land management agencies. This alternative, the most restrictive in terms of motorized access, has the potential to accentuate this type of conflict. However, this alternative provides the most opportunities for those users seeking solitude and primitive unconfined recreation experiences.

Effects to the Arizona and Great Western Trails

Currently 4.2 miles of the nonmotorized Arizona Trail are located on system roads. In addition, many of the passages of the Arizona Trail cross a motorized route. Table 30 shows the number of times a motor vehicle route crosses the trail, for a total of 29 times over the course of the 186 miles of the trail that are within the Tonto National Forest. While the occurrence of motorized routes in this alternative is almost half of the current condition, these crossing on a trail that is intended to be a non-motorized trail and provide an non-motorized experience still does not meet the intent nor provide the experience many hikers, mountain bikers, trail runners, and equestrian riders who utilize the trail expect.

Table 30: Occurrences of Motor Vehicle Routes Crossing Arizona Trail – Alternative B

Passage Name	Trail Mileage	Number of Motorized Crossings
Alamo Canyon	10.9	2
Reavis Canyon	17.8	9
Superstition Wilderness	28.6	4
Four Peaks	18.4	1
Pine Mountain	18.9	4
Saddle Mountain	15.2	1
Mazatzal Divide	20.9	0
Red Hills	13.6	1
Whiterock Mesa	10.9	0
Hardscrabble Mesa	11.5	5
Highline	18.6	2
Gila River Canyons	0.3	0
Total	185.6	29

On the Great Western Trail, 14 miles are proposed for decommissioning from the Forest boundary with Agua Fria National Monument on Bureau of Land Management land to the junction of Roundtree Canyon Road (Forest Service Road 24). Access to the Great Western Trail route would begin or end at the junction of Roundtree Canyon Road. This alternative proposes 7.3 miles of the GWT currently managed as road to be managed as motorized trail. There is the potential for user dissatisfaction by those accustomed to traveling this portion of the Great Western Trail in a motorized vehicle and the loss of motorized opportunities due to decommissioning proposed on 14 miles of the trail.

Effects to Recreation Opportunity Spectrum

This alternative would require a Forest Plan amendment, because it would not comply with the current Forest Plan. However, using the updated ROS for the existing condition, there are differences based on the ROS settings (Table 31 and Figure 23). The most notable difference is in the increase of semiprimitive non-motorized, nearly double the updated existing condition.

Table 31: Changes in ROS - Alternative B

ROS Category	Update Existing Condition (Acres)	Alternative B (Acres)	Difference (Acres)
Primitive	588,937	621,683	+ 32,746
Semiprimitive Nonmotorized	519,259	980,718	+ 461,459
Semiprimitive Motorized	1,212,083	843,000	- 369,083
Roaded Natural	571,379	445,909	- 125,470
Rural	41,691	41,774	+ 83
Urban	30,939	31,204	+ 265

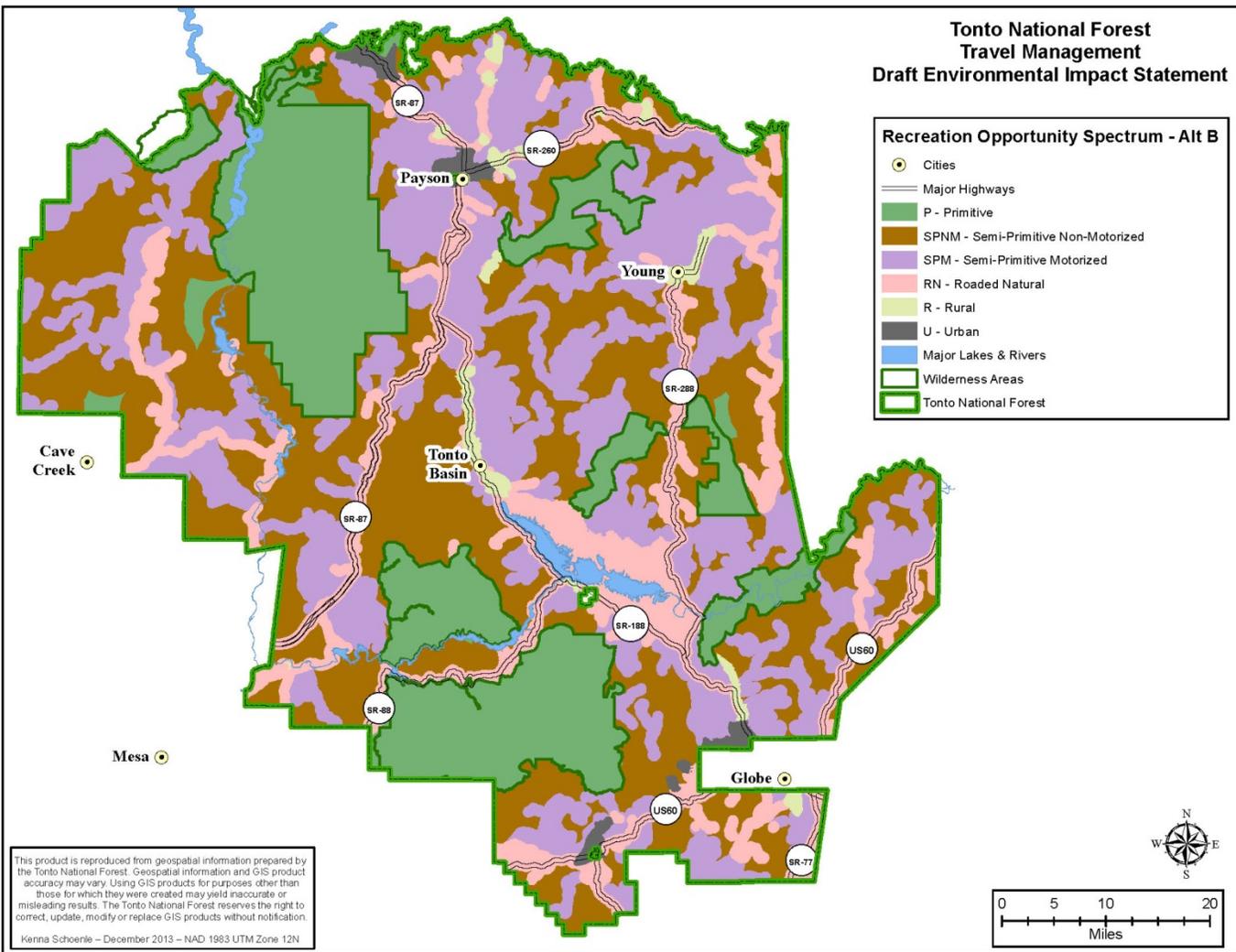


Figure 23: Map of ROS for Alternative B

For this alternative, those seeking motorized recreation in the forest will have less opportunities while those seeking nonmotorized recreation will have more opportunities than current conditions.

Effects of Motorized Trail Maintenance

This alternative proposes 1,666 miles of motorized trail at a cost of \$600 per mile for maintenance (a total of \$999,000). Trail maintenance for this alternative would need to be funded, either out of the Tonto's operating funding, or the work would need to be accomplished by volunteers. This alternative has slightly higher costs for trail maintenance than Alternative D.

Areas Open to Cross Country Travel

No OHV areas are proposed for designation in this Alternative. OHV users could be dissatisfied at the lack of opportunity to travel off the designated motorized route system.

Effects of User Conflicts

No OHV areas are proposed for designation in this alternative, which eliminates over 700,000 acres of cross-country travel opportunities on the Forest. This alternative does not address the current management issue of heavily-concentrated use of motorized vehicles in a small area occurring on the Tonto National Forest. With all motorized use concentrated to designated routes only, user safety issues such as conflicts between OHV users, especially younger beginners and those that favor a full-sized vehicle, would likely increase as the opportunities for motor vehicle travel would decrease. However, this alternative provides the most opportunities for nonmotorized forest visitors.

OHV users could be dissatisfied at the lack of opportunities provided for cross-country travel and travel on unauthorized routes in this alternative particularly on the Globe and Mesa Ranger Districts, specifically in the Sycamore drainage where cross-country travel are currently popular, albeit illegal, recreation activities.

Motor Vehicle Use for Big Game Retrieval

No motorized cross-country travel would be allowed for the retrieval of game species in this alternative. This proposal affects big game hunters who currently travel off of roads and trails to retrieve game on the Payson and Pleasant Valley ranger districts where cross-country travel is currently allowed. With the prohibition on cross-country travel on the Cave Creek, Mesa, Globe, and Tonto Basin ranger districts travel is currently restricted to open roads. This proposal poses no change on where motorized big game retrieval would be allowed on these districts⁵⁸.

Effects of User Conflicts

This alternative proposes no corridors for motorized big game retrieval, the only alternative to eliminate this type of opportunity. This is a reduction in opportunity on the Payson and Pleasant Valley Ranger Districts and poses no change for the Globe, Mesa, and Tonto Basin Ranger Districts. There is a potential for user dissatisfaction by hunters who currently retrieve game with

⁵⁸ For information about hunter satisfaction related to this prohibition of cross-country travel in this alternative, see the Game and Nongame section of this Chapter.

motor vehicles on Payson and Pleasant Valley Ranger Districts, which could cause conflict if OHV users decide to continue the practice on the two northern districts.

Motor Vehicle Use for Dispersed Camping

In Alternative B, motor vehicle access for dispersed camping is limited to designated dispersed sites that are accessible by a designated road or motorized trail. A total of 414 campsites have been inventoried on the forest. There would be a 50-foot buffer around the site where motorized vehicle travel will be allowed which estimates to be 65 acres total forest wide.

This proposal has the potential to affect campers who currently travel off of roads and trails to camp on the Payson and Pleasant Valley ranger districts where cross-country travel is currently allowed. Since this Alternative is the most restrictive it poses the most potential for competition for sites, concentration of use and user conflict.

Personal Use Fuelwood Gathering

This alternative proposes that the use of a motorized vehicle would be allowed within 300 feet of a designated road or trail for the purpose of gathering fuelwood within an existing fuelwood permit area. For those seeking a nonmotorized experience, this alternative would allow a user more opportunity within these areas.

Alternative C– Direct and Indirect Effects

Roads and Trails Designated for Motor Vehicle Use

Alternative C proposes the greatest number of motorized trails, 2,151 miles of general trails open to full sized vehicle and 78 miles for single track vehicles. In this alternative, there would be 544 miles open to passenger vehicle and 796 miles open to high clearance vehicles. Additionally, this alternative proposes the addition of 290 miles of unauthorized routes designated open to motorized use: 11 miles designated as roads; 207 miles designated as full sized vehicle trails; and 73 miles for single track vehicles. The inventoried unauthorized routes are currently used and would provide additional access on the forest. Overall, Alternative C proposes almost 1,390 miles less of motorized routes open to the public than currently exists.

Under alternative C, the ability to recreate away from motorized routes outside of designated Wilderness would be greater than the current condition (Figure 24). Approximately 52 percent of the forest would be located within 0.5 miles from an open motorized route outside of wilderness, while nearly 12 percent of the forest would be 2 or more miles from a designated road or motorized trail (approximately 4 percent would be four miles or greater). This alternative does not provide as much opportunity to recreate away from a road as Alternative B, but provides more than the current condition and Alternative D.

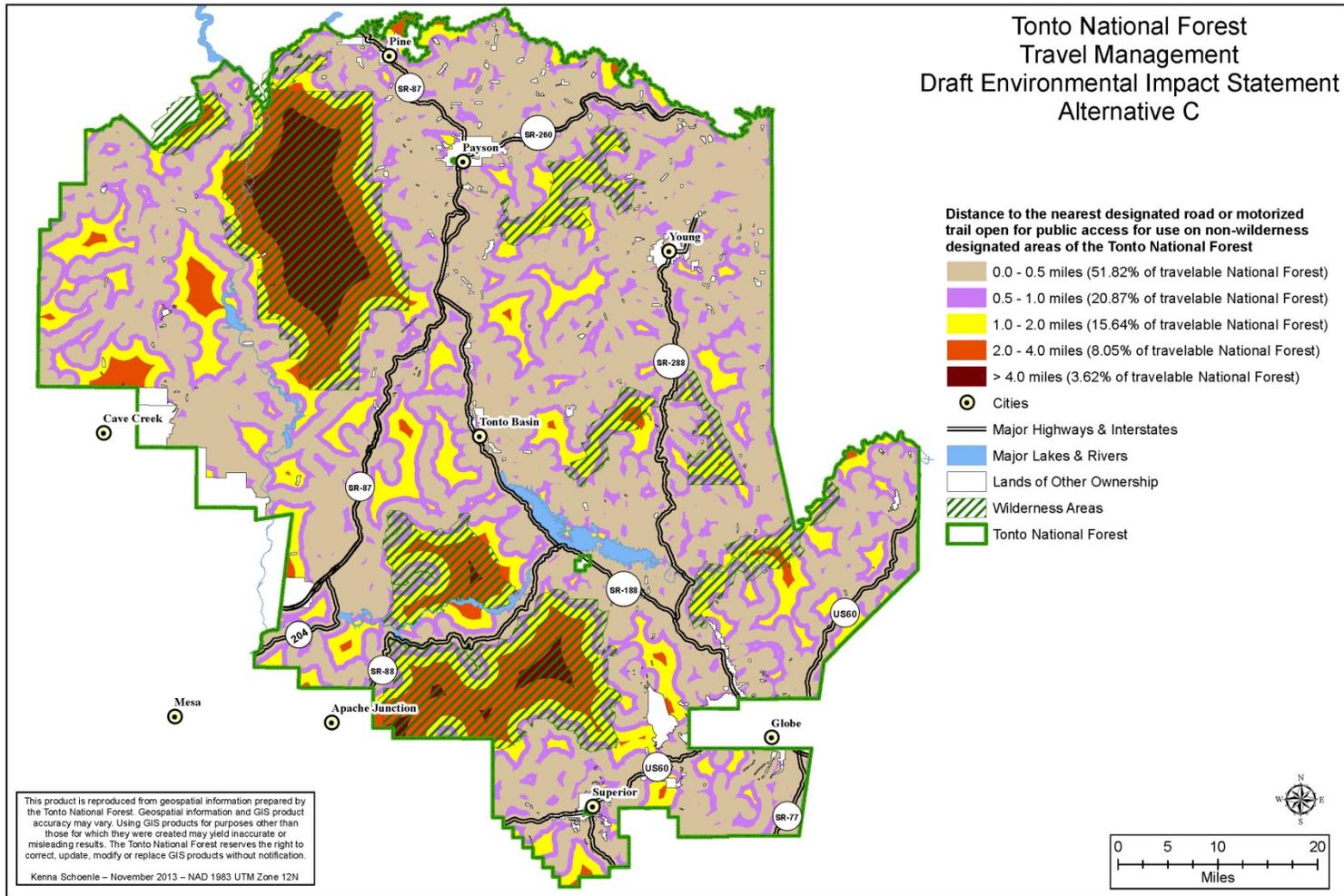


Figure 24: Map of Distance to Nearest Designated Road or Motorized Trail – Alternative C

OHV opportunities provided in the front country niche would include opportunities in designated OHV areas. Opportunities within the linear adventure recreational niche would emphasize driving for pleasure and a mix of motorized and non-motorized long distance trail use.

Effects of User Conflicts

With a designated motorized vehicle road and trail system, MVUM and signing would clarify for visitors which routes to take to participate in their motorized or nonmotorized recreation activity. This could reduce the likelihood of visitors misunderstanding what routes are open for motorized recreation activities. Reduced encounter rates between motorized and nonmotorized users should occur, since motorized use would be confined to the designated road and trail system. By reducing conflicts between motorized and nonmotorized users, the current safety issues would also likely reduce with this alternative. Alternative C has the potential to reduce conflicts between motorized users since the alternative offers the most miles of motorized trail and specifically designates motorized trail for single track motorcycle use.

Effects to the Arizona and Great Western Trails

Currently 4.2 miles of the nonmotorized Arizona Trail are located on system roads. This alternative proposes a reduction in number of miles of the Arizona Trail located on roads and where the trail crosses a road or motorized trail. Trail located on designated road or motorized trail would be reduced to approximately two miles. Table 32 shows the number of times a motor vehicle route crosses the trail, for a total of 29 times over the course of the 186 miles of the trail that are within the Tonto National Forest. While the occurrence of motorized routes in this alternative is decreased from the current condition, these crossing on a trail that is intended to be a non-motorized trail and provide an non-motorized experience still does not meet the intent nor provide the experience many hikers, mountain bikers, trail runners, and equestrian riders who utilize the trail expect.

Table 32: Occurrences of Motor Vehicle Routes Crossing Arizona Trail – Alternative C

Passage Name	Trail Mileage	Number of Motorized Crossings
Alamo Canyon	10.9	2
Reavis Canyon	17.8	11
Superstition Wilderness	28.6	5
Four Peaks	18.4	2
Pine Mountain	18.9	8
Saddle Mountain	15.2	2
Mazatzal Divide	20.9	0
Red Hills	13.6	1
Whiterock Mesa	10.9	1
Hardscrabble Mesa	11.5	6
Highline	18.6	2

Passage Name	Trail Mileage	Number of Motorized Crossings
Gila River Canyons	0.3	0
Total	185.6	40

The 79 miles of Great Western Trail route located on passenger vehicle roads remains the same as the current condition. This alternative reduces the miles of high clearance vehicle roads to 0.9 miles and proposes changing the amount of motorized trails to approximately seven miles. There is the potential for user dissatisfaction by those users accustomed to traveling these routes in a vehicle. Visitors who prefer a more primitive experience would benefit from the routes maintained as motorized trail.

Effects to Recreation Opportunity Spectrum

This alternative would require a Forest Plan amendment, because it would not comply with the current Forest Plan. However, using the updated ROS for the existing condition, there are differences based on the ROS settings (Table 33 and Figure 25). The most notable difference is in the increase of semiprimitive non-motorized, which increased by 174,662 acres. The effect for recreationists in Alternative C is those seeking motorized recreation opportunity in the forest will have less opportunities while those seeking nonmotorized recreation will have more opportunities than current conditions.

Table 33: Changes in ROS - Alternative C

ROS Category	Update Existing Condition (Acres)	Alternative B (Acres)	Difference (Acres)
Primitive	588,937	599,271	+ 10,334
Semiprimitive Nonmotorized	519,259	693,921	+ 174,662
Semiprimitive Motorized	1,212,083	1,071,701	- 140,382
Roaded Natural	571,379	529,150	- 42,229
Rural	41,691	39,264	- 2,427
Urban	30,939	30,980	+ 41

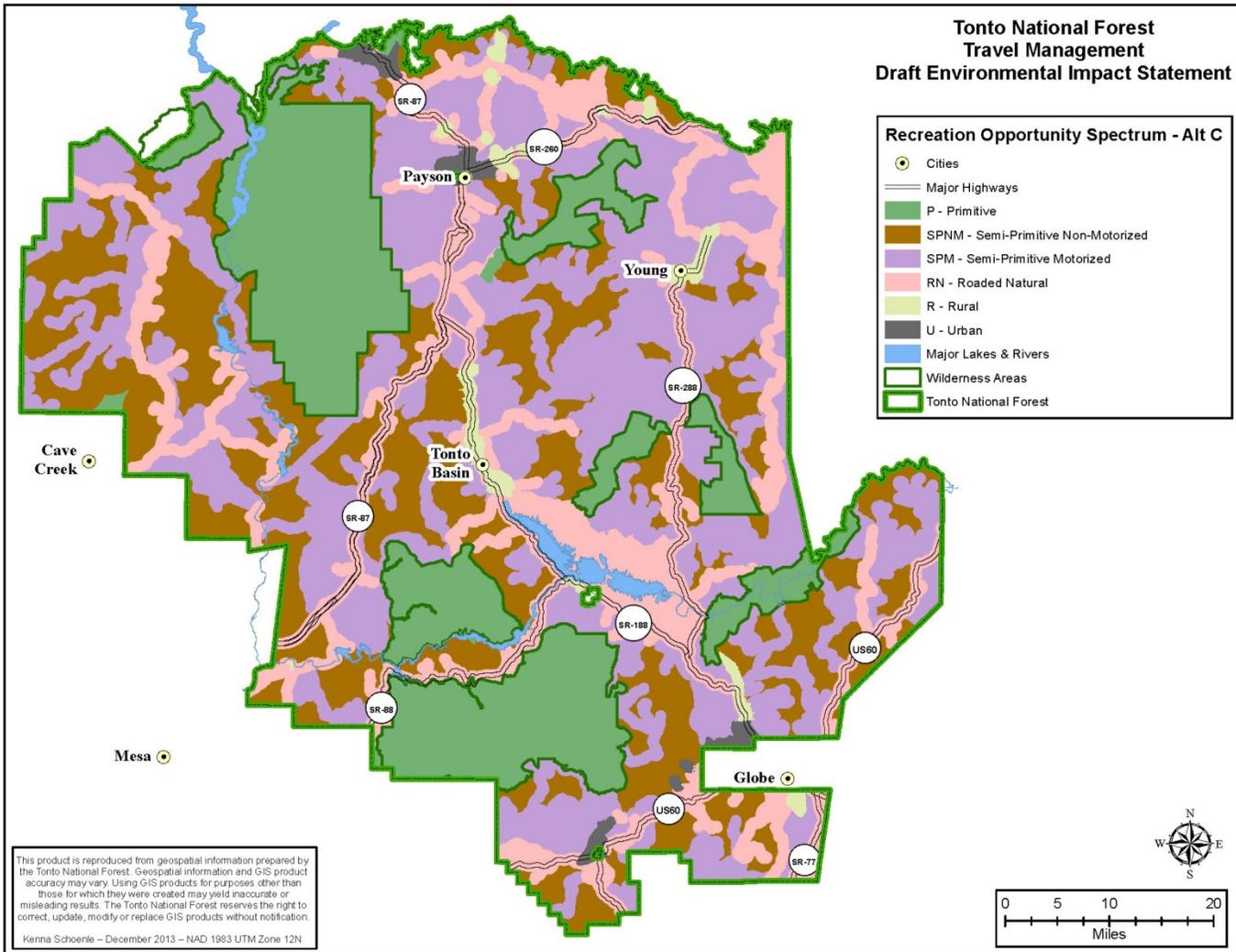


Figure 25: Map of ROS for Alternative C

Effects of Motorized Trail Maintenance

This alternative proposes 2,230 miles of motorized trail at a cost of \$600 per mile for maintenance (a total of \$1,338,000). Trail maintenance for this alternative would need to be funded, either out of the Tonto's operating funding, or the work would need to be accomplished by volunteers. Of the action alternatives, this alternative would be the greatest burden in terms of budget needs.

Areas Designated for Motor Vehicle Use

There are four OHV areas proposed in this alternative: including Bartlett Lake (922 acres); Golf Course (17 acres), Roosevelt Lake (4,508 acres) and Sycamore (1,332 acres). In addition, four tot lots are proposed (Sycamore, The Rolls, Wildcat, and 532) totaling approximately 12 acres. These tot lots would be limited to children and would allow them to learn to ride in a more contained area. The designated tot lots would likely reduce staging area expansion in adjacent locations often used by beginning riders. The Wildcat Tot Lot would be located within the proposed Desert Vista Permit Zone and located on the south side of Forest Road 19 (Bartlett Lake Road) at the site of an old materials pit. The 532 acre tot lot would be located adjacent to the St. Clair Permit Zone. The Sycamore Tot Lot would lie within the boundaries of the proposed Sycamore Cross-Country OHV area just north of Forest Road 19 at Indian Springs Wash. The Rolls Tot Lot would be located at the Pobrecito Recreation Site just east of the Bush Highway and is not part of the Rolls Permit Zone. Motorized cross-country travel would be allowed in these OHV areas and tot lots as depicted on the MVUM map and signed on the ground at each site.

There are two main differences between the proposed designated OHV areas and the proposed permit zones. In OHV areas, permits would not be required and travel would not be restricted to designated routes. Although most of the proposed OHV areas are in locations where motorized cross-country travel has been restricted, they are extremely popular locations with OHV enthusiasts due to their proximity to urban cities and varied desert terrain. By designating these OHV areas, OHV enthusiasts would be provided with an opportunity to recreate where cross-country travel would be permitted. These OHV areas are also near locations where motorized trail riding would be emphasized, providing a greater diversity of motorized recreation opportunities.

Effects of User Conflicts

The areas that are proposed to be designated OHV areas currently receive heavy OHV use and are close to the urban cities of Mesa and Globe. These locations are not as desirable to nonmotorized users so it is less likely there would be conflict between motorized and nonmotorized recreationists in these areas.

By limiting cross-country travel to these limited environments of the four OHV areas: Bartlett Lake; Golf Course; Roosevelt Lake; and Sycamore; there would likely be reduced conflicts between motorized and nonmotorized recreationists. There could be a reduction in the conflict such as the illegal motorized access occurring onto the nonmotorized Arizona Trail from Golf Course on the Globe Ranger District. In addition, conflicts between OHV types would also likely be reduced, since all users have the same goal, to drive cross-country.

The creation of the four tot lots: Sycamore; The Rolls; Wildcat and 532; would likely reduce young OHV riders conflict with full-sized vehicles, increase user safety, proving a safe environment where children could develop their OHV riding skills.

Motor Vehicle Use for Big Game Retrieval

Alternative C would limit motor vehicle use for big game retrieval solely for the retrieval of elk and bear up to one mile on both sides of the 1,740 mile designated road system and 2,230 miles of designated motorized trail system forestwide. This would reduce opportunities for hunters on the Pleasant Valley and Payson ranger districts who currently retrieve big game using a motorized vehicle at distances over a mile. Although this would increase opportunities on the southern ranger districts (Cave Creek, Mesa, Globe, and Tonto Basin) where motorized big game retrieval is not currently authorized. This could affect those forest users that have become accustomed to a nonmotorized hunting opportunity in areas that currently limit cross-country travel on the southern ranger districts. Forestwide there would be an increase in motorized big game retrieval opportunities for hunters with a total of 1,293,178 acres, which is 589,956 acres more than currently allows for cross-country travel for retrieval. Limitations to this corridor would be in congressionally designated Wilderness areas where motorized travel is not permitted and other areas that would remain closed from existing closure orders.

Effects of User Conflicts

This alternative poses a reduction in opportunity on the Payson and Pleasant Valley ranger districts and possible dissatisfaction by hunters who are currently accustomed to retrieving game with a motorized vehicle greater than one mile from a road. This poses an increase in opportunity for hunters who prefer to retrieve game with a motorized vehicle on the Globe, Tonto Basin, and Cave Creek ranger districts. With this proposed change on the southern districts of the forest, conflicts could occur initially when hunters who prefer nonmotorized travel are not aware of the change in designation, meet hunters using motorized vehicles to retrieve game.

Motor Vehicle Use for Dispersed Camping

Alternative C would allow motor vehicle access up to 100 feet on both sides of the 1,340 mile designated road system and 2,230 miles of designated motorized trail system. Limitations to this corridor would be in congressionally designated Wilderness areas where motorized travel is not permitted and other areas that would remained closed from existing orders.

This alternative would affect campers on the Pleasant Valley and Payson ranger districts who usually access campsite sites greater than 100 feet of designated routes. This alternative provides additional opportunities on the Cave Creek, Mesa, Globe, and Tonto Basin ranger districts where cross-country travel from open roads is currently prohibited.

Personal Use Fuelwood Gathering

This alternative proposes that the use of a motorized vehicle would be allowed within 300 feet of a designated road or trail for the purpose of gathering fuelwood within an existing fuelwood permit area. For those seeking a nonmotorized experience, this alternative would allow users more opportunity within these areas.

Alternative D – Direct and Indirect Effects

Roads and Trails Designated for Motor Vehicle Use

Alternative D proposes the most mileage of roads and motorized trails open to the public, approximately 4,867 miles total. However, this alternative is still a decrease in miles of motorized routes open to the public from the current condition. This alternative proposes approximately 2,230 miles of designated motorized trail miles, with nearly 80 miles for single track vehicles only.

In Alternative D, approximately 330 miles of unauthorized routes are proposed to be designated for motor vehicle use. This would provide an opportunity for these routes currently being utilized by forest visitors without resource impacts to be available to the public.

Under alternative D, the ability to recreate away from motorized routes outside of designated Wilderness would be nearly identical to the current condition (Figure 26).

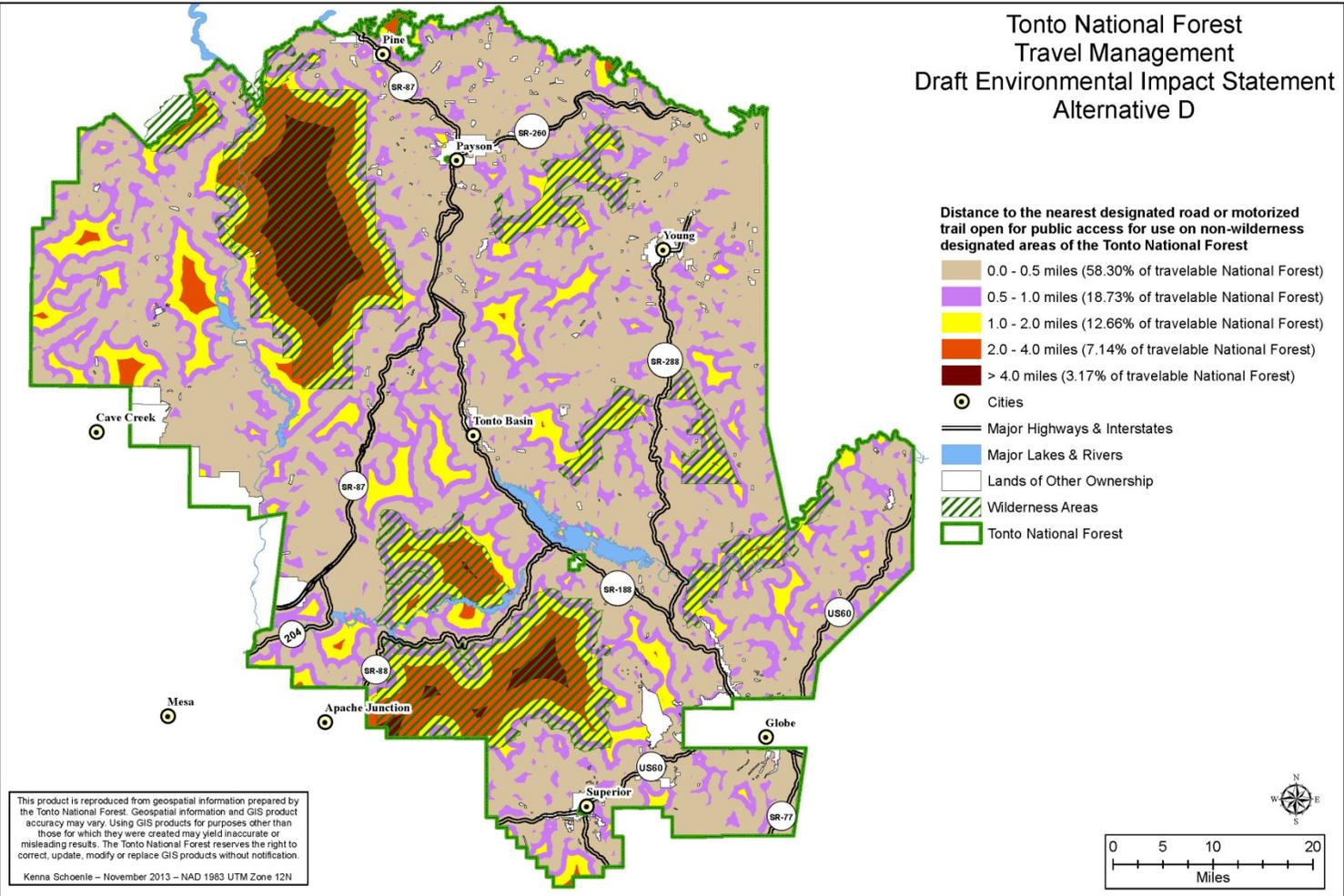


Figure 26: Map of Distance to Nearest Designated Road or Motorized Trail – Alternative D

Emphasis would focus on OHV opportunities in the front country and driving for pleasure and motorized long distance trail use in the linear adventure recreational niches.

Effects of User Conflicts

Alternative D has the potential to reduce conflicts between motorized users since this alternative offers the most miles of motorized trail specifically designated for single track motorcycle use. There is a potential for conflict between motorized and nonmotorized users since this alternative proposes the most miles of motorized routes within a Semiprimitive Nonmotorized recreation setting where motorized use is not compatible with the ROS setting.

Effects to the Arizona and Great Western Trails

Currently 4.2 miles of the nonmotorized Arizona Trail are located on system roads. This alternative proposes a reduction in number of miles of the Arizona Trail located on roads and where the trail crosses a road or motorized trail. Table 34 shows the number of times a motor vehicle route crosses the trail, for a total of 46 times over the course of the 186 miles of the trail that are within the Tonto National Forest. While the occurrence of motorized routes in this alternative is decreased from the current condition, these crossing on a trail that is intended to be a non-motorized trail and provide an non-motorized experience still does not meet the intent nor provide the experience many hikers, mountain bikers, trail runners, and equestrian riders who utilize the trail expect. Of the action alternatives, this alternative proposes the most interaction of Arizona Trail users with motorized use, which does not meet the intent of the Arizona Trail.

Table 34: Occurrences of Motor Vehicle Routes Crossing Arizona Trail – Alternative D

Passage Name	Trail Mileage	Number of Motorized Crossings
Alamo Canyon	10.9	2
Reavis Canyon	17.8	11
Superstition Wilderness	28.6	5
Four Peaks	18.4	5
Pine Mountain	18.9	9
Saddle Mountain	15.2	2
Mazatzal Divide	20.9	0
Red Hills	13.6	1
Whiterock Mesa	10.9	1
Hardscrabble Mesa	11.5	7
Highline	18.6	3
Gila River Canyons	0.3	0
Total	185.6	46

Alternative D proposes no change from the current condition to the motorized routes that comprise the Great Western Trail. The effects would be the same as those for Alternative A.

Effects to Recreation Opportunity Spectrum

This alternative would require a Forest Plan amendment, because it would not comply with the current Forest Plan. However, using the updated ROS for the existing condition, there are differences based on the ROS settings (Table 35 and Figure 27). The most notable difference is the increase in semiprimitive motorized and nearly equal decrease in roaded natural. The effect for recreationists in Alternative D is those seeking motorized recreation in the forest will have more opportunities while those seeking nonmotorized recreation will have less opportunities than current conditions.

Table 35: Changes in ROS – Alternative D

ROS Category	Update Existing Condition (Acres)	Alternative B (Acres)	Difference (Acres)
Primitive	588,937	590,244	+ 1,307
Semiprimitive Nonmotorized	519,259	510,012	- 9,247
Semiprimitive Motorized	1,212,083	1,262,602	+ 50,519
Roaded Natural	571,379	528,588	- 42,791
Rural	41,691	41,902	+ 211
Urban	30,939	30,939	0

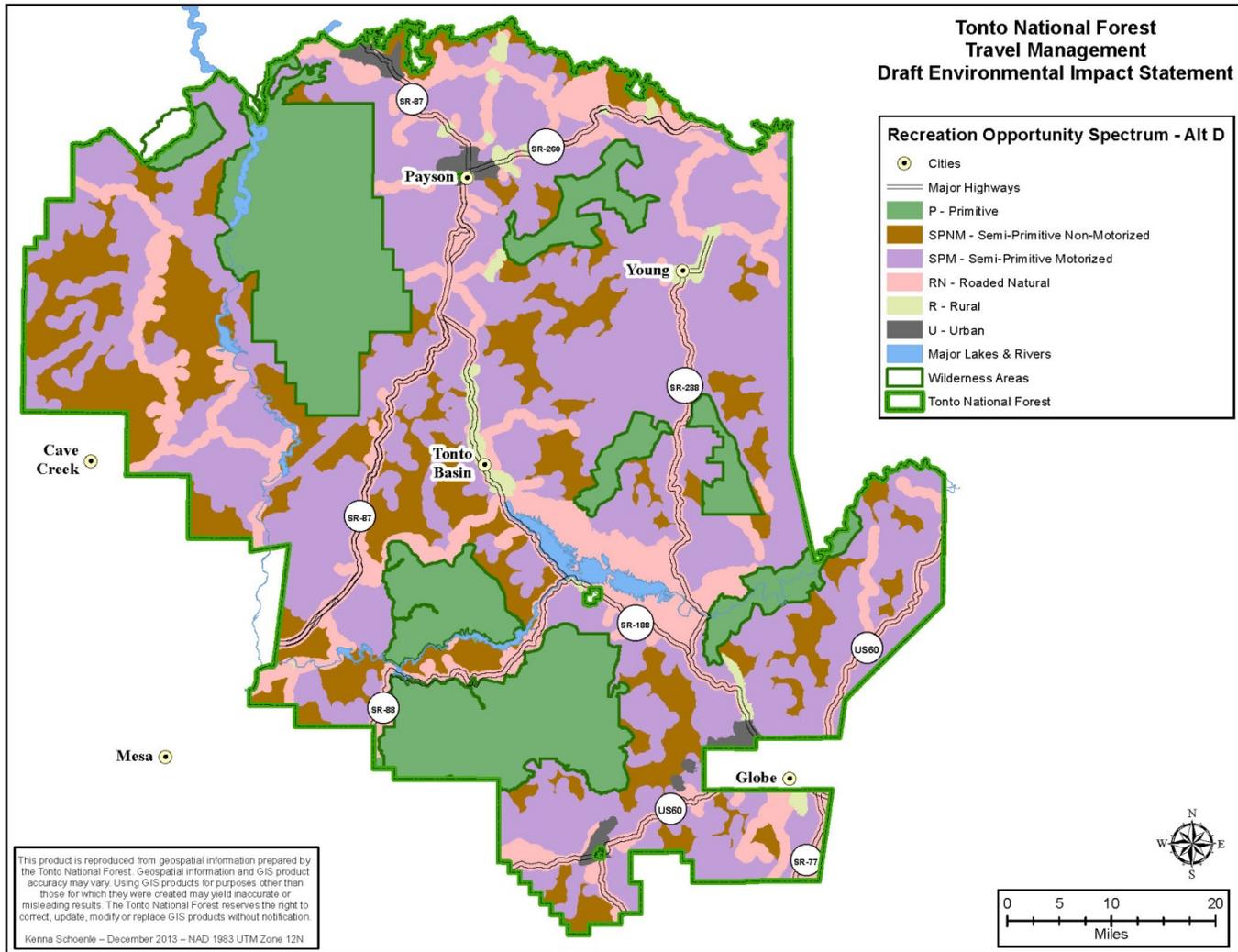


Figure 27: Map of ROS for Alternative D

Effects of Motorized Trail Maintenance

This alternative proposes 1,520 miles of motorized trail at a cost of \$600 per mile for maintenance (a total of \$912,000). Trail maintenance for this alternative would need to be funded, either out of the Tonto's operating funding, or the work would need to be accomplished by volunteers. This alternative has slightly less costs for trail maintenance than Alternative B.

Areas Designated for Motor Vehicle Use

This alternative has the same proposed designated OHV areas as Alternative C. The effects would be the same as those in Alternative C, including those for user conflicts.

Motor Vehicle Use for Big Game Retrieval

Alternative D would limit motor vehicle use for big game retrieval solely for the retrieval of elk, bear, white tailed deer, and mule deer up to one mile on both sides of the 3,347 mile designated road system and 1,520 miles of designated motorized trail system forestwide. This would reduce opportunities for hunters on the Pleasant Valley and Payson ranger districts who currently retrieve big game using a motorized vehicle at distances over a mile. Although this would increase opportunities on the southern ranger districts (Cave Creek, Mesa, Globe, and Tonto Basin) where motorized big game retrieval is not currently authorized. This could affect those forest users that have become accustomed to a nonmotorized hunting opportunity in areas that currently limit cross-country travel on the southern ranger districts. Forestwide there would be an increase in motorized big game retrieval opportunities for hunters with a total of 2,248,279 acres, which is 1,544,661 acres more than currently allows for cross-country travel for retrieval (the great increase of the action alternatives). Limitations to this corridor would be in congressionally designated Wilderness areas where motorized travel is not permitted and other areas that would remain closed from existing closure orders.

Effects of User Conflicts

Alternative D would limit motor vehicle use along designated road and motorized trail routes for retrieving legally harvested mule deer, white tail deer, elk and bear for all hunts. This adds an opportunity for hunters to retrieve game with a motorized vehicle on the Cave Creek, Mesa, Globe, and Tonto Basin ranger districts where motorized big game retrieval is not currently authorized. There is a potential conflicts could occur initially when hunters who prefer nonmotorized travel not aware of the change meet hunters using motorized vehicles to retrieve game.

This alternative poses very little change for hunters on the Pleasant Valley and Payson ranger districts. As in Alternative C, initially, there could be user dissatisfaction and conflict when hunters who prefer nonmotorized travel not aware of the change in designation meet hunters using motorized vehicles to retrieve game.

Motor Vehicle Use for Dispersed Camping

Alternative D would allow motor vehicle access up to 300 feet on both sides of the 3,347 mile designated road system and 1,519 miles of designated motorized trail system. This represents the most acres of corridors proposed for motor vehicle access for dispersed camping opportunities, a total of 336,038 acres. Limitations to this corridor would be in congressionally designated

Wilderness areas where motorized travel is not permitted and other areas that would remain closed from existing orders. This will affect campers on the Pleasant Valley and Payson ranger districts who access campsite sites greater than 300 feet of open roads. This alternative provides additional dispersed opportunities on the Cave Creek, Mesa, Globe, and Tonto Basin ranger districts where cross-country travel from open roads is currently prohibited.

Personal Use Fuelwood Gathering

In this alternative there would be no change from the existing condition, so the effects would be the same as Alternative A.

Cumulative Effects

The cumulative effects analysis for this analysis considers past, present, and reasonably foreseeable actions in terms recreation activities, opportunities and user conflicts on the Tonto National Forest, Forests in the Southwestern Region, and adjacent public lands for the next 20 years⁵⁹. Twenty years was selected because it is the anticipated length of time for natural rehabilitation of unauthorized routes (where achievable) and other non-permitted activities that would affect recreation opportunities and the natural resources. Studies related to soil and vegetation disturbance indicated that the rehabilitation of these routes will take many years, especially those in arid climate zones (Cole, 1986). Some may never recover without assistance.

All National Forest in the Southwestern Region are either in the process of travel management planning or implementing existing Travel Management Plan decisions. Several Forests or ranger districts within the Southwestern Region have completed Travel Planning and have designated routes for motorized travel, published Motor Vehicle Use Maps and are currently implementing their decisions, including the Coconino, the Coronado, Kaibab, and Prescott National Forests. Of these forests, only the Coronado has not designated OHV areas where cross-country travel within is permitted. The Apache- Sitgreaves National Forest is currently working on the analysis for their travel management decision.

If the population in the Southwest and its preference for using off-highway vehicles continues to increase, a potential exists for an increase in conflicts between motorized and nonmotorized users in Alternative A, No Action. People wishing to avoid vehicles altogether could potentially be pushed to using wilderness areas exclusively. With a designated system in place, as proposed in all action alternatives, there would be no cumulative change since people would know where to go to avoid vehicles and where motorized activities are emphasized.

Urban development and interface growth would likely continue on private lands⁶⁰. These will not directly affect National Forest land, but may increase the number of motorized and nonmotorized recreationists.

The creation of unauthorized routes is not limited to motorized travel, in some areas of the forest due to the number of users and frequency of use; unauthorized routes are being created by nonmotorized travel including equestrians and mountain bikers. In these areas, designation of nonmotorized routes may need to be considered in the future.

⁵⁹ A complete list of Past Actions and Ongoing and Future Foreseeable Actions can be found in the Recreation Report in the project record.

⁶⁰ For more information, see the Socioeconomic Report in the project record.

A number of major road construction projects are planned by other government entities well into the future. Road construction can have short-term impacts on recreationists due to delays. Road construction can also have short-term impacts on the Forest's natural landscapes, but impacts are minimized through implementation of Best Management Practices. Over the long term, additional paved surfaces can increase recreation opportunities. Construction of the Tonto Creek Bridge may also result in increased recreation opportunities for local residents.

All action alternatives have the potential for the following cumulative effects upon motorized recreational opportunities:

- Change the array of recreational opportunities across the Forest and would restrict motorized cross-country travel and reduce the amount of motorized access on the Tonto National Forest.
- The possibility of user dissatisfaction over the loss of cross-country motorized access on the Payson and Pleasant Valley Ranger Districts.
- The possibility of user dissatisfaction with the loss of motorized recreational opportunities throughout the forest lands in the Southwestern Region 3, particularly in Arizona.

For all alternatives, volunteers who maintain trails help stretch the trail maintenance budget. Volunteers have enabled the Tonto National Forest to accomplish much needed trail maintenance, signing, fence construction, and visitor contacts with fewer dollars. Grants and other sources of funding would continue to be a viable option for increasing the Forest's ability to maintain the motorized and nonmotorized trail system. Having a designate motorized trail system has the potential to improve the forests chances to be competitive to obtain grants. While grants and volunteers cumulatively increase the amount of trails the Tonto National Forest could maintain, it is not expected to be enough to maintain every trail on the system on an annual basis with the potential for some trails to eventually pose a safety hazard.

All Action Alternative prohibit cross-country travel per Travel Management Rule direction. Selection of any of the action alternative would contribute to a statewide reduction in places to drive and camp on public land across the state of Arizona, especially as Forests complete the analysis for travel management and implement a decision.

Wilderness, Wild and Scenic Rivers, Inventoried Roadless Areas, and Special Management Areas Designated Wilderness Areas

The concept of wilderness in the National Forest System was first implemented in 1924 with the administrative designation of the Gila Wilderness in New Mexico. In 1964 Congress passed the *Wilderness Act* designating a National Wilderness Preservation System. Congress passed the *Arizona Wilderness Act of 1984* designating additional lands to the National Wilderness Preservation System in Arizona.

Affected Environment

There are seven congressionally designated Wilderness Areas totaling over 615,855 acres (21 percent of the forest) located on the Tonto National Forest including the following (Figure 28): Superstition; Hellsgate; Mazatzal; Salome; Salt River Canyon; Four Peaks; and Sierra Ancha. The Superstition, Mazatzal, and Sierra Ancha were designated under the 1964 Wilderness Act with the remaining Wilderness Areas designated under the 1984 Arizona Wilderness Act. The 1984 Arizona Wilderness Act also designated additions to the Mazatzal and Superstition Wilderness Areas.

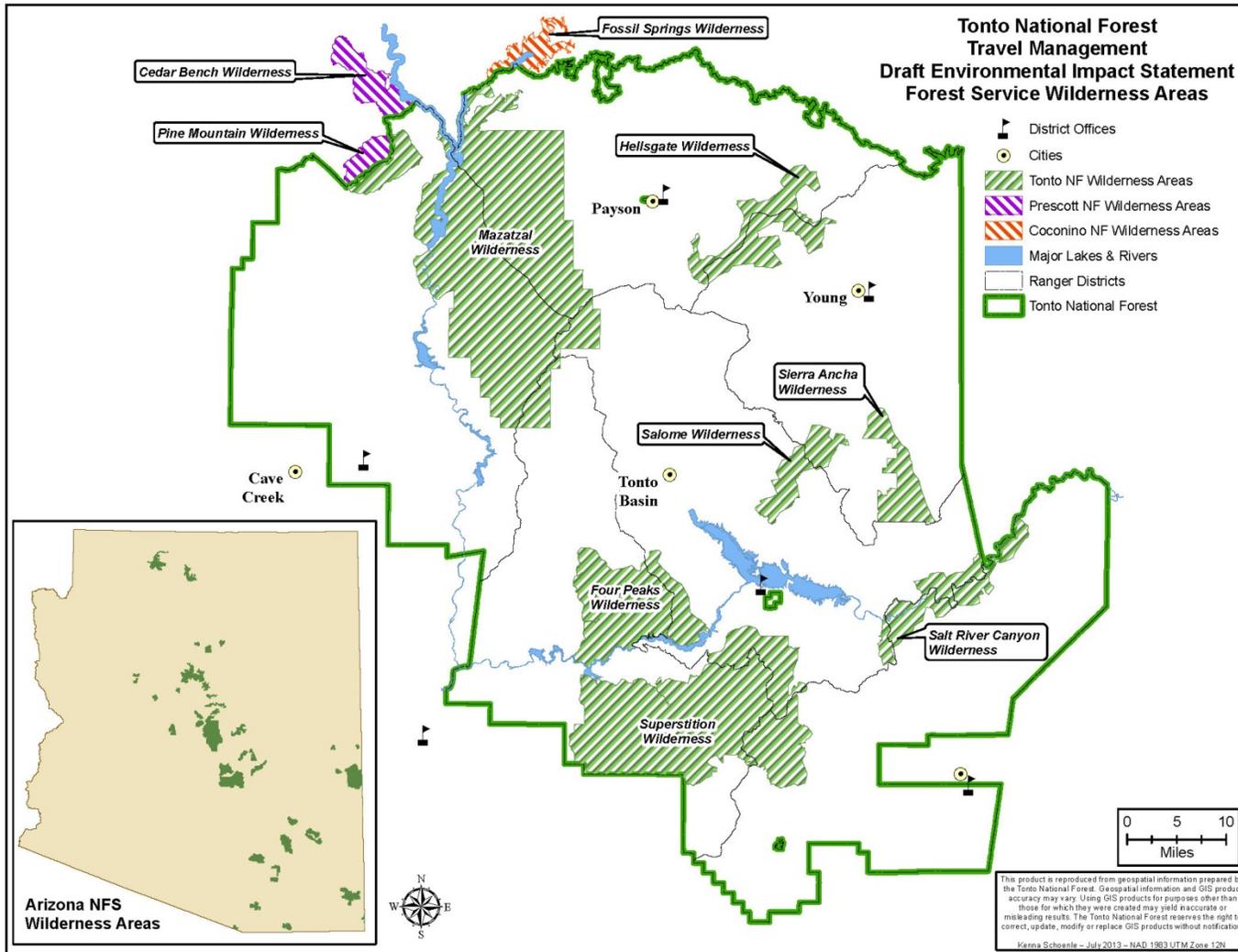


Figure 28: Map of Wilderness Areas within and Adjacent to the Tonto National Forest

Superstition Wilderness

This area was established as the Superstition Primitive Area by the Chief of the Forest Service in February 1939. It was then updated to a “wilderness” classification in 1940 and became a part of the wilderness preservation system with the passage of the *Wilderness Act in 1964*. The *Arizona Wilderness Act of 1984* added some 35,000 acres expanding the wilderness area to its present size and shape.

Forest Road 213 is outside the wilderness boundary, as it is buffered 33 feet from centerline on both sides of the road as defined within the legal description of the enabling legislation for the Superstition Wilderness.

Mazatzal Wilderness

The name Mazatzal translates to “an area inhabited by deer.” The area was established as the Mazatzal Primitive Area by the Chief of the Forest Service in May 1938. It was then updated to a “Wilderness” classification in June 1940 and became a part of the wilderness preservation system with the passage of the Wilderness Act in 1964. The Arizona Wilderness Act of 1984 added some 46,000 acres expanding the wilderness area to its present configuration.

On the western side of the Mazatzal Wilderness Area, below the steep brush covered foothills, the Verde River flows through the Sonoran Desert. This river was designated by Congress in the 1984 Arizona Wilderness Act as a Wild River. Forest Road 406B (3.31 miles) is within the Wilderness and provides access to a private land inholding on the east side of the Wilderness and Forest Road 567B (0.34) is within the Wilderness and provides access to a private inholding located on the west side of the wilderness. Both roads currently show as open on the forest database; however, both are gated with special use permits issued to the private land holders. Written authorization for access in wilderness may be granted to provide access to inholdings totally surrounded by National Forest Wilderness and is detailed in Subpart D, *36 CFR 251.114 (g)*. Additional factors that must be considered when granting access within a Wilderness area are listed in Forest Service Manual 2700 2730.3.

Forest Road 393 travels along the southern boundary of the wilderness, with 0.64 miles of this road located within the wilderness boundary. This road provides access to the powerline operated under special use permit issued to Arizona Public Service that is located outside of the Mazatzal Wilderness. This road currently provides a through route to access the powerline for routine maintenance and for a grazing permittee to access the grazing allotment located outside of wilderness. The road, powerline, and grazing operations predate the *Wilderness Act*.

Sierra Ancha Wilderness

This area was originally established by the Chief of the Forest Service in February 1933 as a Primitive Area. In 1951, its acreages was reduced and redesignated as a wild area. The Sierra Ancha Wilderness became a part of the wilderness preservation system with passage of the *Wilderness Act in 1964*.

Forest Roads 203B, 2886, and 2814 run in and out of the northeast wilderness boundaries in the Cherry Creek drainage, totaling 10.83 miles within the Wilderness. An additional 1.01 miles of Forest Roads 487A and 487B are located along and within the wilderness boundary in the

southwestern corner. This road provides access to a private land inholding within the Tonto National Forest. The private property within the forest and access road predate the *Wilderness Act*.

Hellsgate Wilderness

The Hellsgate Wilderness Area lies in the central mountain belt of Arizona at the base of the Mogollon Rim and was designated in 1984.

A segment of Forest Road 1625A (0.28 miles) is located on the northern boundary of the Wilderness. Another road segment, an inventoried unauthorized route (0.24 miles), is located within the wilderness boundary on the southeastern side of the wilderness.

Salome Wilderness

The Salome Wilderness Area, designated in 1984, features a rugged canyon with steep slopes, outcroppings of bedrock, and precipitous bluffs.

There is a segment of Forest Road 1765 (0.06 miles) that is located within the southern boundary of the Wilderness Area.

Salt River Canyon Wilderness

The Salt River, also designated in 1984, and its spectacular canyon bisect the wilderness for its entire length. The area can be visited practically anytime; however, there are no maintained trails within the entire wilderness.

There are three roads located within the Wilderness boundary: Forest Road 644A (0.80 miles) along the southern boundary, Forest Road 1790 (0.52 miles) located along the northeastern boundary, and Forest Road 368A (0.26 miles) located along the southeastern boundary.

Four Peaks Wilderness

The Four Peaks themselves are visible for long distances in all directions, and are a well-known landmark in Central Arizona. Visits to some parts of the wilderness can be made throughout the year, using a rather extensive trail system.

Designated in 1984, there are two roads (Forest Road 401 and Forest Road 1521) that are outside the designated wilderness and buffered 33 feet from centerline on both sides of the road as defined within the legal description of the enabling legislation for the Four Peaks Wilderness. Additionally, there are two roads located within the boundary: Forest Road 3741 (0.35 miles) and 3742 (0.3 miles) located within the northwestern corner of the wilderness. Additional roads are located along the wilderness boundary, but are outside of the Wilderness itself.

Environmental Effects

Methodology

The Wilderness Act describes wilderness using four qualities of wilderness character, which will be used for this analysis:

- Untrammelled – wilderness is essentially unhindered and free from modern human control or manipulation.
- Natural –wilderness ecological systems are substantially free from the effects of modern civilization.
- Undeveloped –wilderness is essentially without permanent improvements or modern human occupation.
- Solitude or Primitive unconfined recreational opportunities

Assumptions Associated with Wilderness Area Characteristics

The prohibition on cross-country travel on the Payson and Pleasant Valley ranger districts would be in place for all action alternatives. The current prohibition on cross-country travel on the southern ranger districts, (Cave Creek, Globe, Mesa, and Tonto Basin) would continue. The effects of the prohibition on cross-country travel in the short and long term are expected to be the same for the action alternatives:

- The prohibition on cross-country travel and the reduction of where people can drive would improve all four wilderness characteristics in all seven wilderness areas. In particular, the prohibition would reduce the encroachment of sight and sound across wilderness boundaries improving the solitude characteristic.
- Reduction in illegal intrusions would reduce the influence of humans on the wilderness improving the untrammelled characteristic within adjacent to the following boundaries of the following wilderness areas; eastern boundary of the Mazatzal, all of the boundary of the Hellsgate and Sierra Ancha and northeastern boundary of the Salome Wilderness.
- Fewer intrusions would reduce resource damage, improving the natural and solitude characteristics.
- The proposals reduce the chance of visitors meeting others due to a reduction in motorized access within and adjacent to Wilderness and the prohibition on cross-country travel on the Payson and Pleasant Valley ranger districts improving the wilderness character of *solitude*.
- There are no proposals for motorized areas, permit zones, and corridors for motorized dispersed camping or motorized big game retrieval located within a wilderness boundary.

Direct and Indirect Effects

Roads within designated Wilderness often affect wilderness characteristics. As Table 36 shows, there is currently 22.40 miles of known motorized routes within Wilderness Areas on the Tonto National Forest.

Table 36: Motorized Routes in Wilderness by Alternative

Route #	Miles	Alternative A	Alternative B	Alternative C	Alternative D
Superstition Wilderness					
28	0.09	Open to public- Unknown ML	Decommissioned	Decommissioned	Decommissioned

Route #	Miles	Alternative A	Alternative B	Alternative C	Alternative D
Mazatzal Wilderness					
393	0.64	ML 2 Road	Decommissioned	Admin Use Only	ML 2 Road
406B	3.65	Road Permit Use Only	Admin Use Only	Admin Use Only	Admin Use Only
567B	3.38	Road Permit Use Only	Decommissioned	Admin Use Only	Admin Use Only
Sierra Ancha					
203B	10.05	ML2/3 Road	Decommissioned	ML 2 Road	ML 2 Road
487A	0.14	ML 2 Road	Decommissioned	Admin Use Only	ML 2 Road
487B	0.87	ML 2 Road	Decommissioned	Admin Use Only	ML 2 Road
2814	0.19	Open to public-Unknown ML	Decommissioned	Decommissioned	Decommissioned
2886	0.59	Open to public-Unknown ML	Decommissioned	Decommissioned	Decommissioned
Hellsgate Wilderness					
1625A	0.28	ML 2 Road	Decommissioned	Decommissioned	ML 2 Road
Unauth Route	0.24	Unauthorized	Decommissioned	Decommissioned	Decommissioned
Salome Wilderness					
1765	0.06	Open to public-Unknown ML	Decommissioned	Decommissioned	Decommissioned
Salt River Canyon					
368A	0.26	Open to public-Unknown ML	Decommissioned	Decommissioned	Decommissioned
644A	0.80	Open to public-Unknown ML	Decommissioned	Decommissioned	ML 2
1790	0.52	Open to public-Unknown ML	Decommissioned	Decommissioned	ML 2
Four Peaks Wilderness					
3741	0.35	Open to public-Unknown ML	Decommissioned	Decommissioned	Decommissioned
3742	0.29	Open to public-Unknown ML	Decommissioned	Decommissioned	Decommissioned
Total Miles Open		22.40	3.65	18.73	20.33

Table 37 displays the effects on wilderness character that would result from the proposed changes to motorized access and recreation opportunities on the wilderness areas located on the Tonto National Forest.

Table 37: Effects on Wilderness Characteristics by Alternative

Wilderness Character	Alternative A (No Action)	Alternative B	Alternative C	Alternative D
<p>Natural Wilderness ecological systems are substantially free from the effects of modern civilization.</p>	<p>Currently, there are 22.40 miles of known motorized routes within wilderness areas.</p> <p>The western boundary of the Mazatzal, all of the boundary of the Hellsgate and Sierra Ancha and northeastern boundary of the Salome Wilderness would continue to be vulnerable to motorized use and the potential for the addition of unauthorized routes and associated impacts to soil and vegetation due to the Payson and Pleasant Valley ranger districts being open to motorized cross-country travel.</p> <p>Currently illegal motorized trespass is also known to occur into the Mazatzal and Salt River Wilderness Areas with the creation of additional unauthorized routes and the associated impacts to soil and vegetation, including the potential for introduction of non-native species and the presence of pollutants.</p> <p>This illegal trespass is likely to continue to occur.</p>	<p>3.65 miles of motorized routes would be open to authorized permitted uses only.</p> <p>This alternative would have the greatest potential to reduce effects on soils and vegetation associated with motorized travel because it proposes to decommission nearly 20 miles of roads currently in wilderness areas. The remaining 3.65 miles of roads in the Mazatzal would be under special permit road use and regulated to decrease effects. This would substantially decrease the potential for introduction of non-native species and the presence of pollutants.</p> <p>This alternative has greatest opportunity for improving the natural characteristics.</p>	<p>18.73 miles of motorized routes would be open in this alternative.</p> <p>This has the potential to reduce the effects on soils and vegetation associated with motorized travel because it proposes to decommission nearly 4 miles of roads currently in the wilderness areas. 8.68 miles of roads to remain open would be under special permit road use and regulated to decrease effects.</p> <p>This alternative would improve the natural characteristic compared to the current condition by decreasing the potential for introduction of non-native species and the presence of pollutants.</p>	<p>20.33 miles of motorized routes would be open in this alternative.</p> <p>This has the potential to reduce the effects on soils and vegetation associated with motorized travel because it proposes to decommission about 2 miles of roads currently in the wilderness areas. 7.03 miles of roads to remain open would be under special permit road use and regulated to decrease effects.</p> <p>This alternative would improve the natural characteristic compared to the current condition, but provides the least opportunity, among the action alternatives, for providing the natural characteristic.</p>
<p>Untrammeled Wilderness is essentially unhindered and free from modern human control or manipulation.</p>	<p>Currently, there are 22.40 miles of known motorized routes within wilderness areas, along with many unauthorized routes that have not been inventoried.</p> <p>Without the prohibition of cross-country travel on the two northern ranger districts, four of the wilderness areas would continue to</p>	<p>3.65 miles of motorized routes would be open to authorized permitted uses only. Additionally, motorized big game retrieval and motorized dispersed camping would not be permitted, decreasing the chances of motor vehicle users unknowingly driving into these areas.</p> <p>With the exception of the Mazatzal</p>	<p>18.73 miles of motorized routes would be open in this alternative. Additionally, a corridor up to one mile on both sides of all designated motorized routes would be permitted for motorized big game retrieval and a corridor up to 100 feet on both sides of</p>	<p>20.33 miles of motorized routes would be open in this alternative. Additionally, a corridor up to one mile on both sides of all designated motorized routes would be permitted for motorized big game retrieval and a corridor up to 300 feet on both sides</p>

Wilderness Character	Alternative A (No Action)	Alternative B	Alternative C	Alternative D
	<p>be effected by motorized users unknowingly (or possibly illegally) driving into a wilderness area.</p> <p>In addition, if known roads have not been physically decommissioned within wilderness areas, there is an expectation that these roads would be maintained to standard.</p>	<p>Wilderness, existing motorized routes within the other wilderness areas would be decommissioned. The road in the Mazatzal Wilderness would be the only road that would be maintained and controlled within a wilderness area.</p> <p>This alternative has greatest opportunity for improving the untrammled characteristic.</p>	<p>designated motorized routes would be permitted.</p> <p>Currently cross-country travel is not permitted on the four southern districts. By allowing the corridors for motorized big game retrieval and motorized dispersed camping, motorized users could unknowingly drive into a wilderness area.</p> <p>This alternative would improve the untrammled characteristic compared to the current condition, and with education and enforcement, motorized incursions could decrease over time.</p>	<p>of designated motorized routes would be permitted.</p> <p>Currently cross-country travel is not permitted on the four southern districts. By allowing the corridors for motorized big game retrieval and motorized dispersed camping, motorized users could unknowingly drive into a wilderness area.</p> <p>This alternative has the least opportunity to improve the untrammled characteristic compared to the current condition as it has the most motorized routes to be maintained within wilderness areas.</p>
<p>Undeveloped Wilderness is essentially without permanent improvements or modern human occupation.</p>	<p>Currently, there are 22.40 miles of known motorized routes within wilderness areas. There are also less than ten privately owned parcels of land surrounded by wilderness (inholdings).</p> <p>In many of the wilderness areas livestock grazing is permitted. Additionally, many of the wilderness areas have been mined over the last 150 years. There are currently signs of both of these activities.</p> <p>Additionally, there is an expectation that the current roads in the wilderness areas would be maintained to standard.</p>	<p>3.65 miles of motorized routes would be open to authorized permitted uses only.</p> <p>With the exception of the Mazatzal Wilderness, existing motorized routes within the other wilderness areas would be decommissioned. The road in the Mazatzal Wilderness would be the only road that would require permanent improvements.</p> <p>This alternative has greatest opportunity for improving the undeveloped characteristic.</p>	<p>18.73 miles of motorized routes would be open in this alternative.</p> <p>These roads would likely require some level of permanent improvement to maintain safe use and decrease effects associated with unmaintained roads.</p> <p>This alternative would improve the undeveloped characteristic compared to the current condition by decreasing the miles of roads that would need maintenance.</p>	<p>20.33 miles of motorized routes would be open in this alternative.</p> <p>These roads would likely require some level of permanent improvement to maintain safe use and decrease effects associated with unmaintained roads.</p> <p>This alternative would improve the undeveloped characteristic compared to the current condition by decreasing the miles of roads that would need maintenance, but would have the least opportunity for improving the undeveloped characteristic</p>

Wilderness Character	Alternative A (No Action)	Alternative B	Alternative C	Alternative D
				among the action alternatives.
<p>Outstanding opportunities for solitude or a primitive and unconfined type of recreation</p> <p>Wilderness provides outstanding opportunities for people to experience solitude or primitive and unconfined recreation, including the values of inspiration and physical and mental challenge.</p>	<p>The Superstition and Mazatzal wilderness areas are the largest in size with extensive NFS non-motorized trail system providing opportunities for primitive and unconfined recreation. The Mazatzal Wilderness Area is the largest in the Southwest.</p> <p>The smaller wilderness areas have a less extensive NFS trail system providing opportunities for Solitude.</p> <p>The Salt River Canyon Wilderness is unique in that it does not have a designated trail system. Most use occurs during the floating season from March 1 through May 15</p>	<p>With the reduction in motorized routes described above, Alternative B provides the most opportunities for visitors to experience solitude or a primitive type of recreation experience.</p> <p>There is the potential for user dissatisfaction by those who are accustomed to traveling on routes currently open with a motorized vehicle that are proposed for closure. This alternative favors those users seeking solitude and unconfined type of recreation experiences in wilderness.</p>	<p>Alternative C provides less motorized opportunities than Alternative A, No Action and alternative D and more than proposed in alternative B.</p> <p>There is the potential for user dissatisfaction from users who are accustomed to traveling on routes currently open proposed for closure with a motorized vehicle. This alternative provides additional opportunities than the current condition for those users who seek solitude and unconfined type of recreation experiences in wilderness.</p>	<p>Alternative D would designate the most miles of motorized routes within wilderness; however, fewer motorized routes are proposed compared to current condition, and would provide the least opportunities for visitors to experience solitude or a primitive type of recreation experience.</p>

Cumulative Effects

The spatial boundary for the cumulative effects analysis for wilderness areas includes the boundaries of the Superstition, Hellsgate, Mazatzal, Salome, Salt River Canyon, Four Peaks, and Sierra Ancha wilderness areas. This analysis considers past, present, and reasonably foreseeable actions upon the wilderness character of wilderness areas located on the Tonto National Forest for the next twenty years. Some of these actions include past wildfires within wilderness areas. The 120,000 acre Willow Creek Fire burned the summer of 2004. Of that acreage, 80,000 acres is located within the Mazatzal Wilderness. On April 26, 2000, in the vicinity of Upper Coon Creek, a camper left a campfire smoldering. This resulted in the conflagration known as the Coon Creek Fire. Much of the Sierra Ancha Wilderness Area was burned by this fire that totaled almost 10,000 acres. Additionally, livestock grazing and certain mining practices are permitted in designated wilderness areas.

Wilderness character including the untrammeled attribute of wilderness may be compromised regardless of alternative from the general population increase particularly within the Phoenix metropolitan area and associated increase in recreational use within and adjacent to wilderness areas.

Cumulatively, all action alternatives would improve the wilderness characteristics when compared to the current condition because all action alternatives propose a reduction in the number of motorized routes located within wilderness boundaries on the Tonto National Forest.

Wild and Scenic Rivers

The National Wild and Scenic Rivers System was created by Congress in 1968 (*Public Law 90-542; 16 U.S.C. 1271 et seq.*) to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations. There are three classifications of Wild and Scenic Rivers: “wild,” “scenic,” and “recreational.” For a river to be eligible for Wild and Scenic River designation it must be free flowing and, with its adjacent land area, must possess one or more outstandingly remarkable values. Outstandingly remarkable values are specific to each river segment and may include scenic, recreation, fish, historic, and cultural values.

Affected Environment

Currently, there are two designated Wild and Scenic Rivers on the Tonto National Forest (Figure 29). There is approximately 2.0 miles of ML-2 road located within the Verde Wild and Scenic River corridor and there are no motorized routes administered by the Tonto National Forest located within the Fossil Creek Wild and Scenic River corridor.

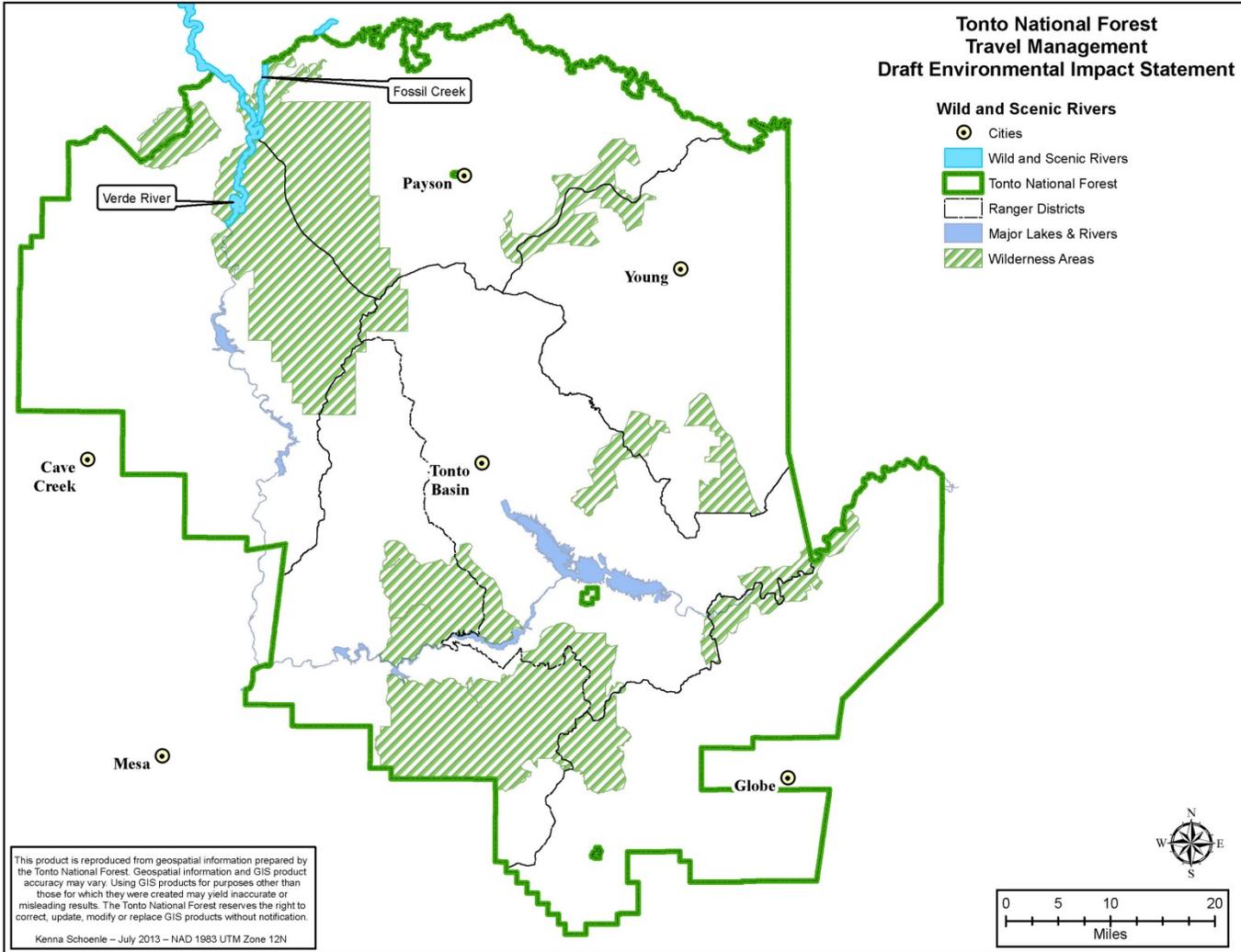


Figure 29: Map of Wild and Scenic Rivers on the Tonto National Forest

The Fossil Creek Wild and Scenic River is located 100 miles from Phoenix. Fossil Creek was designated by Congress in 2009 and includes 9.3 miles as wild and 7.5 miles as recreational segments. The Coconino National Forest has taken the lead for management of the river corridor. This includes the management of Forest Road 708 from the town of Strawberry that provides access to Fossil Creek.

The Coconino National Forest is currently preparing a Comprehensive River Management Plan (CRMP) for the Fossil Creek Wild and Scenic River. Fossil Creek is located on both the Tonto and Coconino national forests. The Coconino National Forest administers the Wild and Scenic River program for both forests. The CRMP provides a foundation for future river management guidance and direction by establishing Forest Service policies to protect and improve the Fossil Creek Wild and Scenic River for future generations. The CRMP will describe management direction, address site-specific issues, and identify actions to help care for the river corridor. A decision is estimated for spring of 2014. Temporary measures described below are in place to manage current use and protect the river resource.

Driving off road is prohibited within the Fossil Creek Wild and Scenic River corridor. A parking limit (30 vehicles) is being enforced on high visitor use days at the Fossil Springs Trailhead in order to enforce public safety and emergency access. Fossil Creek Road 708 is currently closed to motorized vehicles between the Fossil Springs and Waterfall Trailheads. This temporary closure is in effect to provide public health and safety during periods of unsafe road conditions resulting from unstable road surfaces. Overnight camping is prohibited within a one-quarter mile either side of Fossil Creek from the Old Fossil Creek Dam to the Fossil Creek Bridge. Camping is allowed below the Fossil Creek Bridge. Campfires are prohibited within one-quarter mile of Fossil Creek from the head of Fossil Creek, downstream 10 miles to Stehr Lakebed near milepost 3 on Forest Road 502. These interim measures will be evaluated with actions identified through the CRMP.

The Verde Wild and Scenic River Area is approximately 5,692 acres in size. The Scenic River segment is 50 percent located within the Coconino National Forest, 28 percent located within the Prescott National Forest and 12 percent located on the Tonto National Forest. The scenic classification is a total of 18.3 miles. The wild segment is predominantly located on the Tonto National Forest (93 percent) and 7 percent located on the Coconino National Forest. Virtually the entire Wild River Area is within the Mazatzal Wilderness and was established as a result of the *Arizona Wilderness Act of 1984* that designated this segment of the Verde River as a Wild River under the *Wild and Scenic River Act (Public Law 90-542)*. The Act requires that this segment be administered in such a manner as to protect and enhance its designated outstandingly remarkable scenic, fish and wildlife, and historical/cultural values, while protecting the river's free flowing character and water quality. The CRMP for the Verde Wild and Scenic River (U.S. Forest Service, 2004) describes the outstanding remarkable values in further detail for the entire Wild and Scenic River segment. The Prescott National Forest is the lead forest for management of the Verde Wild and Scenic River Corridor.

Environmental Effects

The analysis for the effects to Wild and Scenic Rivers on the Tonto National Forest will be assessed. The analysis for the effects to Wild and Scenic Rivers on the Tonto National Forest will be assessed based on motorized use and recreation opportunities within the designated river corridors. Currently, there is approximately 2.0 miles of ML 2 road located within the Verde Wild

and Scenic River corridor. All action alternatives propose no changes to the motorized route system located within the Verde Wild and Scenic River corridor. Currently, there are no motorized routes administered by the Tonto National Forest located within the Fossil Creek Wild and Scenic River corridor and none of the action alternatives propose any changes.

Currently, there are two instances of motor vehicle crossing of the Verde Wild and Scenic River. None of the action alternatives propose any changes to the number of crossings.

In terms of the effects of motorized dispersed camping within the two Wild and Scenic Rivers, Table 38 shows opportunities by alternative.

Table 38: Motorized Dispersed Camping Opportunities within Wild and Scenic River Corridors

Alternative	Motorized Dispersed Camping Opportunity	River Corridor Where Motorized Dispersed Camping Permitted (Acres)	River Corridor for Motorized Dispersed Camping (Miles)
A	Pleasant Valley and Payson Ranger Districts open	65.2	0.0
B	50' Buffer from Designated Sites	0.1	0.0
C	100' Buffer from Designated Routes	47.7	2.0
D	300' Buffer from Designated Routes	136.6	2.0

Alternative A

Currently with no prohibition on cross-country travel on the Payson Ranger District, where the Verde River Wild and Scenic River Corridor is located, there are 65 acres available for motorized dispersed camping.

Alternatives B

Alternatives B proposes a significant reduction in opportunities for motorized dispersed camping favoring those who prefer nonmotorized recreation activities within River corridors. Alternative B proposes 0.1 acre of motorized dispersed camping opportunities associated with designated dispersed sites within the Verde River Corridor. There is the potential for user dissatisfaction from visitors accustomed to cross-country travel being allowed and accessing dispersed campsites with a motorized vehicle on the Verde Wild and Scenic River corridor located on the Tonto National Forest.

Alternative C

Alternative C proposes 2 miles of corridors for motorized dispersed camping with an associated 47.7 acres. This represents a 27 percent decrease in opportunities compared to the current situation. There is the potential for user dissatisfaction from motorized users, since this alternative provides less opportunities to access dispersed campsites with a motorized vehicle within the Verde Wild and Scenic River Corridor than the existing condition. However, this alternative

provides more opportunities for those forest visitors who prefer more solitude when dispersed camping.

Alternative D

Alternative D also proposes 2 miles of corridors with an associated 136.6 acres, the most opportunity for those recreationists who prefer to access their dispersed campsite with a motorized vehicle within the Verde Wild and Scenic River Corridor. This alternative provides the least opportunities for those who seek solitude, while dispersed camping.

Potential Wild and Scenic Rivers Outside of Wilderness

The Nationwide Rivers Inventory is a listing of more than 3,400 free-flowing river segments in the United States that are believed to possess one or more “outstandingly remarkable” natural or cultural values judged to be of more than local or regional significance. Under a 1979 Presidential Directive, and related Council on Environmental Quality procedures, all federal agencies must seek to avoid or mitigate actions that would adversely affect one or more listed segments.

There are 18 Wild, Scenic, and Recreational potential river segments listed on the Nationwide Rivers Inventory located on the Tonto National Forest (Figure 30). These include the Salt River Canyon, the Upper Salt segment, a whitewater destination located within the Salt River Canyon Wilderness and the Lower Salt River, Arnett/Telegraph, Canyon Creek, Cherry Creek, Parker Creek, Pinto Creek, Fossil Creek, Workman Creek, Salome Creek located within the Salome Wilderness, Tonto Creek and Spring Creek located within the Hellsgate Wilderness and East and Upper Verde River with portions located within the Mazatzal Wilderness. These rivers have not been designated as Wild and Scenic; however, they are listed on the National Park Service – National Wild River Inventory as potential candidates to the River System.

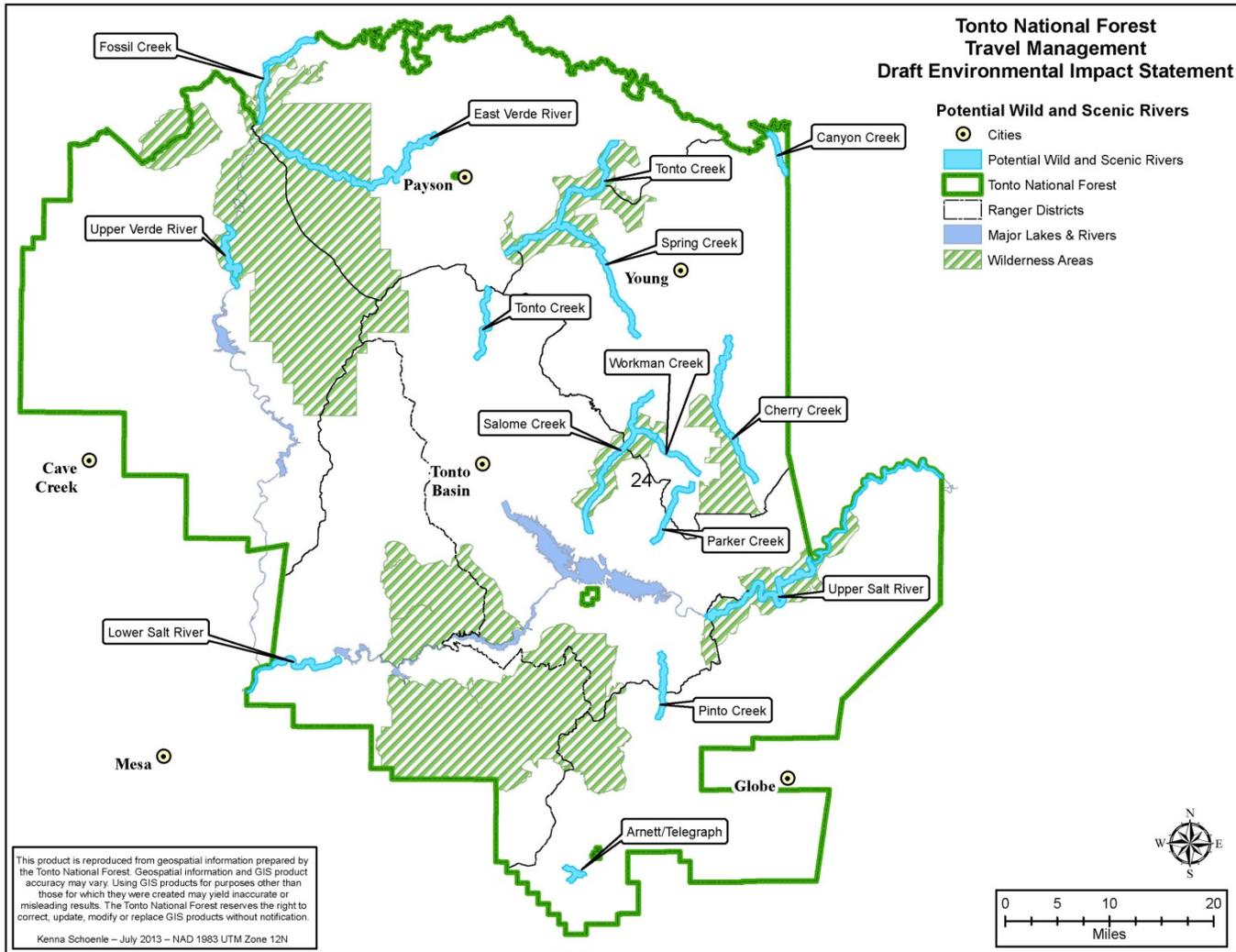


Figure 30: Map of Potential Wild and Scenic Rivers on the Tonto National Forest

Environmental Effects

The analysis for the effects to Wild and Scenic Rivers on the Tonto National Forest will be assessed based on motorized routes within the corridor and motorized creek crossings. There are no miles of motorized routes miles within 300 feet of potential Wild and Scenic River corridors outside of wilderness within the scenic segment of Fossil Creek and the wild segment of Tonto Creek. No motorized routes are proposed within any of the action alternatives with no effect or changes within these potential Wild and Scenic River corridors.

Table 39 shows the number of motorized crossing within each of the potential Wild and Scenic corridors by alternative.

Table 39: Number of Motorized Crossings for Potential Wild and Scenic Rivers

Name	Type	Alternative A	Alternative B	Alternative C	Alternative D
Workman Creek	Recreational	12	1	3	6
Upper Verde	Wild	2	0	1	2
Upper Salt River	Wild	5	1	2	4
Upper Salt River	Scenic	4	0	1	4
Tonto Creek	Wild	1	0	0	0
Tonto Creek	Scenic	11	7	9	11
Spring Creek	Recreational	11	6	8	10
Salome Creek	Wild	4	2	4	5
Pinto Creek	Scenic	5	2	2	4
Parker Creek	Scenic	9	8	8	9
Lower Salt River	Recreational	19	14	14	18
Fossil Creek	Recreational	1	0	1	1
East Verde River	Recreational	13	11	12	12
Cherry Creek	Wild	12	3	6	8
Cherry Creek	Scenic	7	2	5	6
Canyon Creek	Recreational	16	5	9	16
Arnett/Telegraph	Scenic	9	5	5	5
Total		141	67	90	121

Alternative A

Currently there are approximately 50 miles of road located within a potential Wild and Scenic River on the Tonto National Forest as follows: 29 miles Recreational River segments; 14 miles Scenic River segments and 7 miles Wild River segments (Table 40). Additionally, this alternative allows for 141 motorized crossings.

Table 40: Miles of Motorized Routes within Potential Wild and Scenic River Corridors

Name	Alternative A (Miles)	Alternative B (Miles)	Alternative C (Miles)	Alternative D (Miles)
Recreational River Segments				
Canyon Creek	4.33	3.66	5.20	7.40
East Verde River	5.53	5.67	6.71	7.86
Fossil Creek	2.15	0.00	2.15	2.15
Lower Salt River	7.44	13.87	13.87	13.94
Spring Creek	3.23	3.00	3.83	5.61
Workman Creek	6.32	4.14	4.99	5.87
Total	28.99	30.35	36.74	42.84
Scenic River Segments				
Arnett/ Telegraph	1.81	1.91	1.91	2.57
Cherry Creek	2.19	3.24	4.54	5.45
Fossil Creek	0.00	0.00	0.00	0.00
Parker Creek	4.16	5.34	5.54	5.70
Pinto Creek	1.71	1.38	1.67	2.18
Tonto Creek	2.05	2.58	2.94	3.30
Upper Salt River	1.72	0.42	0.65	1.73
Total	13.64	14.88	17.25	20.93
Wild River Segments				
Cherry Creek	4.36	1.76	2.24	4.99
Salome Creek	1.22	1.35	2.26	2.41
Tonto Creek	0.00	0.00	0.00	0.00
Upper Salt River	0.94	0.11	0.52	0.94
Upper Verde	0.81	0.00	0.56	0.81
Total	7.33	3.22	0.56	9.15
Total for All	49.97	48.45	59.57	72.91

Alternative B

Overall, alternative B proposes 48 miles, a one mile decrease in the miles of motorized routes within potential Wild and Scenic River corridors. Additionally, it proposes to decrease the number

of crossings to 67. These changes would provide more opportunities for users seeking a more primitive experience within the potential wild segments.

This alternative significantly decreases the opportunity for using a motor vehicle to disperse camp, nearly eradicating this type of recreation opportunity in the corridors of the potential Wild and Scenic River segments (Table 41). The effect from this proposal would limit motorized use for dispersed camping, causing those users to potentially look for this type of opportunity elsewhere. Those seeking a non-motorized experience in the corridors would become nearly exclusive to this type of recreation opportunity.

Table 41: Motorized Dispersed Camping Opportunities within Potential Wild and Scenic River Corridors

Alternative	Motorized Dispersed Camping Opportunity	River Corridor Where Motorized Dispersed Camping Permitted (Acres)	Corridor for Motorized Dispersed Camping (Miles)
A	Pleasant Valley and Payson Ranger Districts open	20,833.1	40.8
B	50' Buffer from Designated Sites	0.2	0.0
C	100' Buffer from Designated Routes	1,051.4	44.5
D	300' Buffer from Designated Routes	4,291.7	64.6

Alternative C

Alternative C proposes 59 miles of roads (Table 40), an increase in 10 miles—when compared to the current condition—of routes within Wild and Scenic River Segments within potential corridors with increases in miles in recreational and scenic and a decrease in miles within potential wild segments. Additionally, it proposes to decrease the number of motorized crossings in the corridor to 90 (Table 40). While the decrease in crossing would appeal to those seeking a more natural experience, the increase in miles of roads within the corridors would appeal to those that seek a motorized recreation experience.

In terms of using a motor vehicle for dispersed camping, this alternative decreases the overall acres where motorized travel many occur, but increases the mileage where the camping corridor is within the potential Wild and Scenic River corridor. Overall, this alternative would decrease the motorized dispersed camping opportunity for forest users.

Alternative D

While this alternative decreases the number of motorized crossings by 15 percent, it nearly doubles the miles of motorized routes within the potential Wild and Scenic River Corridors when compared to the current condition.

For motor vehicle use for dispersed camping, this alternative also substantially decreases the overall acres within the corridor. Overall, this alternative, when compared to the other action alternatives, provides the great opportunity for those users that prefer a motorized experience.

Cumulative Effects

The cumulative effects analysis for motorized routes and motorized creek crossings for Potential Wild and Scenic Rivers outside of wilderness considers the past, present and reasonably foreseeable actions within the 300 foot corridors of all Wild and Scenic River and Potential Wild and Scenic River segments outside of wilderness. In addition to the direct and indirect effects analyzed, other activities could impact the two designated Wild and Scenic Rivers on the Tonto National Forest. These activities include range allotment management and recreation activities that take place within the corridors. The cumulative effects for potential Wild and Scenic River segments would be similar, with projects like the Salt River Six Grazing Allotment Environmental Impact Statement, which is currently in draft form without a decision. All of the actions alternative would improve conditions in Wild and Scenic River and Potential Wild and Scenic River segments outside of wilderness. If other proposed projects within these corridors follow law, regulation, and policy, no cumulative effects are anticipated.

Inventoried Roadless Areas

In 1964 when Congress passed the *Wilderness Act* creating the National Wilderness Preservation System, the Act directed the Secretary of Agriculture to complete a study of 34 administratively designated “primitive areas” and determine their suitability as wilderness by September 2, 1974.

In 1971 the Forest Service expanded the scope of the review to include all roadless areas in the inventory and evaluation. This process was known as the Roadless Area Review and Evaluation. The Final Environmental Impact Statement for this project was released in 1973 and identified 247 roadless areas to be studied further for possible wilderness status as part of the multiple-use planning process used at the time. The *National Forest Management Act* of 1976 replaced that process with the requirement for an integrated land and resource management plan (forest plan) for each forest and grassland.

Inventoried Roadless Areas (IRAs) were authorized by the 2001 Special Areas; Roadless Area Conservation Final Rule, *36 CFR Part 294*. The “inventoried” part of the name comes from the Roadless Area Review and Evaluation forests conducted in the 1970s and 1980s described above. The characteristics that follow describe attributes considered when areas were inventoried for roadless area designations are:

- Natural, being substantially free from the effect of modern civilization.
- Undeveloped, having little or no permanent improvements or human habitation.
- Outstanding opportunities for solitude or primitive and unconfined recreation.
- Special features and values, or the potential to contribute to unique fish, wildlife and plant species and communities; outstanding landscape features; and significant cultural resource sites.
- Manageability, meaning the area is at least 5,000 acres in size.

The Roadless Area Conservation Final Rule prohibits road construction, reconstruction, and timber harvest, with exceptions, in Inventoried Roadless Areas because they have the greatest likelihood of altering and fragmenting landscapes, resulting in immediate long term loss of roadless area values. Roads and motorized trails can be present within IRAs. The Roadless Rule does not prohibit travel on existing roads or motorized trails.

Affected Environment

Approximately 209,762 acres (0.07 percent) of the forest's land mass is located within 13 individual Inventoried Roadless Areas (Figure 31).

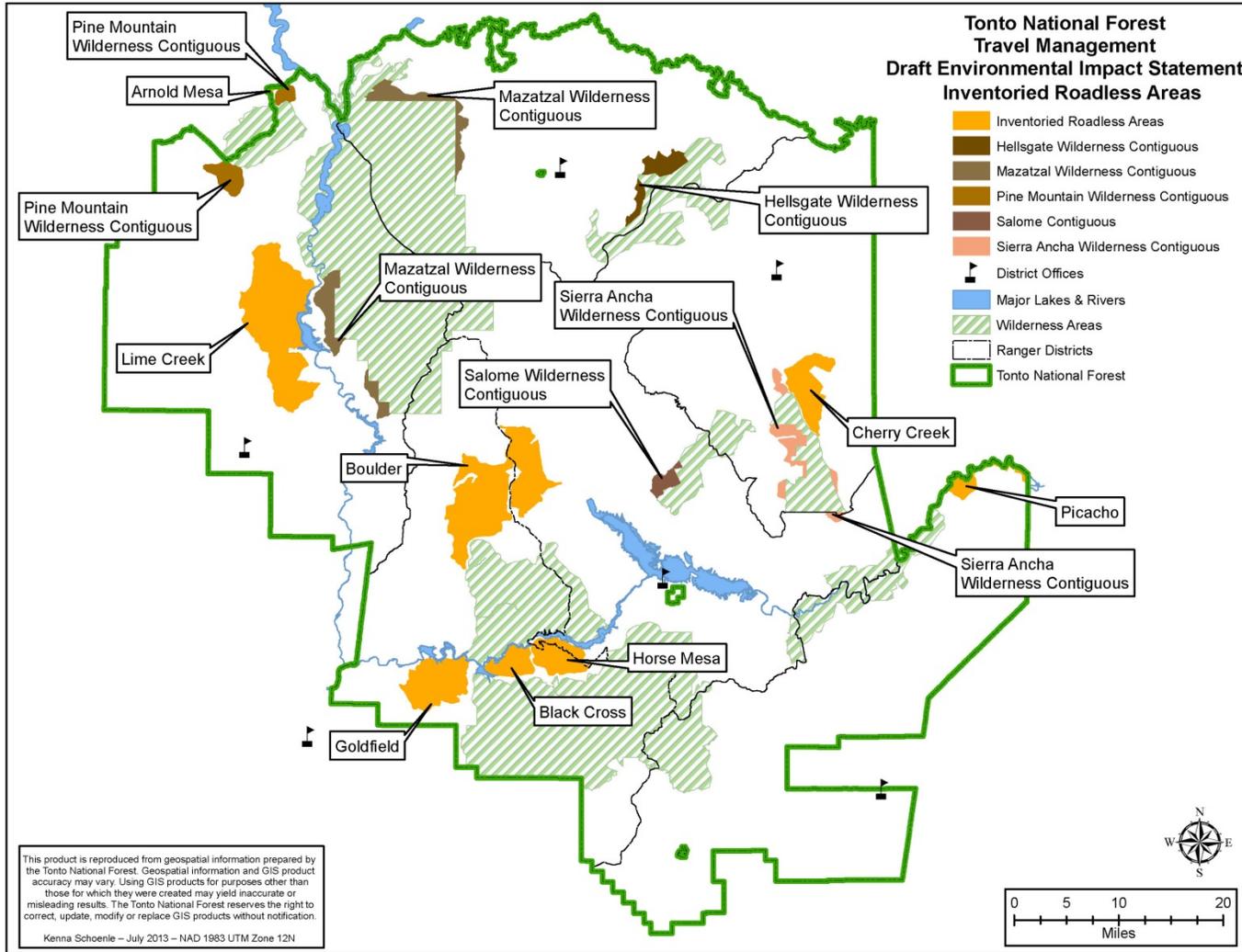


Figure 31: Map of Inventoried Roadless Areas on the Tonto National Forest

Currently, there are nearly 70 miles of motorized routes within IRAs, including 9 miles of inventoried unauthorized routes. Fifty-nine miles of these routes are Forest Service Roads that have been identified and tracked in databases. Almost 2 miles of State Highway 87 is also considered inside an IRA on the Tonto National Forest.

Environmental Effects

Inventoried Roadless Areas (IRAs) provide clean drinking water and function as biological strongholds for populations of threatened and endangered species. They provide large, relatively undisturbed landscapes that are important to biological diversity and the long-term survival of many at risk species. Inventoried Roadless Areas provide opportunities for dispersed outdoor recreation, opportunities that diminish as open space and natural settings are developed elsewhere. They also serve as bulwarks against the spread of nonnative invasive plant species and provide reference areas for study and research.

Inventoried Roadless Areas are managed for nine roadless characteristics resources or features that are often present in and characterize Inventoried Roadless Areas and are used for this analysis:

- Soil, water, and air resources
- Sources of public drinking water
- Diversity of plant and animal communities
- Habitat for threatened, endangered, and sensitive species and species dependent on large undisturbed areas of land
- Primitive and semiprimitive motorized and nonmotorized classes of recreation
- Reference landscape for research study or interpretation
- Natural appearing landscapes with high scenic quality
- Traditional cultural properties and sacred sites
- Other locally unique characteristics – Wild and Scenic Rivers, Arizona Trail, Great Western Trail, etc.

Direct and Indirect Effects

All Action Alternatives would prohibit cross-country travel in IRA and no action alternative proposes to designate any inventoried unauthorized routes in IRAs. Motorized routes within IRAs would be closed unless designated. This could improve resource conditions of all nine roadless characteristics and primitive classes of recreation opportunities within the Mazatzal Wilderness Contiguous, Hellsgate Contiguous, Cheery Creek, Sierra Ancha Wilderness Contiguous and IRAs located on the Payson and Pleasant Valley ranger districts. In addition, enforcement has the potential to prevent expansion of unauthorized routes and allow soil and water conditions associated with these routes to recover over time.

Roads within designated IRAs often affect roadless characteristics. As Table 42 shows, there is currently 56.23 miles of known motorized routes within IRAs on the Tonto National Forest.

Table 42: Motorized Routes in IRAs by Alternative

IRA Name	Alternative A (Miles)	Alternative B (Miles)	Alternative C (Miles)	Alternative D (Miles)
Mazatzal Wilderness Contiguous	5.94	0.00	3.58	6.25
Pine Mountain Wilderness Contiguous	1.50	0.40	1.50	1.50
Arnold Mesa	1.09	0.00	1.09	1.09
Hellsgate Wilderness Contiguous	8.56	0.00	6.55	8.56
Picacho	0.93	0.00	0.00	0.93
Black Cross	2.39	0.00	2.67	2.95
Boulder	10.44	1.72	10.42	10.46
Cherry Creek	8.73	0.00	4.71	9.24
Goldfield	4.55	0.00	2.66	4.55
Horse Mesa	0.00	0.00	0.00	0.00
Lime Creek	9.89	0.01	8.49	17.81
Salome Contiguous	0.00	0.00	0.00	0.00
Sierra Ancha Wilderness Contiguous	2.22	0.55	1.59	2.30
Total	56.23	2.69	43.25	65.62

Each alternative was analyzed based on the effects to the roadless characteristics for each Inventoried Roadless Area (Table 43).

Table 43: Direct and Indirect Effects to IRA Characteristics by Alternative

Alternative A (No Action)	Alternative B	Alternative C	Alternative D
Soil, Water, Aquatic and Air Resources			
<p>This alternative would continue existing management of motorized routes, nearly 56 miles, within the IRAs. Watershed conditions in IRAs in the Cave Creek, Globe, Mesa, and Tonto Basin ranger districts where cross-country travel is not permitted would be minimally affected by this alternative. Watershed conditions in IRAs in the Payson and Pleasant Valley ranger districts may be impacted by authorized cross-country travel that enters into these areas, particularly if cross-country travel results in numerous passes in the same locations and develops into unauthorized routes.</p>	<p>This alternative proposes to designate the fewest miles (2.7 miles) of motorized routes of the action alternatives. This alternative would decommission approximately 67 miles of roads in the IRAs. This greatest potential for recovery of watershed conditions in the IRAs.</p>	<p>This alternative would designate 43.25 miles of motorized routes in IRAs would propose decommissioning of 28.91 miles within these areas. Impacts of this alternative on soil and water conditions in IRAs would be greater than alternative B, but may be less than alternative A because of the greater number of miles of roads proposed for decommissioning in this alternative. These actions would facilitate recovery of watershed conditions where these routes occur within IRAs.</p>	<p>This alternative would authorize 63 miles of motorized routes within IRAs and would propose decommissioning of 6.5 miles within these areas. This alternative would authorize more motorized routes within IRAs than any of the other alternatives. Soil and watershed impacts within the IRAs would be greatest from this alternative. This alternative would prevent expansion of unauthorized routes, would eliminate use on uninventoried unauthorized routes, and decommission 6.5 miles of motorized routes within IRAs. These actions would facilitate recovery of watershed conditions where these routes occur within IRAs</p>
Sources of Public Drinking Water			
<p>None of the Inventoried Roadless Areas are within or affect Designated Municipal Watersheds. Much of the Forest lies within the Salt and Verde River watersheds, which supply drinking water to the Phoenix Metropolitan Area. Impacts to watershed conditions from unlimited cross-country travel on the northern ranger districts and motorized routes (which affect drinking water quality) would be greatest in this alternative.</p>	<p>With the least miles of proposed designated motorized routes, this alternative would have the smallest impact on watershed conditions and their effects on drinking water supply.</p>	<p>The effects of this alternative on watershed conditions and drinking water supply would be greater than alternative B but less than alternatives A and D.</p>	<p>The effects of this alternative on watershed conditions and drinking water supply would be greater than alternatives B and C and similar to alternative A.</p>

Alternative A (No Action)	Alternative B	Alternative C	Alternative D
Diversity of Plant and Animal Communities			
<p>Where roads and trails exist within IRAs, they provide a vector for introduction of new non-native invasive species. This alternative has 56.23 miles of routes within IRAs which would leave these areas most open to invasion by noxious weeds and nonnative species via motorized travel vectors. Overall habitat conditions for sensitive plant species dependent on large undisturbed areas of land are stable. Due to existing condition of cross-country motorized travel being permitted with the associated expansion of unauthorized routes, localized areas may be degrading because of fragmentation and “edge effects.”</p>	<p>This alternative proposes the fewest miles of motorized routes within IRAs (2.69 miles), and would have the least likelihood of introduction and spread of noxious weeds and non-native invasive plants to these areas. Habitat conditions would see improvement from existing conditions, which could generally lead to improvement in desired future conditions.</p>	<p>This alternative would reduce motorized routes to 43.25 miles and would decrease the likelihood of introduction and spread of noxious weeds and non-native invasive plants to these areas. Habitat conditions would see improvement from existing conditions, which could generally lead to improvement in desired future conditions, but at a slower potential pace than Alternative B.</p>	<p>Alternative D would propose 65.62 miles of motorized access within IRAs. This alternative would have the greatest chance of introduction and spread of noxious weeds and non-native invasive plants. Impacts to diversity of plant and animal communities would likely increase from existing conditions. These effects may result in a trend of moving away from desired future conditions for wildlife diversity.</p>
Habitat for TES and Species Dependent on Large Undisturbed Areas of Land			
<p>Overall habitat conditions for TES and species dependent on large undisturbed areas of land are stable, but in some cases declining for species like the Chiricahua leopard frog. Due to the existing condition of cross-country motorized travel being permitted to continue with the associated expansion of unauthorized routes, localized areas are degrading and likely would continue degrading.</p>	<p>Routes proposed for designation are not found within TES habitat and would improve conditions for species that are dependent on large tracts of undisturbed land.</p>	<p>Routes proposed for designation are not found within TES habitat. Compared to the current condition, this alternative would improve conditions for species that are dependent on large tracts of undisturbed land.</p>	<p>Routes proposed for designation are not found within TES habitat. Compared to the current condition, this alternative would likely not improve conditions for species that are dependent on large tracts of undisturbed land.</p>

Alternative A (No Action)	Alternative B	Alternative C	Alternative D
Primitive, Semiprimitive Nonmotorized and Semiprimitive Motorized Classes of Dispersed Recreation			
<p>There are currently 56.23 miles of road providing access within IRAs. A number of the IRAs located on the forest are contiguous to a wilderness area or are located in close proximity to designated wilderness offering opportunities for primitive, semiprimitive nonmotorized recreational activities.</p> <p>Cross-country travel is currently allowed within permitted areas for motorized fuelwood gathering within the Mazatzal Contiguous, Hellsgate Contiguous, Boulder, Salome Contiguous, Cherry Creek, and Picacho IRAs.</p>	<p>Alternative B proposes the least motorized routes (2.69 mile) within IRAs. There could be visitor dissatisfaction due to being restricted from places they have traditionally accessed using motorized routes within IRAs.</p> <p>The reduction in road mileage provides additional primitive and semiprimitive nonmotorized opportunities within IRAs on the Forest and the least opportunities for a Semiprimitive Motorized Setting.</p> <p>This alternative would benefit visitors who prefer a more primitive experience traveling on motorized routes within IRAs.</p>	<p>Alternative C proposes a decrease (43.25 miles) of motorized routes compared to the current condition. This alternative would decrease the motorized opportunity to access IRAs, but would still provide an opportunity to those wishing to recreate in the IRAs using motor vehicles.</p>	<p>Alternative D proposes to increase motorized routes within IRAs (65.62). This alternative would favor those recreationists who prefer a semiprimitive motorized setting and would be least desirable to those wishing to recreate in the IRAs without motor vehicles.</p>
Natural Appearing Landscapes with High Scenic Quality			
<p>Currently, existing landscape character within the Black Cross, Boulder, Lime Creek, and Horse Mesa IRAs is becoming less natural in appearance due to cross-country travel on unauthorized routes and likely would continue. The Bulldog Permit Zone located within the Goldfield IRA has contributed to improving existing landscape character.</p>	<p>This alternative would decommission 66.85 miles of roads in the IRAs and designate only 2.69 miles. Overall this would result in the greatest potential for existing landscape character to become more natural in appearance.</p>	<p>This alternative would decrease the number of motorized routes in IRAs (13 miles less than the current condition) and would decommission nearly 30 miles of motorized routes. This would be less than Alternative B, greater than Alternative D potential for existing landscape character to become more natural in appearance.</p>	<p>This alternative would increase (9 miles more than current condition) motorized routes within IRA and decommission 6.5 miles. This would result in the least potential for existing landscape character to become more natural.</p>
Reference Landscapes for Research Study or Interpretation			
See effects under Special Management Areas in this section.			

Alternative A (No Action)	Alternative B	Alternative C	Alternative D
Traditional Cultural Properties and Sacred Sites*			
<p>Allowing unrestricted cross-country travel to continue on any part of the Forest would result in an increase in the cumulative effect on known contemporary Indian uses by degrading traditional use areas, damaging TCPs, sacred sites, and disrupting traditional activities and may inhibit or limit the use of such areas. Likewise, the potential remains for trespass onto reservation lands from uncontrolled and unclassified routes. Access to traditional resources and places of significance to Tribes will remain unchanged.</p>	<p>Alternative B greatly reduces potential direct and indirect effects to TCP, sacred sites, and traditional use areas by restricting cross-country travel, reducing the potential for trespass onto Tribal lands. In particular, restricting motorized vehicles to designated routes will reduce the potential for disruption of traditional cultural or religious activities. However, closure of some existing roads and eliminating cross-country travel may reduce opportunities for resource gathering, visitation of sacred and other traditionally significant sites and increase the need for nonmotorized travel for elderly traditional practitioners.</p>	<p>This alternative has similar effects as those described in Alternative B in terms of prohibiting cross-country travel. However, particularly for motorized big game retrieval, it also has greater potential than Alternative B for motorized recreational activities to disrupt traditional activities sensitive to public intrusion and increases the potential for trespass onto tribal land</p>	<p>This alternative has similar effects as those described in Alternative B in terms of prohibiting cross-country travel. This alternative, with the most proposed motorized access, particularly in regards to roads, would have the most potential for providing Tribal access to sacred and traditional places and resources. By the same token, it also has greater potential than the other alternatives for motorized recreational activities to disrupt traditional activities sensitive to public intrusion and increases the potential for trespass onto tribal land. Otherwise, effects on Tribal access to traditional resources and significant places under this alternative would be similar to what they would be under the alternative C.</p>

* More information can be found in the *Heritage Resources and Contemporary Indian Uses Reports* in the project record.

Cumulative Effects

The cumulative effects analysis evaluates past, present, and reasonably foreseeable actions on roadless characteristics in IRAs. This analysis specifically considers those activities that have influenced motorized or nonmotorized travel in the IRAs and their associated effects on roadless characteristics.

The cumulative effects analysis area for this analysis includes the 13 Inventoried Roadless Areas within the boundary of the Tonto National Forest. Consideration was given to cumulative effects beyond the IRA boundary to include wilderness areas on the Tonto, Prescott and Coconino national forests and the White Canyon Wilderness administered by the Tucson Field Office of the Bureau of Land Management. Timeframe evaluated is the next twenty years.

In most cases the other projects proposed within IRAs trend towards improving Roadless Area character.

Special Management Areas

Affected Environment

In the 1985 Tonto National Forest Plan, opportunities were identified to provide areas for scientific study and protection through the establishment of research natural areas, botanical areas, or designation as natural areas under the Arizona Parks Board Natural Area Program. The plan indicates that OHV use is prohibited in all of these Natural Research Areas (RNAs), Proposed Natural Research Areas, wildlife area, and experimental forest.

Two additional Special Management areas on the Tonto National Forest include a wildlife area and an experimental forest. In the Three Bar Wildlife Area and the Sierra Ancha Experimental Forest, the plan restricts OHV use to system roads (U.S. Forest Service, 1985, pp. 161 and 175 respectively). The Sierra Ancha Experimental Forest is located west of the Sierra Ancha Wilderness Area.

Environmental Consequences

Roads within designated and proposed special management areas may affect the characteristics for which they have been designated or proposed. As Table 44 shows, there is currently 60.45 miles of known motorized routes within these special management areas on the Tonto National Forest.

Table 44: Motorized Routes within Special Management Areas by Alternative

Name	Alternative A (Miles)	Alternative B (Miles)	Alternative C (Miles)	Alternative D (Miles)
Designated RNAs				
Buckhorn Mountain	0.00	0.00	0.00	0.00
Bush Highway	2.13	1.57	1.57	1.57

Name	Alternative A (Miles)	Alternative B (Miles)	Alternative C (Miles)	Alternative D (Miles)
Proposed RNAs				
Picket Post Mountain	0.05	0.05	0.05	0.05
Sycamore Creek & Blue Point Cottonwood	2.89	0.80	0.88	1.34
Upper Forks Parker Creek	0.78	0.00	0.20	0.78
Special Areas				
Sierra Ancha Experimental Forest	31.70	13.48	16.48	26.25
Three Bar Wildlife Area	22.90	13.80	18.17	22.90
Total	60.45	29.70	37.27	52.89

Alternative A

Most special management areas have less than three miles of motorized routes within their boundaries, including 0.75 of unauthorized routes in the proposed Sycamore Creek and Blue Point Cottonwood NRA. The Three Bar Wildlife Area and the Sierra Ancha Experimental Forest currently have 22.90 and 31.70 miles of motorized routes respectively in their management areas, including 0.29 miles of unauthorized routes in the Sierra Ancha Experimental Forest.

In terms of a nonmotorized trail experience, four special management areas provide this opportunity: Buckhorn Mountain NRA; proposed Upper Forks Parker Creek NRA; Sierra Ancha Experimental Forest, and Three Bar Wildlife Area. Motorized cross-country travel is prohibited within all of these special areas. Buckhorn Mountain RNA and proposed Picket Post Mountain RNA have no motorized routes that are open to the public (the 0.05 miles of motorized routes with proposed Picket Post Mountain are for administrative use only and not open to the public). These areas provide primitive and unconfined recreation opportunities for forest visitors, while meeting the intent of these areas to provide nondisruptive research and education and keep the areas in their natural or unmodified condition and to protect natural features and vegetation.

Alternative B

This alternative proposes to reduce the number of miles of motorized routes within special management areas to nearly half of the existing condition and proposed Upper Forks Parker Creek will have no motorized routes within its boundaries. In proposed Picket Post Mountain RNA, the motorized routes (0.05 miles) are for administrative use only.

Alternative B would likely have less conflict with management goals to provide nondisruptive research and education and keep the areas in their natural or unmodified condition and to protect natural features and vegetation of these special management areas, when compared to the current condition and other action alternatives.

Alternative C

Alternative C proposes to reduce the motorized route system within special management areas to 37.27 miles. In proposed Picket Post Mountain and Upper Forks Parker Creek RNAs, the motorized routes (0.05 miles and 0.20 respectively) are for administrative use only and not open to public motor vehicle use. This alternative would decrease conflict with management goals to provide nondisruptive research and education and keep the areas in their natural or unmodified condition and to protect natural features and vegetation of these special management areas.

Alternative D

Alternative D proposes to reduce the miles of motorized routes in special management areas from current condition, but would have the most motorized routes of the action alternatives. Just like Alternatives B and C, the routes within proposed Picket Post Mountain NRA would be for administrative use only.

Of the action alternatives, this alternative would have the least decrease in conflict with management goals to provide nondisruptive research and education and keep the areas in their natural or unmodified condition and to protect natural features and vegetation of these special management areas.

Cumulative Effects

The cumulative effects analysis evaluates past, present, and reasonably foreseeable action upon Special Areas located on the Tonto National Forest for the next 20 years. All actions would vary the miles of motorized access on designated routes; however, these areas would continue to have a prohibition on cross-country travel and would meet the intent of the management goals of these special areas. Currently, there are no proposed projects within or adjacent to these areas that would have a cumulative effect over the direct and indirect effects of this proposal.

Visual Resources

The Forest Service Landscape Aesthetics: A Handbook for Scenery Management (U.S. Forest Service, 2000) indicates that “high quality scenery, especially scenery with natural-appearing landscapes, enhances people's lives and benefits society” (p. 1). Additionally, Visual Resource Management is defined in the Tonto National Forest Plan (Forest Plan) (U.S. Forest Service, 1985) glossary as “the art and science of planning and administering the use of Forest lands in such ways that visual effects maintain or upgrade man’s psychological welfare. The planning and design of visual aspects of multiple-use land management (U.S. Forest Service, 1985, p. 21 in glossary)”. Scenery management is “the art and science of arranging, planning, and designing landscape attributes relative to the appearance of places and expanses in outdoor settings” (U.S. Forest Service, 2000, p. 5 in glossary).

As the American population increases and more areas become urbanized, the Forest Service has seen an increase in public concern about the natural scenic qualities of national forests. “Research shows that there is a high degree of public agreement regarding scenic preferences. This research indicates that people value most highly the more visually attractive and natural-appearing landscapes. However, the fact that preferences may vary somewhat in different regions or cultures must be recognized” (U.S. Forest Service, 2000, p. 30).

“People utilize travelways and use areas throughout the national forests. In addition, they utilize travelways and use areas located outside of national forest boundaries that provide views into national forests. Travelways represent linear concentrations of public viewing including highways, roads, trails, rivers, and other waterways. Portions of landscapes visible from travelways and use areas are important to constituents for their scenic quality, aesthetic values, and landscape merits” (U.S. Forest Service, 2000, pp. 4-6).

Roads create disruptions in the natural appearing landscape and lower scenic integrity by reducing the natural appearance of the landscape. The major visual impact of roads is their linear configuration, which must be superimposed upon nonlinear landscapes (U.S. Forest Service, 1977). The proliferation of unauthorized routes, particularly in sparsely covered landscapes, can adversely affect the existing landscape character. The scenic qualities of forest landscapes are valuable resources and important factors in the development of management actions. Primary objectives of scenery management are to maintain natural appearance and to minimize alterations that contrast with the natural elements of forest landscapes. The Tonto National Forest Plan (U.S. Forest Service, 1985) directs that the scenic qualities of forest landscapes be recognized and emphasized in all resource planning and management activities.

Affected Environment

The Tonto National Forest offers several perennial watercourses primarily in the mountains that add to the Forests’ beauty, including two Wild and Scenic Rivers: Verde and Fossil Creek, along with Salt River and Tonto Creek. There also are several large man-made lakes or reservoirs including Bartlett, Horseshoe, Saguaro, Canyon, Apache, and Roosevelt, several of which are in canyons, creating a beautiful contrast between lake and canyon walls.

The forest has two National Forest Scenic Byways running through it: From the Desert to the Tall Pines Scenic Road and Apache Trail Historic Road. Wilderness areas include Four Peaks, Hell’s Gate, Mazatzal, Salome, Salt River Canyon, Sierra Ancha, and Superstition.

Human activities have altered the existing landscape character of the Tonto National Forest. A component of the current landscape character is the degree to which alterations created by management activities are already evident. This existing visual condition defines how natural or altered the present landscape looks (as opposed to the visual quality objectives, which define how natural the landscape should look). While many parts of the Forest, such as wilderness areas, are still predominantly natural in appearance there has been a significant amount of past and present human activities.

“Off-road vehicle impacts are particularly serious and difficult to manage. ORV impacts are particularly troublesome because impact potential is so high. Riders frequently seek out terrain that is particularly susceptible to impact and object to being confined to areas of concentrated use” (Cole, 1986 p. 2).

Environmental Effects

Assumptions and Methodology

Inaccurate Information and Data Limitations

There are two forms of direction from the 1980s for visual quality on the Tonto National Forest, narrative and maps. The Forest Plan narrative gives actual acres or a percentage of acres prescribed for the assigned VQOs for each management area. Major travel corridors on the VQO maps are in the retention VQO, including State Route 87, State Route 260, and US Highway 60, as well as the upper Salt River and Roosevelt Lake. The less heavily traveled corridors, such as State Route 188 and State Route 288, are in the partial retention VQO. Areas away from lakes, river corridors, and highways located in otherwise significantly disturbed areas allow more visually intrusive objects and are to be managed as modification and maximum modification VQOs. Wilderness areas on Forest Service Land are typically managed as preservation; however, the preservation objective is so small on the Forest-wide map below that it is not visible so it is shown separately. This is not an accurate representation of VQO of preservation on the forest.

Numerous factors have contributed to the current VQO GIS layer being outdated. One significant factor contributing in discrepancies in acreages for the preservation VQO from the 1980s and existing conditions today is that wilderness areas have expanded in size and the forest boundary has changed since the 1980s. In addition, since the VQO maps were integrated into the GIS system in 2006 there have been numerous changes in the versions of GIS software the forest uses (currently ArcGIS 10.1 NAD 83 UTM 12N is being utilized). These changes in the system have resulted in differences in forest boundary, wilderness boundaries, etc., which has contributed to discrepancies for all VQOs. Major changes in visitor use, recreation areas, and travel routes have also made the old inventory out-of-date for all VQOs. Due to the inaccuracies in VQO data, the alternatives will be evaluated on other criteria in addition to consistency with VQOs. The analysis of alternatives for impacts on the visual resources will also be based on the proposed decommissioning of existing roads, designation of unauthorized routes as either roads or motorized trails, areas open to motorized cross country travel, and dispersed camping.

Assumptions Associated With Roads and Trails

Changing existing roads that are open to motorized travel to trails open to motorized travel would Properly designed and maintained motorized routes decrease the negative effects on scenic quality (U.S. Forest Service, 2008a). Although unauthorized routes were not originally designed by Forest Service engineers, those that are being proposed to be added route to the system as a designated road or motorized trail would likely improve the existing landscape character, as they would be improved and maintained as necessary. In addition, with the designation of a motorized system, cross-country travel would be limited, requiring motorists to remain on the designated routes. This would decrease new unauthorized routes being formed. Eliminating unauthorized routes would move the forest towards the desired conditions for scenery. Thus, they will not be analyzed in this report.

Changing existing roads, especially ML 2 roads that have not been maintained or unauthorized routes to motorized trails would likely make no change to the existing landscape character since the prism would not increase in size. They may actually move towards the desired conditions for scenery since they would be properly designed and maintained. In addition, vehicles would be required to remain on the designated routes so new unauthorized routes would not be formed.

Eliminating unauthorized routes would move the forest towards the desired conditions for scenery.

Observation of forest conditions show that some routes naturally revegetate without use. Some roads changed from open to public access to decommissioned that no longer receive motorized use may revegetate over time depending on soil type and vegetation. Revegetation would improve the existing landscape character because they would be more natural appearing. Other routes would have to be actively restored to a more natural state by the Forest Service in future projects. Roads that are decommissioned would likely move the forest towards the desired conditions for scenery.

Assumptions Associated With Permit Zones

The designated roads and motorized trails within the permit zones may improve the existing landscape character since it is unlikely that new unauthorized routes would be formed. In addition, motorized vehicles would be required to stay on designated roads and trails in permit zones, just like the rest of the forest, and illegal dumping and shooting would be eliminated, which would move the forest toward the desired conditions for scenery. However, the barriers necessary to enforce the permit zones, such as pipe rail fencing and locked gates, may detract from the natural landscape character. The more barriers necessary to enforce the permit zones, the greater the chance of negative affects to visual quality. These effects can be decreased by using materials that blend with the natural landscape character and placing them properly so that they are not placed in direct line of sight.

Assumptions Associated with Dispersed Camping

As stated earlier, numerous studies have documented effects from motorized access to and use of dispersed camping on vegetation; particularly understory vegetation, and creation of barren soil areas. These adversely affect landscape character and move the resource away from desired conditions for scenic quality. In areas where dispersed camping is concentrated, these effects become visible and lead to unacceptable levels of impact (Cole, 1986). However, when motorized access to dispersed camping is spread out over the forest, the impacts affect a larger area and the routes to these sites create unnatural linear features and the sites themselves may affect landscape character if they can be seen from roads.

Assumptions Associated With Motorized Big Game Retrieval

Motorized big game retrieval corridors would not affect the existing landscape character because the amount of trips needed to retrieve game is not likely to form new unauthorized routes because the trips would be infrequent and would be spread over a large area; the likelihood of multiple trips across the same area are slim. The impacts are negligible and will not be analyzed in this report.

Assumptions Associated With Collection of Forest Resources

Motorized collection of forest resources would not change the existing landscape character because the amount of trips needed to gather forest resources is not likely to form new unauthorized routes because a small number of people would be making infrequent trips and they

would be spread over a large area; the likelihood of multiple trips across the same area is slim. The impacts are negligible and will not be analyzed in this report.

Methodology

As documented in the 2008 study *Effects of All-Terrain Vehicles on Forested Lands and Grasslands* (U.S. Forest Service, 2008a), “ATV traffic does have an impact on natural resources. The levels of disturbance can be reduced by proper trail design and maintenance and by focusing efforts on trail sections that require extra attention” (Meadows *et al.*, 2008, p. iv).

Using GIS and associated tabular data, forest staff overlaid the Visual Quality Objectives layer with route inventories to assess the effects of the Proposed Action and alternatives on the visual resources as it relates to decommissioned existing roads, designating unauthorized routes as either roads or motorized trails, areas open to motorized cross country travel, and dispersed camping. In addition, data from the National Visitor Use Monitoring (NVUM) survey was used⁶¹ (U.S. Forest Service, 2012).

Alternative A – Direct and Indirect Effects

Decommissioned Existing Roads and Unauthorized Routes

Without site-specific data, it is assumed that the 267 miles of roads listed as decommissioned in RATM have not been implemented and it is not possible to know whether they have returned to a natural state. As such, for this analysis all roads listed as decommissioned in RATM (along with all ML 1 roads) are assumed open and currently used by the public.

In terms of unauthorized routes, there have only been 672 miles inventoried (although there are more miles that the forest currently does not have site specific data for). These user created routes often detract from the visual quality of the forest. Until these routes can either be designated or revegetated, they will continue to affect visual resources.

Areas Designated for Motor Vehicle Use

Currently, there are no designated OHV areas although there are numerous locations with a proliferation of unauthorized routes (often illegal), which have created damaged vegetation and bare soil that detracts from the existing landscape character. The damage from these concentrated use areas is likely to continue and increase as influence from nearby populations increases. The foreground of such areas of more concentrated motorized use would typically not meet visual quality objectives defined in the Forest Plan.

Permit Zones

Currently, there is only one permit zone: Bulldog Canyon. The designated roads and motorized trails within the permit zones may continue to improve the existing landscape character since it is unlikely that new unauthorized routes would be formed. In addition, motorized vehicles would be required to stay on designated roads and trails in permit zones, just like the rest of the forest, and illegal dumping and shooting would be eliminated, which would continue moving the forest

⁶¹ For more information about the National Visitor Use Monitoring survey, see the Recreation section of this chapter.

toward the desired conditions for scenery. The existing barriers could be seen from major roads and would continue to detract from the existing landscape character.

Of the existing 34,720-acre Bulldog Canyon Permit Zone on the Mesa Ranger District, approximately 17,496 acres are in areas of the forest managed for retention and 15,374 acres for partial retention.

Motor Vehicle Use for Dispersed Camping

Currently, the area available for motorized access to dispersed camping is 703,618 acres on the northern districts (Payson and Pleasant Valley). Approximately 86,690 acres are in areas of the forest managed for Retention and 265,689 acres for Partial Retention. On the four southern ranger districts (Cave Creek, Globe, Mesa, and Tonto Basin), driving off road is prohibited unless posted open; however, campers have been cited for driving off roads illegally in these areas. Much dispersed motorized camping takes place in the same sites year after year, resulting in sites that are easily identifiable visually due to the removal of vegetation from vehicles driving off road to dispersed campsites and the open, cleared area from vehicles parking and turning around which exposes bare ground and alters the existing landscape character. As determined by the Southwestern Regional Office when developing travel management rule guidelines in 2007, it is likely in the future there will be an increase in demand for dispersed motorized camping as population and visitation in the Southwest continues to grow. Although there is no site specific data, the effects of OHV use as part of dispersed camping on the Tonto National Forest would continue to alter the existing landscape character and would move away from the desired conditions for scenic quality.

Alternative B – Direct and Indirect Effects

Roads and Trails Designated for Motor Vehicle Use

In this alternative, there would be approximately 2,367 miles of decommissioned roads and only 11 miles of the unauthorized routes would be designated as roads or motorized trails open to the public. Once the on-the-ground work to decommission these roads and potentially rehabilitate the unauthorized routes, the existing landscape character would become more natural in appearance. This would also move the forest toward the desired conditions for scenic quality.

Of the proposed 2,367 miles of roads proposed to be decommissioned, approximately 346 miles are in areas of the forest managed for retention and 1,043 miles for partial retention. Of the 11 miles of unauthorized routes proposed to be designated as roads or motorized trails open to the public, approximately 4 miles are in areas of the forest managed for retention and 6 miles for partial retention.

Areas Designated for Motor Vehicle Use

In Alternative B, there would be no designated OHV areas proposed. It is unlikely that these heavily used areas would revegetate without obliteration and seeding. This alternative would move the forest toward the desired conditions for scenic quality.

Permit Zones

Alternative B proposes to add four permit zones, in addition to the current Bulldog Canyon, totaling approximately 150,925 acres. The designated roads and motorized trails within the permit zones may continue to improve the existing landscape character since it is unlikely that new unauthorized routes would be formed. In addition, motorized vehicles would be required to stay on designated roads and trails in permit zones, just like the rest of the forest, and illegal dumping and shooting would be eliminated, which would continue moving the forest toward the desired conditions for scenery. However, these four areas may require miles of barrier to enforce the permit zone's boundaries, which would detract from the natural landscape character. The more barriers necessary to enforce the permit zone, the greater the chance of adversely affecting the existing landscape character. These effects can be reduced by making the barriers with materials that blend with the natural landscape character and placing them properly so that they are not located in direct line of sight.

Of the proposed 150,925 acres of permit zones, approximately 29,451 acres are in areas of the forest managed for retention and 66,504 acres for partial retention.

Motor Vehicle Use for Dispersed Camping

For Alternative B, motorized access for dispersed camping would be limited to 414 sites, totaling approximately 65 acres (this includes a 50-foot buffer around each of the sites), which is 703,553 acres less than Alternative A. Although, according to Cole (1986), concentration leads to unacceptable levels of impact from trampling of vegetation. Based on data from the National Visitor Use Monitoring survey for the Tonto National Forest, approximately 4.8 million people visited the forest in one year. Of those, over half recreated on the forest. Even if it is assumed that five percent (or approximately 120,000) of those visitors participated in dispersed camping using a motor vehicle for access, these 414 sites would likely expand quickly and become completely denude of all vegetation and other natural features. This would adversely affect the existing landscape character in these small areas and would move away from the desired conditions for scenic quality. Where motorized access for dispersed camping would no longer be allowed, sites would only be accessed via hiking. This would likely improve the existing landscape character for the rest of the forest and move towards the desired conditions for scenic quality.

Approximately 12 acres of the forest open to motorized dispersed camping would be in areas of the forest managed for retention and 34 acres for partial retention. This would be a reduction of 86,678 in retention and 265,655 acres in partial retention as compared to Alternative A. Dispersed camping is incompatible with these VQOs.

Alternative C – Direct and Indirect Effects

This alternative proposes to decommission 1,290 miles of existing roads, designate 290 miles of unauthorized routes as either roads or motorized trails, designate four OHV areas, add three permit zones, and limit the use of a motor vehicle to access dispersed camping up to 100 feet on both sides of designated roads and motorized trails.

Roads and Trails Designated for Motor Vehicle Use

In this alternative, there would be approximately 1,290 miles of existing roads decommissioned and approximately 290 miles of unauthorized routes designated as either roads or motorized trails

open to the public. Once the on-the-ground work to decommission these roads and potentially rehabilitate the unauthorized routes, the existing landscape character would become more natural in appearance. This would also move the forest toward the desired conditions for scenic quality.

Of the proposed approximately 1,290 miles of roads to be decommissioned, approximately 211 miles are in areas of the forest managed for retention and 552 miles for partial retention. Of the approximately 290 miles of unauthorized routes proposed to be designated as roads or motorized trails open to the public, approximately 19 miles are in areas of the forest managed for retention and 131 miles for partial retention.

Areas Designated for Motor Vehicle Use

In this alternative, motorized cross-county travel would be limited to four areas: The area around Bartlett Lake (Cave Creek Ranger District) between the variable water level and the high water mark; Golf Course (Globe Ranger District); the area around Roosevelt Lake (Tonto Basin Ranger District) between the variable water level and the high water mark; and Sycamore (Mesa Ranger District) totaling approximately 6,778 acres. In addition, there are four proposed “tot lots” totaling approximately 12 acres. In most cases, the existing landscape character in proposed designated OHV areas has already been adversely affected by heavy motorized use (often illegal) so the actual effects of designating these areas would not likely be different from existing conditions.

Of the 6,790 total OHV area acres, 3,967 acres of the total acres for the OHV areas would be in retention and 2,164 acres in partial retention.

Permit Zones

Alternative C proposes to add three permit zones (St. Clair, The Rolls, and Desert Vista), in addition to the current Bulldog Canyon, totaling approximately 116,798 acres. The designated roads and motorized trails within the permit zones may continue to improve the existing landscape character since it is unlikely that new unauthorized routes would be formed. In addition, motorized vehicles would be required to stay on designated roads and trails in permit zones, just like the rest of the forest, and illegal dumping and shooting would be eliminated, which would continue moving the forest toward the desired conditions for scenery. However, these three areas may require miles of barrier to enforce the permit zone’s boundaries, which would detract from the natural landscape character. The more barriers necessary to enforce the permit zone, the greater the chance of adversely affecting the existing landscape character. These effects can be decreased by making the barriers with materials that blend with the natural landscape character and placing them properly so that they are not located in direct line of sight.

Of the proposed 116,798 acres of permit zones, approximately 24,668 acres are in areas of the forest managed for retention and 51,897 acres for partial retention.

Motor Vehicle Use for Dispersed Camping

Alternative C would allow motor vehicle use, up to 100 feet on both sides of designated roads and motorized trails, for accessing dispersed camping sites (approximately 91,391 acres). Limitations to this corridor would be in congressionally designated areas where motorized travel is not permitted. The disturbance would be spread throughout this corridor, decreasing the landscape

character. According to Tonto National Forest Law Enforcement⁶², most visitors using motor vehicles for dispersed camping generally travel 300 feet from a current road. Based on this, the 100 foot corridor would have reduced vegetation and more bare soil. This would adversely affect the existing landscape character and move the corridor away from desired conditions, but could improve the landscape character beyond the corridor.

Approximately 220,375 acres would be in areas of the forest managed for retention and 809,146 acres for partial retention. This would be an increase of 133,685 acres in retention and 265,655 acres in partial retention as compared to Alternative A. Dispersed camping is incompatible with these VQOs.

Alternative D – Direct and Indirect Effects

This alternative proposes to decommission approximately 194 miles of existing roads, designate approximately 550 miles of unauthorized routes as either roads or motorized trails, designate four OHV areas, and limit the use of a motor vehicle to access dispersed camping up to 300 feet on both sides of designated roads and motorized trails.

Roads and Trails Designated for Motor Vehicle Use

In this alternative, there would be approximately 194 miles of decommissioned roads and approximately 552 miles of unauthorized routes would be designated as roads or motorized trails open to the public. Once the on-the-ground work to decommission these roads and potentially rehabilitate the unauthorized routes, the existing landscape character would become more natural in appearance. This would also move the forest toward the desired conditions for scenic quality.

Of the proposed approximately 194 miles of roads proposed to be decommissioned, approximately 36 miles are in areas of the forest managed for retention and 98 miles for partial retention. Of the approximately 552 miles of unauthorized routes proposed to be designated as roads or motorized trails open to the public, approximately 57 miles are in areas of the forest managed for retention and 237 miles for partial retention.

Areas Designated for Motor Vehicle Use

Just like in Alternative C, motorized cross-county travel for Alternative D would be limited to four areas: The area around Bartlett Lake (Cave Creek Ranger District) between the variable water level and the high water mark; Golf Course (Globe Ranger District); the area around Roosevelt Lake (Tonto Basin Ranger District) between the variable water level and the high water mark; and Sycamore (Mesa Ranger District) totaling approximately 6,778 acres. In addition, there are four proposed “tot lots” totaling approximately 12 acres. In most cases, the existing landscape character in proposed designated OHV areas has already been adversely affected by heavy motorized use (often illegal) so the actual effects of designating these areas would not likely be different from existing conditions.

Of the 6,790 total OHV area acres, 3,967 acres of the total acres for the OHV areas would be in retention and 2,164 acres in partial retention.

⁶² For more information, see the Law Enforcement section in this chapter.

Permit Zones

Alternative D would continue the designation of the Bulldog Canyon Permit Zone. The designated roads and motorized trails within the permit zones would continue to improve the existing landscape character since it is unlikely that new unauthorized routes would be formed. In addition, motorized vehicles would be required to stay on designated roads and trails in permit zones, just like the rest of the forest, and illegal dumping and shooting would be eliminated, which would continue moving the forest toward the desired conditions for scenery. The existing barriers could be seen from major roads and would continue to adversely affect the existing landscape character.

Of the existing 34,720-acre Bulldog Canyon Permit Zone on the Mesa Ranger District, approximately 17,496 acres are in areas of the forest managed for retention and 15,374 acres for partial retention.

Motor Vehicle Use for Dispersed Camping

Alternative D would allow motor vehicle use, up to 300 feet on both sides of designated roads and motorized trails, for accessing dispersed camping sites (approximately 336,038 acres). Limitations to this corridor would be in congressionally designated areas where motorized travel is not permitted. The disturbance would be spread throughout this corridor, decreasing the landscape character. According to Tonto National Forest Law Enforcement⁶³, most visitors using motor vehicles for dispersed camping generally travel 300 feet from a current road. On the northern districts, there would be no change from the existing condition. For the four southern districts, this would allow motorized access for dispersed camping, which could adversely affect the existing landscape character and could move the forest away from the desired conditions for scenic quality. However, campers have been cited for driving off roads illegally in these lower elevation districts and the actual effects would not likely be different from the existing condition.

Approximately 253,784 acres would be in areas of the forest managed for retention and 861,286 acres for partial retention. This would be an increase of 86,678 acres in retention and 265,655 acres in partial retention as compared to Alternative A. Dispersed camping is incompatible with these VQOs.

Comparison of Effects by Alternative

This section shows the effects of the four alternatives and how they compare to one another in terms of intensity of effects and their ability to move visual resources toward desired conditions.

Roads and Trails Designated for Motor Vehicle Use

For Alternative A, all decommissioned routes in RATM were assumed open and currently being used by the public for motorized access. Currently for Alternative A, there are 672 miles of inventoried unauthorized routes. Until these routes can either be designated or revegetated, they would continue to adversely affect existing landscape character. Furthermore, the creation of unauthorized routes would continue in the northern districts where cross-country travel is permitted.

⁶³ For more information, see the Law Enforcement section in this chapter.

Alternative B would result in approximately 2,367 miles of decommissioned roads and 11 miles of the unauthorized routes would be designated as roads or motorized trails. This is twice the amount of roads decommissioned than in Alternative C and ten times the amount than Alternative D. Alternative B would have the greatest potential to move the existing landscape character toward a more natural in appearance and to move the forest toward the desired conditions for scenic quality. However, Alternative D would still have a greater positive effect for existing landscape character than the current condition.

Areas Designated for Motor Vehicle Use

In Alternative A, the concentrated use areas would continue to allow for the proliferation of unauthorized routes. In Alternative B, there would be no designated OHV areas. Alternatives C and D propose eight OHV areas (6,790 acres) and in most cases the existing landscape character in proposed designated OHV areas has already been adversely affected by heavy motorized use (often illegal) so the actual effects of designating these areas would not likely be different from existing conditions. Alternative B is the only alternative that would allow for the revegetation over time in these areas.

Motor Vehicle Use for Dispersed Camping

Alternative A would allow dispersed camping anywhere in the two northern districts, where cross-country travel is currently permitted. In Alternative B, the 414 sites designated would likely expand quickly and become completely denude of all vegetation and other natural features, which would move these areas away from the desired conditions for scenic quality. Where motorized access for dispersed camping would no longer be allowed, sites would only be accessed via hiking and these sites would likely improve the existing landscape character for the rest of the forest and move towards the desired conditions for scenic quality. In Alternative C, the corridor (100 feet both sides of designated routes) would reduce vegetation and expose more bare soil. This would move the corridor away from desired conditions, but could improve the landscape character beyond the corridor. In Alternative D, the corridor (300 feet both sides of designated routes) would spread the effects throughout a corridor larger than Alternative B. On the northern districts, there would be no change from the existing condition. For the four southern districts, this would allow motorized access for dispersed camping, which could make the existing landscape character less natural in appearance and could move the forest away the desired conditions for scenic quality. However, campers have been cited for driving off roads illegally in these lower elevation districts and the actual effects would not likely be different from the existing condition.

Cumulative Effects

No Action (Alternative A)

The No Action would continue to allow cross-country travel on the northern districts, which would result in visible impacts. Continued proliferation of routes would result in a loss of existing landscape character and a potential inconsistency with VQOs. Route proliferation has the potential to carry visual disturbances into previously untrammeled areas with a consequent degradation of VQOs.

Past activities have altered the natural landscape character, creating its current condition. The most obvious and significant effects on scenic resources are from constructed facilities, highway construction, and vegetation manipulation.

The activities that have contributed include mining, utilities, timber management, recreational facility development, fire management (suppression, prescribed burning, and fuel breaks/reduction), livestock grazing, and others. Many of the impacts from these past activities were severe and some effects are presently hidden by vegetative growth, especially in the northern districts.

A wide variety of uses occurs on the Forest, much of it recreational. Recreational use is expected to increase dramatically during the next 20 years. Sightseeing and driving for pleasure are examples of activities that directly use roads as part of the recreational experience. The character of and access to scenic views, would directly depend on the road system for many people.

All Action Alternatives

Cumulative effects for the action alternatives would be the same as the direct and indirect effects because projects on the forest that could affect the existing landscape character would have mitigations and design features to reduce effects to the scenic quality. Currently, there are no known projects outside the forest that would affect the scenic quality. In addition, given the size of the Tonto National Forest, the likelihood that these projects would affect the overall scenic quality for the forest is not likely. Cumulatively, all of the action alternatives move the forest toward the desired condition for scenic quality.

Socioeconomics

This section addresses the potential social and economic impacts associated with the implementation of the Travel Management Rule. It outlines current regulatory direction, which guides the development of management activities and the issues addressed. It discusses the methodology of analysis, summarizes the existing condition, and discloses the direct, indirect, and cumulative effects of Alternative A (No Action), Alternative B, Alternative C (modified proposed action), and Alternative D while relating to current society and economy in the vicinity of the project area.

This socioeconomic analysis will discuss population demographics, major economic sectors related to public lands, economic specialization, and transfer payments to counties. This information will help address the following questions, “What influence does the management of motor vehicle access on the Tonto National Forest have on forest visitors” and “What portion of county government revenues depend on motor vehicle access?”

In addition to social and economic impacts, the assessment of environmental justice and impacts to communities provide measures of success used to assess how effectively the proposed activities meet the project’s purpose and need.

Affected Environment

Tonto National Forest is adjacent to the northern edge of the Phoenix metropolitan area, which has a population greater than four million people. The city of Phoenix itself has a population of

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approximately 1.5 million⁶⁴, making it the sixth largest city in the United States. The Phoenix area is a popular destination for conferences, conventions, and tourism with its warm and sunny year-round climate, wide variety of business, cultural, and recreational offerings, serviced by many direct flights from most major U.S. cities. These factors combine to make the Tonto National Forest one of the most heavily-visited national forests, with nearly 5 million recreational visitors annually (U.S. Forest Service, 2012).

Social and Demographic Indicators

The existing conditions for social and demographics in this section include population trends, age distribution, and race and ethnicity percentages. In addition, each of these indicators is presented based on county and national data, along with Tonto National Forest visitation data⁶⁵.

Four-County Area Trends

The Economic Profile System-Human Dimensions Toolkit (EPS-HDT) was used to provide detailed socioeconomic reports for this project. This toolkit was designed by Headwaters Economics⁶⁶, an independent, nonprofit research group whose mission is to improve community development and land management decisions in the West. The Bureau of Land Management and Forest Service have made significant financial and intellectual contributions to the operation and content of EPS-HDT. EPS-HDT uses published statistics from federal data sources, including Bureau of Economic Analysis and Bureau of the Census, U.S. Department of Commerce; and Bureau of Labor Statistics, U.S. Department of Labor.

Using the Economic Profile System Analyst (EPSA) tool developed by Headwaters Economics, a socioeconomic profile was produced for the four counties that overlap with the Tonto National Forest: Gila, Maricopa, Pinal, and Yavapai Counties (Figure 32).

⁶⁴ According to the United States Census 2012 population estimates ([U.S. Census Bureau Quick Facts](#) accessed on June 14, 2013).

⁶⁵ Additional information about benchmark indicators for the four-county area in relationship to national values can be found in appendix A of the Socioeconomics Report in the project record.

⁶⁶ [Headwaters Economics website](#)

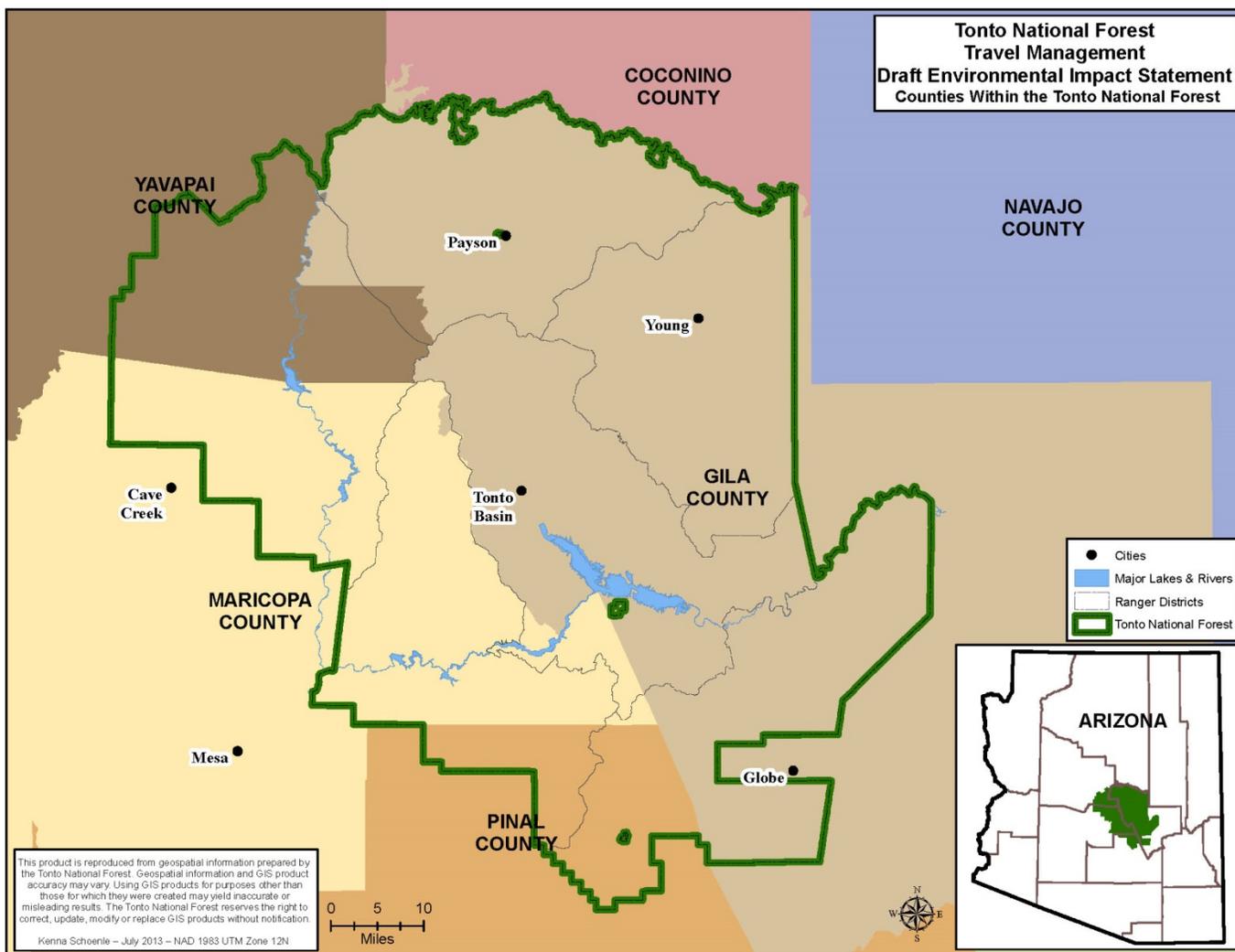


Figure 32: Map of the Tonto National Forest and the Four-County Area (Gila, Maricopa, Pinal, and Yavapai Counties)

Four-County Population

For 2011, the estimated total population of the four-county area is estimated at 4,414,301 (Headwaters Economics, 2013c). Specifically, the estimated 2011 population for each of these counties was: Gila 53,380 (4 percent), Maricopa 3,798,374 (56 percent), Pinal 351,709 (15 percent), and Yavapai 210,838 (25 percent).

From 1970 to 2011, populations have increased within the four-county area. With the exception of Gila County (increasing approximately 80 percent), the population increase for the remaining counties have at least tripled, while the population for the United States has only increased approximately 53 percent over the last 40 years (Headwaters Economics, 2013c). More recently (2000 to 2011), Gila County had the smallest estimated change in population; half of the national average (Figure 33⁶⁷). In that same time period, Pinal County had the largest estimated change in population, nearly 96 percent (Headwaters Economics, 2013c).

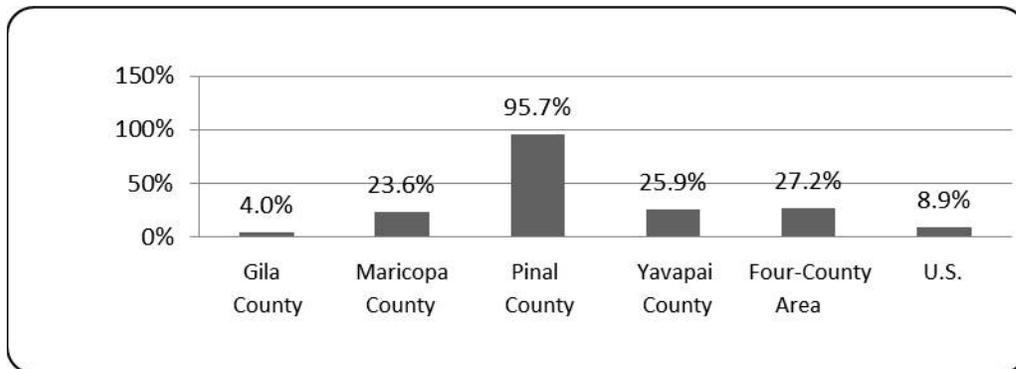


Figure 33: Percent Change in Population by County, the Four-County Area, and U.S.

Four-County Age Distribution

For public land managers, understanding the age distribution associated is beneficial in determining if management actions might affect some age groups more than others. It also may highlight the need to understand the different needs, values, and attitudes of different age groups. From 2000 to 2011, the age category with the largest estimated increase was those 45 to 64 years old; while the age category with the smallest estimated increase was those 35 to 44 years old (Headwaters Economics, 2013c).

For the four-county area, nearly 30 percent of the population is 19 years old or younger, while approximately 16 percent of the population is 60 years old or greater (Headwaters Economics, 2013c). Nationwide, percentages of those 19 years old or younger and those 60 years old or greater is similar to the four-county area percentages.

For the median age change from 2000 to 2011 (Figure 34), three of the four counties have increased, along with the median age for the entire United States; the median age for Gila County has increased the most, by about 12 percent, while the median age for Pinal County has decreased, by approximately four percent (Headwaters Economics, 2013c).

⁶⁷ Data from Headwaters Economics, 2013c.

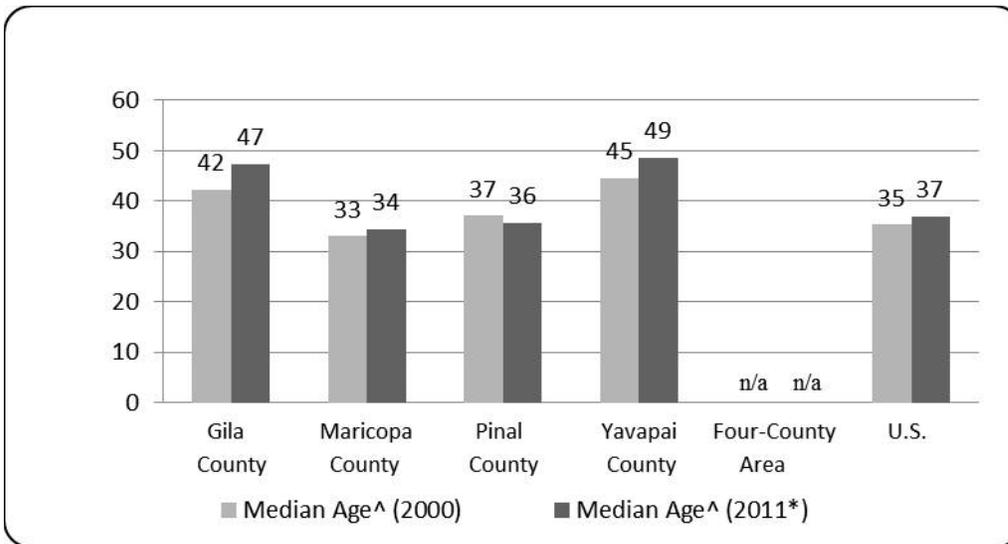


Figure 34: Median Age by County, with U.S., for 2000 and 2011

Four-County Race and Ethnicity Distribution

The racial and ethnic composition of the four-county area offers context for the social analysis. By understanding the social conditions within this area of influence, more informed decisions concerning those affected can be made. As shown in Table 45, the percentage of Hispanic or Latino individuals in the four-county area is nearly twice the percentage of the national average (Headwaters Economics, 2013c). Additionally, the percentage of Black or African American individuals in the four-county area is three times lower than the national average, while the percentage of American Indians in the four-county area is slightly more than double the national average (Headwaters Economics, 2013c).

Table 45: Race/Ethnicity of Population for 2011 by County, including Four-County Area and U.S.

Race	Gila County	Maricopa County	Pinal County	Yavapai County	Four County Area	U.S.
Hispanic or Latino (of any race)	17.8%	29.4%	28.8%	13.4%	28.4%	16.1%
Not Hispanic or Latino	82.2%	70.6%	71.2%	86.6%	71.6%	83.9%
White alone	65.9%	59.1%	58.3%	82.1%	60.2%	64.2%
Black or African American alone	0.4%	4.7%	4.2%	0.5%	4.4%	12.2%
American Indian alone	14.5%	1.6%	5.0%	1.6%	2.0%	0.7%
Asian alone	0.2%	3.3%	1.6%	0.7%	3.0%	4.7%

Race	Gila County	Maricopa County	Pinal County	Yavapai County	Four County Area	U.S.
Native Hawaiian/ Pacific Is. alone	0.1%	0.2%	0.4%	0.0%	0.2%	0.2%
Some other race	0.1%	0.1%	0.2%	0.1%	0.2%	0.2%
Two or more races	1.1%	1.6%	1.5%	1.5%	1.6%	1.9%
Total Population	53,380	3,798,374	351,709	210,838	4,414,301	306,603,772

Four-County Persons with Disabilities Distribution

For public land managers, understanding the adjacent population that has a disability can be beneficial in determining if management actions might affect this group disproportionately. It also may highlight the need to understand the different needs, values, and attitudes associated with this group. According to United States Census data for Arizona (accessed on June 27, 2013), there are approximately 456,000 persons with disabilities in the four-county area. Nearly 17 percent of Gila and Yavapai County residents identify themselves as being disabled, while Maricopa and Pinal County residents that identify themselves as being disabled is approximately 10 percent and 12 percent respectively (United States Census, accessed June 27, 2013).

Forest Visitation Trends

The National Visitor Use Monitoring (NVUM) program provides reliable information about recreation visitors to national forest system managed lands at the national, regional, and forest level. Once every five years, each National Forest and Grassland has a year of field data collection⁶⁸. Currently, the Tonto National Forest is collecting visitation use data, thus the most current NVUM survey data available is from 2008 (U.S. Forest Service, 2012). For this survey, visitation is estimated through a combination of traffic counts and surveys of exiting visitors. Both are obtained on a random sample of locations and days distributed over an entire forest for a year. All of the surveyed recreation visitors are asked about their visit duration, activities, demographics, travel distance, and annual usage.

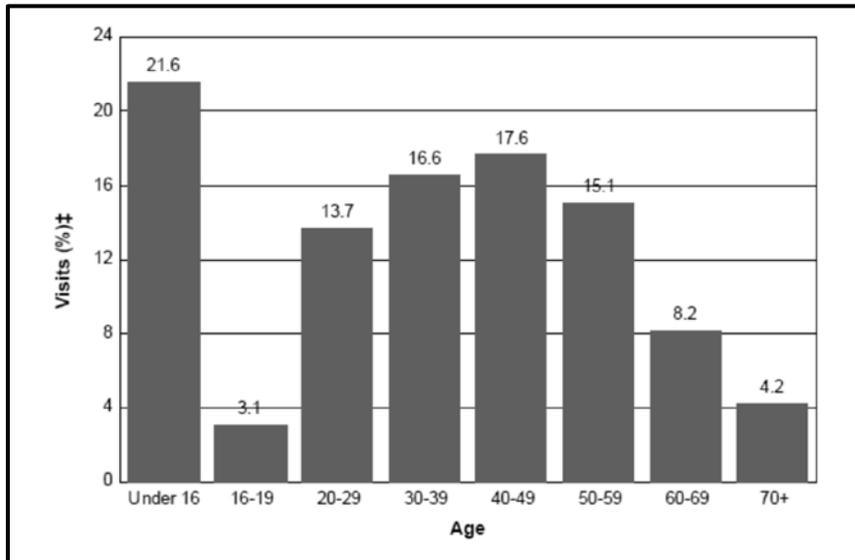
It is important for the reader to understand the limitations associated with the 2008 NVUM survey results. The descriptive information about national forest visitors is based upon only those visitors that were interviewed. In 2008, there were 3,496 individual who agreed to be surveyed (U.S. Forest Service, 2012). To extrapolate the number of total visitors, traffic counters were also set up throughout the Tonto National Forest during certain times. As such, when the 2008 NVUM survey results indicated that a certain percentage of the visitation participated in a specific activity or came from a certain area, it is not a percentage of the total calculated visitors⁶⁹.

⁶⁸ For more information about NVUM, see the Recreation section of this Chapter.

⁶⁹ This is important in relationship to some of the demographic data collected, such as the visitor’s zip code. Although “X” percentage of those surveyed (3,496) may reside in Maricopa County, it does not mean that the same “X” percentage of the total visitors (4.8 million) are from Maricopa County.

Forest Visitation Age Distribution

As discussed earlier, there were approximately 4.8 million people that visited the Tonto National Forest (U.S. Forest Service, 2012). These visitors were divided into age groups and 24 percent of those that visited were 19 years of age or younger, while 12.4 percent were 60 years or older (Figure 35). This age distribution is similar to that of the four-county area.



‡ Calculations are computed using weights that expand the sample of individuals to the population of National Forest Visits.

Figure 35: Age Distribution of Tonto National Forest Visitors, 2008

Forest Visitation Race and Ethnicity Distribution

When completing the 2008 NVUM survey, respondents were able to choose more than one racial group, resulting in the total may be more than 100 percent. In addition, race and ethnicity were asked as two separate questions. Thirteen percent of the forest visitors indicated that they were Hispanic or Latino (U.S. Forest Service, 2012), which is less than half of the four-county area percentage. Black or African American visitors made up 2.3 percent and American Indian/Alaskan Native visitors made up 3.9 percent, nearly half of the four-county area percentage and double the four-county area percentage respectively (Figure 36).

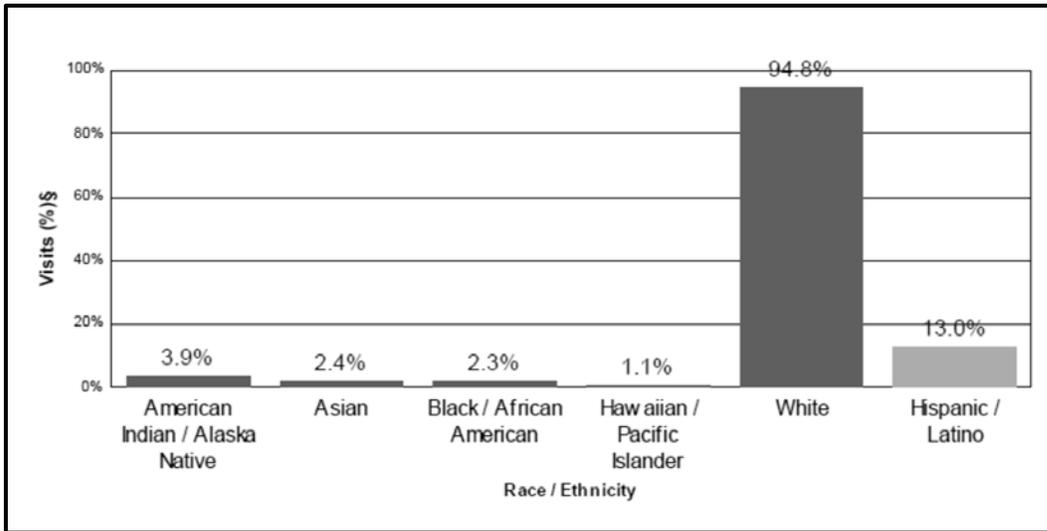


Figure 36: Race/Ethnicity Distribution of Tonto National Forest Visitors, 2008

Forest Visitation by Persons with Disabilities

Providing barrier-free facilities for recreation visitors is an important part of facility and service planning and development for the Forest Service. In addition, persons with disabilities may be more reliant on motorized access to participate in activities on the Tonto National Forest. For the Tonto National Forest, approximately seven percent of visitors identified that they had some of disability (U.S. Forest Service, 2012)

Motor Vehicle Use on the Tonto National Forest

According to a 2008 survey (U.S. Forest Service, 2012), Tonto National Forest visitors indicated that they participated in the following motor vehicle use related activities⁷⁰:

- Motorized trail activity (18 percent)
- Driving for pleasure (15 percent)
- OHV use (11 percent)

In addition, visitors were asked about their use of special facilities or areas (U.S. Forest Service, 2012). Based on this information, approximately 21 percent of forest visitors indicated they had used a designated off road vehicle area, approximately 14 percent of forest visitors indicated they had used a forest road, approximately 19 percent of forest visitors indicated they had used motorized single track trails, and approximately 21 percent of forest visitors indicated they had used motorized dual track trails (U.S. Forest Service, 2012).

Motor Vehicle Use in Arizona

Based on study (Arizona State Parks, 2009), OHV users represent almost 22 percent of the Arizona population which include residents who use motorized vehicle on trails for multiple purposes. Of that, 11 percent of Arizona residents reported that motorized trail use accounted for

⁷⁰ Survey respondents could select multiple activities.

the majority of their time and are considered “core” users. OHV recreation is one of the most extensive recreational activities taking place on public and state lands in Arizona and is forecasted to continue to grow at an increasingly rapid rate (Arizona State Parks, 2013).

Frequent Recreation Participants with Disabilities

In a statewide 2013 study (Arizona State Parks), 25 percent of those surveyed identified themselves or someone in the household as having a disability. Also part of this survey, a subset of Arizonans surveyed was identified as those who participated in an activity once a week or more (frequent participants). Table 46 shows the recreational activities for frequent participants that identified themselves or someone in the household as having a disability (Arizona State Parks, 2013). Of those activities that require the use of a motorized vehicle, participation was at or above 25 percent.

Table 46: Disability Status Related to Recreational Activities

Activity	*General Disability	Hearing	Speech	Mental	Visual	Mobility	Chemical Sensitivity
Bird-watching and photography	25.0%	5.6%	0.0%	2.9%	1.7%	12.8%	2.2%
Visit a local park	21.9%	4.7%	0.0%	2.7%	2.7%	12.4%	1.6%
Visit a natural or wilderness area	18.6%	4.3%	0.3%	1.3%	2.1%	10.9%	1.1%
Nature study or environmental education activities	20.4%	4.6%	0.0%	3.9%	1.3%	9.2%	2.6%
4-wheel driving	30.2%	5.8%	0.0%	4.5%	1.8%	20.1%	1.3%
Off-highway vehicle use	25.5%	6.7%	0.0%	2.7%	1.3%	16.4%	0.9%
RV camping	35.4%	6.9%	0.0%	2.8%	4.2%	23.6%	0.0%
Walking, jogging or running on trails or at a park	17.7%	4.0%	0.2%	2.5%	1.8%	9.4%	1.3%
Fishing	30.9%	9.1%	0.0%	2.8%	3.2%	20.6%	1.2%
Hunting	22.9%	5.3%	0.0%	1.9%	1.9%	16.4%	0.5%
Day hiking	17.6%	4.3%	0.0%	2.6%	1.7%	8.7%	1.1%

* Respondents were allowed to choose more than one activity that they frequently participated in.

Economic and Forest Contribution Indicators

The existing conditions for economic and forest contribution in this section includes major economic sectors related to public lands, economic specialization, and transfer payments to

counties. In addition, each of these indicators is presented based on county and national data, along with Tonto National Forest visitation data⁷¹.

Four-County Area Land Base Ownership

As is the case in many western states, counties have a higher percentage of federally managed land than the national average. With the exception of Pinal County (19.5 percent), nearly half or above of the county land base for the other counties in the four-county area is federally managed (Headwaters Economics, 2013h). In terms of land base, nearly half of Gila County is managed by the Forest Service and roughly a third of Yavapai County is managed by the Forest Service, while the percentage managed by the Forest Service for Maricopa and Pinal Counties more closely reflect the national average (Table 47).

Table 47: Land Ownership for 2011 by County, including Four-County Area and U.S.

Land Ownership	Gila County	Maricopa County	Pinal County	Yavapai County	Four County Area	U.S.
Private Lands	4.0%	29.0%	25.6%	29.4%	24.1%	58.7%
Federal Lands	57.2%	52.9%	19.5%	46.0%	45.1%	28.8%
Forest Service	55.0%	11.0%	6.4%	33.8%	24.5%	8.4%
State Lands	1.0%	12.7%	34.6%	24.6%	18.4%	8.4%
Tribal Lands	37.7%	4.6%	20.3%	0.1%	12.1%	4.0%
City, County, Other	n/a	0.9%	0.0%	0.0%	0.3%	0.2%
Total Area (Acres)	3,069,101	5,903,622	3,439,308	5,201,845	17,613,876	2,286,279,509

Federal Land Payments to Counties

According to the Profile of Federal Land Payments (Headwaters Economics, 2013j), federal land payments are distributed to state and local governments by the geography of origin. State and local government cannot tax federally owned lands the way they would if the land were privately owned. Therefore there are a number of federal programs that exist to compensate county governments for the presence of federal lands. These programs can represent a significant portion of local government revenue in rural counties with large federal land holdings (i.e., the four-county area), or based on the permitted use.

There are two main methods that Forest Service uses to pay counties: Payments in Lieu of Taxes (PILT), and Forest Service Revenue Sharing. Payments are funded by federal appropriations (e.g., PILT) and from receipts received by federal agencies from activities on federal public lands (e.g., timber, grazing, and minerals). The PILT payments compensate county governments for nontaxable federal lands within their borders. PILT is based on a maximum per-acre payment reduced by the sum of all revenue sharing payments and subject to a population cap. Forest

⁷¹ Additional information about benchmark indicators for the four-county area in relationship to national values can be found in Appendix A of the Socioeconomic Report as part of the project record.

Service Revenue Sharing is a payment based on Forest Service receipts and must be used for county roads and local schools. Payments include the *Secure Rural Schools and Community Self-Determination Act*.

Over the past 25 years, Forest Service revenue sharing payments stayed relatively consistent, ranging from approximately \$75,000 to \$2,200,000, until 2008 when the payments spiked to approximately \$7,860,000 (Figure 37). In 2012, the Forest Service revenue sharing payment was approximately \$5,520,000. The Payments in Lieu of Taxes have mirrored the trend of the Forest Service revenue sharing payments over the past 25 years, but are often nearly two to three times greater.

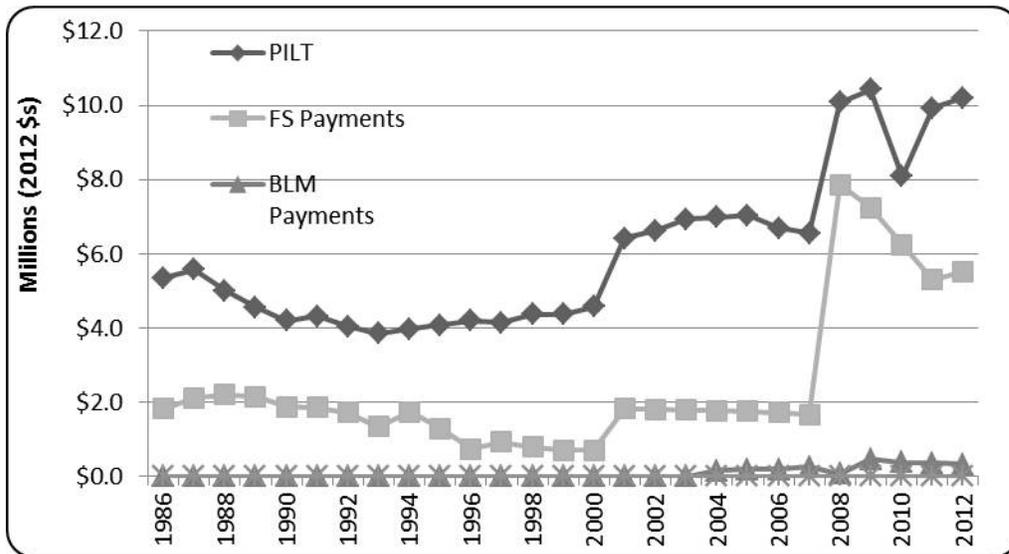


Figure 37: Components of Federal Land Payments per Fiscal Year for the Four-County Area

As shown in Table 48, in fiscal year (FY) 2012 PILT and Forest Service Payments still provide almost all the Federal Payments to the counties (Headwaters Economics, 2013j). These payments are also well above the national average for the four-county area and Maricopa County in particular. In FY 2012, PILT made up the largest percent of federal land payments in four-county-area (63.6 percent), and U.S. Fish and Wildlife Services (USFWS) Refuge Payments and Federal Mineral Royalties made up the smallest (0 percent).

Table 48: Components of Federal Land Payments to State/Local Governments, FY 2012

Percentage of Total by County	Gila County	Maricopa County	Pinal County	Yavapai County	All Four Counties	U.S.
PILT	63.5%	80.3%	70.1%	51.7%	63.6%	13.5%
Forest Service Payments	36.4%	14.5%	25.7%	47.1%	34.4%	11.1%
BLM Payments	0.1%	5.2%	4.2%	1.2%	2.0%	2.2%
USFWS Refuge Payments	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

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Percentage of Total by County	Gila County	Maricopa County	Pinal County	Yavapai County	All Four Counties	U.S.
Federal Mineral Royalties	0.0%	0.0%	0.0%	0.0%	0.0%	73.2%
Total (\$)	5,152,217	3,490,585	1,635,784	5,774,114	16,052,701	2,902,317,025

As a federal land management agency, the Forest Service’s revenue sharing programs are intended to offset the loss of tax revenue to counties that would normally be collected if the land ownership was state, county, city, or private. The Forest Service 25 Percent Fund, established in 1908, shares revenue generated from the sale of commodities produced on public land with the county where the activities take place (Headwaters Economics, 2013j). Twenty-five percent of the value of public land receipts are distributed directly to counties and must be used to fund roads and schools. States determine how to allocate receipts between these two local services. In addition, the *Secure Rural Schools and Community Self-Determination Act of 2000*, or *Public Law 106-393*, was enacted in fiscal year 2001 and provides five years of transitional assistance to rural counties affected by the decline in revenue from timber harvests on federal lands. The Act was reauthorized for a single year in 2007, again in 2008 for a period of four years, and again in 2012 for one year.

County governments can incur a number of costs associated with activities that take place on federal public lands within their boundaries (Headwaters Economics, 2013j). For example, counties must maintain county roads used by logging trucks and recreational traffic traveling to and from federal lands, and they must pay for law enforcement and emergency services associated with public lands. Several federal land payment programs, particularly those from the Forest Service, are specifically targeted to help pay for these costs. These programs include:

- **Unrestricted:** Consist of (1) PILT, (2) U.S. Fish and Wildlife Service Refuge Revenue Sharing, and (3) any distributions of federal mineral royalties from the state government.
- **Restricted--County Roads:** Consist of (1) *Secure Rural Schools and Community Self-Determination Act* (SRS) Title I, (2) Forest Service 25 Percent Fund, (3) Forest Service Owl payments (between 1993 and 2000 only), and (4) Forest Grasslands. Federal law mandates payments be used for county roads and public schools. Each state determines how to split funds between the two services.
- **Restricted--Special County Projects:** Consist of (1) SRS Title III funds that are distributed to county government for use on specific projects, such as Firewise Communities projects, reimbursement for emergency services provided on federal land, and developing community wildfire protection plans.

From 1986 to 2012, unrestricted federal payments grew from approximately \$5,356,000 to \$10,236,000 (Headwaters Economics, 2013j) (Figure 38). During that same time period, federal land payments restricted to county roads grew increased approximately 143 percent.

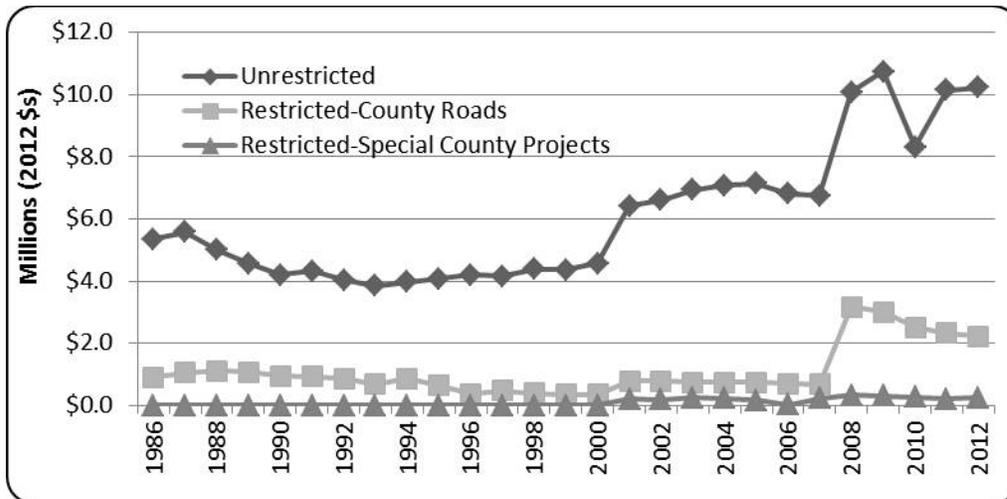


Figure 38: Allocation of Federal Land Payments for the Four-County Area

Four County Area Major Economic Sectors

Table 49 shows the changes in employment by industry between 1990 and 2000 and between 2001 and 2011 for the four-county area (Headwaters Economics, 2013a). Of the industries listed in the tables, agriculture, mining, manufacturing (including forest products), and government employment are traditionally sectors that are associated to Forest Service management. In addition for this analysis, travel and tourism will be included.

Table 49: Changes in Employment by Industry

Employment Sector	2001-2011	1990-2000
Total Employment	15.5%	52.3%
Nonservices related	-23.3%	41.6%
Farm	25.1%	8.4%
Forestry, fishing, and related activities*	-4.5%	62.2%
Mining (including fossil fuels)	65.8%	-25.3%
Construction	-25.6%	99.6%
Manufacturing [^]	-24.9%	17.0%
Services related	24.8%	61.5%
Utilities	5.7%	54.1% [†]
Wholesale trade	3.5%	49.7%
Retail trade	12.6%	47.5%
Transportation and warehousing	12.5%	---
Information	-24.8%	n/a
Finance and insurance [‡]	31.4%	68.6%

Chapter 3. Affected Environment and Environmental Consequences

Employment Sector	2001-2011	1990-2000
Real estate and rental and leasing	67.9%	---
Services	---	70.7%
Professional and technical services	24.9%	---
Management of companies/enterprises	34.9%	---
Administrative and waste services	8.2%	---
Educational services	137.5%	---
Health care and social assistance	59.1%	---
Arts, entertainment, and recreation	34.3%	---
Accommodation and food services	16.5%	---
Other, except public administration	15.5%	---
Government	15.6%	23.0%

*Was called “agricultural services, forestry, fishing and other” in the 1990-2000 data.

^Was called “Manufacturing (including forest products)” in the 1990-2000 data.

Influence of Agriculture

Figure 39 shows that within the four-county area, agriculture, specifically farming, makes up less than one percent (0.4) of the total employment by industry (Headwaters Economics, 2013d). Additionally, in 2011 Pinal County had the largest percent (6.9) of total county earnings from farming, while Gila County had the smallest percent, with a deficit of approximately 0.2 percent (Headwaters Economics, 2013d).

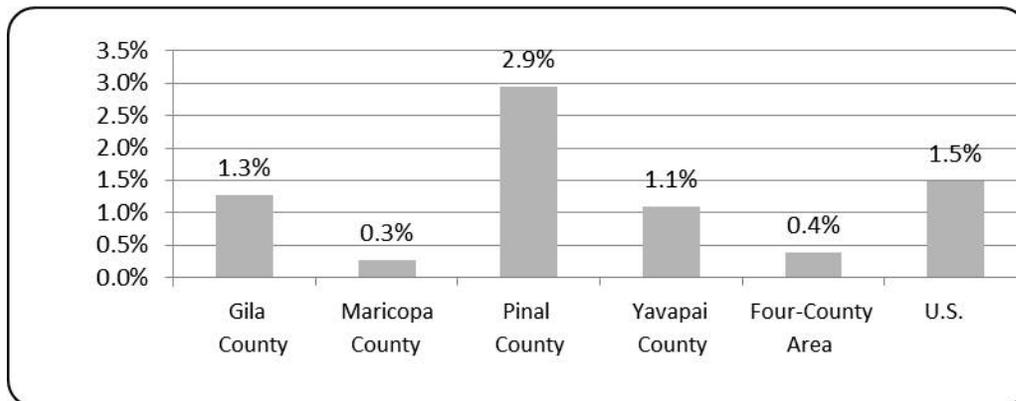


Figure 39: Employment Related to Farming as a Percent of Total Employment, 2011

Currently, there are about 100 grazing allotments on the Tonto National Forest. In some instances, a permittee may possess permits for multiple allotments. With the existing county data available, it is difficult to determine the relationship of the Tonto National Forest permitted agriculture uses to those for the four-county area.

For most of the forest, motor vehicles are essential to perform range management work. Use of ATVs, UTVs and full-sized 4X4 vehicles enable access to remote areas of rangeland and facilitate transport of tools used in range monitoring. Motor vehicles are also used by permittees to

transport livestock, build improvements, and monitor range condition. Motor vehicle use for range management activities is addressed in the individual permits issued to the permittee and are not anticipated to be effected by this travel management decision.

Influence of Mining

Figure 40 shows that within the four-county area, mining makes up less than one percent (0.31) of the total employment by industry (Headwaters Economics, 2013e). In 1998, mining represented 0.61 percent of the total employment for the four-county area; by 2011 mining employment decreased by nearly 50 percent (Headwaters Economics, 2013e).

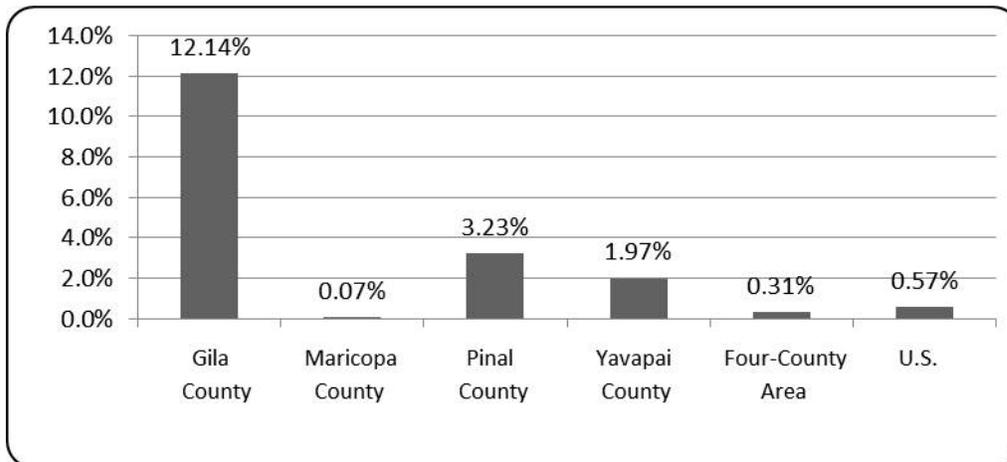


Figure 40: Employment Related to Mining as a Percent of Total Employment, 2011

There are currently four active and approved mines in operation on the Tonto National Forest, all within the Globe District. In addition, there are several hundred inactive mines across the forest. With the existing county data available, it is difficult to determine the relationship of the active mines on the Tonto National Forest to the information available for the four-county area for this activity.

In addition, if, at any point, an inactive mine is proposed to become active, the motorized accessibility would be analyzed separately for that project. Forest Service Manual, chapter 2813.14 describes the rights of access to a claim. “The right of reasonable access for purposes of prospecting, locating, and mining is provided by statute. Such access must be in accordance with the rules and regulations of the Forest Service. However, the rules and regulations may not be applied so as to prevent lawful mineral activities or to cause undue hardship on bona fide prospectors and miners.”

Motor vehicle use for mining activities is addressed separate from this project and are not anticipated to be effected by this travel management decision.

Influence of Forest Service Products

Figure 41 shows that within the four-county area, timber makes up less than one percent (0.31) of the total employment by industry, nearly half of the national average (Headwaters Economics, 2013g). In 1998, timber represented 0.72 percent of the total employment for the four-county

area; by 2011 timber employment decreased by more than 50 percent (Headwaters Economics, 2013g).

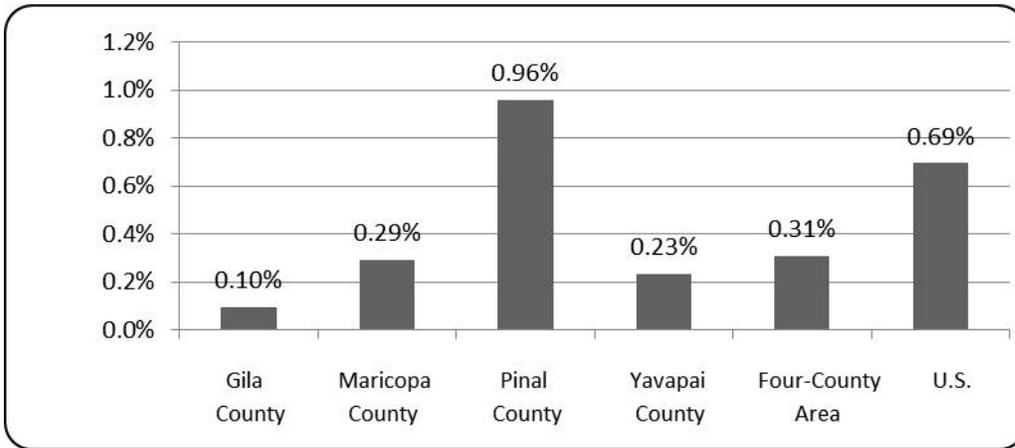


Figure 41: Employment Related to Timber as a Percent of Total Employment, 2011

Timber is one National Forest product that has the potential to affect county incomes. In fiscal year 2012, approximately 6,300 CCF (hundred cubic feet) of timber were harvested from the Tonto National Forest (resulting in approximately \$51,000 in revenues). In addition, permits are issued for wood products, including fuelwood and Christmas trees. Christmas tree permits are sold each year through Big 5 Sporting Goods. In 2013, 950 permits were made available to the public for \$15 each. Permits for personal-use firewood are sold at each district office. As of 2013, permits were \$10 per cord, with a minimum of 2 cords. Permits allow collection of all species of tree that are dead and down and for standing dead juniper and cypress.

Influence of Government Employment

Government employment is often an important component of the overall mix of jobs in a town or county (Headwaters Economics, 2013f). This can be especially true of rural economies. Changes in government employment tend to track population trends. Local government often accounts for the majority of job growth in the government sector as additional services are demanded by a growing population. In the four-county area, government employment makes up approximately 11 percent of the total employment, similar to the national average of approximately 14 percent (Headwaters Economics, 2013f) (Table 50). In 1970, government jobs represented approximately 17 percent of total employment for the four-county area (Headwaters Economics, 2013f).

Table 50: Government Employment for 2011 by County, including Four-County Area and U.S.

Land Ownership	Gila County	Maricopa County	Pinal County	Yavapai County	Four County Area	U.S.
Government	23.6%	10.4%	27.5%	13.9%	11.2%	13.8%
Federal	2.3%	0.9%	2.4%	1.8%	1.0%	1.7%
Military	0.5%	0.6%	1.1%	0.6%	0.6%	1.2%
State and Local	20.8%	8.8%	24.1%	11.5%	9.5%	11.0%

Land Ownership	Gila County	Maricopa County	Pinal County	Yavapai County	Four County Area	U.S.
Private Sector	75.1%	89.4%	69.5%	85.0%	88.5%	84.7%
Total Employment	21,367	2,180,128	75,214	79,564	2,356,273	175,834,700

Influence of Travel and Tourism

Public lands can play a role in stimulating local employment by providing opportunities for recreation (Headwaters Economics, 2013i). Communities adjacent to public lands can benefit economically from visitors who spend money in hotels, restaurants, gift shops, and elsewhere. In addition, some migrants to communities with high levels of environmental and recreational amenities visit first as tourists and then return permanently with their families and businesses. Public lands can therefore also stimulate growth in nontourism sectors via in-migration. In the four-county area, travel and tourism make up approximately 17 percent of the total for private industry employment (Headwaters Economics, 2013i). From 1998 to 2011, industries associated with travel and tourism in the four-county increased by approximately 19 percent; during that same time period, nontravel and tourism industries in the four-county area increased by approximately 15 percent (Headwaters Economics, 2013i).

On the Tonto National Forest, there are currently 130 outfitting and guiding services with active special use permits that mostly focus on recreation opportunities. These services include hiking groups, motor vehicle tours, river access shuttles, rock climbing, and fishing and hunting guides. Most of these services depend on access of forest roads and motorized routes to provide the opportunity that they receive payment for.

In terms of the contribution associated with game and nongame management, it was estimated that nearly 58 million dollars came from hunting, fishing, and wildlife viewing⁷². However, based on the United States Census data aggregated by country, it is not possible to determine which counties directly benefited from this contribution.

Economic Contributions Associated with Motor Vehicle Use

In July 2006, the Arizona Motor Vehicle Division reported that approximately 230,000 all-terrain vehicles and cycles were titled or registered in Arizona. OHV decal sales for calendar year 2011 indicate that 481,823 vehicles less than 1,800 pounds were registered (Arizona State Parks, 2013). These figures do not include untitled OHVs, out of state visitors, or other OHVs that recreate in Arizona.

Sales of off-highway motorcycles and all-terrain vehicles (ATVs) in Arizona grew steadily from 1995 (a total of 3,518 motorcycles and 1,605 ATVs) to 2006 (a total of 10,189 motorcycles and 4,449 ATVs), resulting in a 623 percent increase (Arizona State Parks, 2009). In addition, the popularity of side-by-side vehicles (i.e., recreational off-highway vehicles, also called utility terrain vehicles) increased yearly since its introduction in 2001; by 2008, side by side vehicle sales surpassed ATV sales in Maricopa County (Arizona State Parks, 2009).

⁷² For more information, see the Game and Nongame section of this chapter.

Environmental Justice

In 1994, President Clinton issued *Executive Order 12898*. This order mandates that all federal agencies analyze the potential for their actions to disproportionately affect minority and low-income populations. The Council on Environmental Quality (CEQ) issued supplemental guidance to assist agencies' compliance (CEQ 1997). The CEQ suggests the following criteria for identifying potential Environmental Justice populations:

- “Minority population: Minority populations should be identified where either: (a) the minority population of the affected area exceeds 50 percent or (b) the minority population percentage of the affected area is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis...”
- “Low-income population: Low-income populations in an affected area should be identified with the annual statistical poverty thresholds from the Bureau of the Census' Current Population Reports, Series P-60 on Income and Poverty. In identifying low-income populations, agencies may consider as a community either a group of individuals living in geographic proximity to one another, or a set of individuals (such as migrant workers or Native Americans⁷³), where either type of group experiences common conditions of environmental exposure or effect.”

Table 51 shows the distribution for race and ethnicity for the four-county area, along with visitors to the Tonto National Forest. In terms of the percentage of Hispanics or Latinos, their forest visitation representation is over half that of the four-county area. For the percentage of Blacks or African Americans, their forest visitation representation is nearly half that of the four-county area. For American Indians, Asians, and Native Hawaiians/Pacific Islanders, their forest visitation representation is greater to the Tonto National Forest than that of the four-county area as a whole.

Table 51: Distribution of Race/Ethnicity by Four-County Area and Tonto National Forest

Race	Four-County Area *	Tonto National Forest ^
Hispanic or Latino (of any race)	28.4%	13.0%
White alone	60.2%	94.8%
Black or African American alone	4.4%	2.3%
American Indian alone	2.0%	3.9%
Asian alone	3.0%	2.4%
Native Hawaiian/Pacific Is. alone	0.2%	1.1%

* Data source: Headwaters Economics, 2013c

^ Data source: NVUM, 2008

With the exception of Hispanic or Latino populations, the population size and differences between the four county area and forest visitation would not likely disproportionately affect these groups. However, based on a survey targeting Arizonans that were actively involved in outdoor recreation (Arizona State Parks, 2013), less than ten percent identified themselves as Hispanic or

⁷³ A complete analysis of the effects of this project on Native American Tribes can be found in the Contemporary Indian Uses section of this chapter and the Contemporary Indian Uses Report found in the project record.

Latino. Based on this information, travel management would not likely disproportionately affect this group.

Another indicator for analyzing environmental justice is related to income, specifically those that live below the poverty level. Following the Office of Management and Budget's Directive 14, the Census Bureau uses a set of income thresholds that vary by family size and composition to detect who is poor (Headwaters Economics, 2013c). If the total income for a family or an unrelated individual falls below the relevant poverty threshold, then the family or an unrelated individual is classified as being "below the poverty level" (Headwaters Economics, 2013c). Current weighted average estimates indicate that the poverty threshold for unrelated individuals is \$11, 722 annually and for household ranges from \$14,960 (two people) to \$47, 536 (nine people or more) (U.S. Census Bureau, accessed June 28, 2013).

In 2011 Arizona, approximately 12 percent of families had an income that was below the poverty level, a number that is one percent greater than the national average (United States Census, accessed June 28, 2013). For all people in Arizona during the same time period, approximately 16 percent of the population was below the poverty level, nearly two percent higher than the national average (United States Census, accessed June 28, 2013). In terms of the four-county area, the percentage for individuals below the poverty line is nearly identical, while families below the poverty is between the average for Arizona and the nation (Headwaters Economics, 2013c) (Figure 42). However, when individual counties in the four-county area are examined independently, Gila County individuals (20.9 percent) and families (12.9 percent) below the poverty level are greater than the four-county area, Arizona, and national averages.

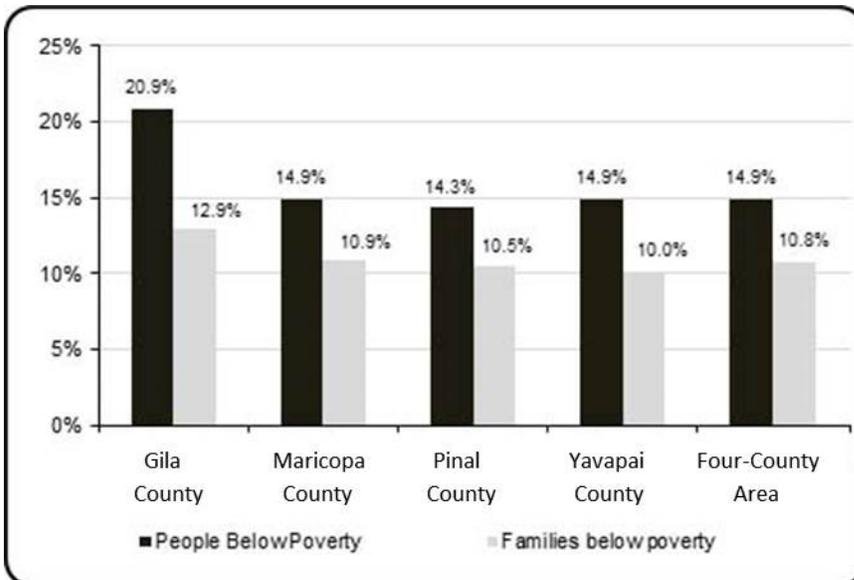


Figure 42: Individuals and Families below Poverty for 2011 by County and Four-County Area

With the exception of Gila County, poverty level differences across the four-county area, Arizona, and nationally is within one or two percent points, although the national average is the lowest in terms of percentages. The poverty rate for Gila County may merit environmental justice consideration, particularly where Forest Service management actions may affect employment, income, and other sources of economic well-being attached to the Forest.

Environmental Effects

This analysis determines the effects of travel management on the four counties adjacent to the Tonto National Forest (Gila, Maricopa, Pinal, and Yavapai) based on implementation of the four alternatives, the No Action, Alternative B, the Modified Proposed Action (Alternative C), and Alternative D. In addition, this analysis determines the effects of the four alternatives on current recreation demographics.

Assumptions and Methodology

Assumptions Associated with County Level Social Trends

Arizona's population is projected to increase, nearly doubling from 2010 to 2030⁷⁴. With a projected population for 2030 of approximately 5.6 million people, it is reasonable to assume that visitation to the Tonto National Forest would also increase. However, without detailed information about whether or not the percentage increase for the forest would mirror that of the state is unclear.

Additionally, without a targeted survey or other forest and county specific data related to travel management, motor vehicle access on the Tonto National Forest is not likely to affect the demographics for either the four-county area or individual counties. Because of this, analysis of these demographics related to the four alternatives would likely not have any effect, either negative or positive.

*Assumptions Associated with County Level Economic Trends*⁷⁵

Based on the data from Table 47, over half of the Gila County land base is within Forest Service boundaries, while a third of Yavapai County and less than 12 percent of Maricopa and Pinal Counties are within Forest Service Boundaries (Headwaters Economics, 2013h). Of the four counties adjacent to the forest, no other Forest Service land than the Tonto National Forest is within Maricopa County. A portion of the Pinal County is within the Coronado National Forest, while Yavapai and Gila Counties are within the Coconino National Forest. However, in counties where the land base is within more than one National Forest, the majority of that forest is the Tonto National Forest. Based on the data from Table 47, over half of the Gila County land base is within Forest Service boundaries, while a third of Yavapai County and less than 12 percent of Maricopa and Pinal Counties are within Forest Service Boundaries (Headwaters Economics, 2013h).

When it comes to the economic contribution of the Tonto National Forest to the Four-County Area, there are several mechanisms to take into consideration, including federal land payments, payments in lieu of taxes, and Forest Service Revenue Sharing. Figure 43 and Figure 44 show this contribution as a percentage of total general government revenue and of that percentage how much of the federal land base is represented by the Forest Service (Headwaters Economics, 2013b). For the four-county area, less than one percent of the total revenue (approximately \$16 million) comes from federal lands, of which the Forest Service portion is approximately half. In Gila County, which has the greatest percentage of federal land within its land base (most of which

⁷⁴ According to [U.S. Census Bureau website](#) accessed on July 1, 2013.

⁷⁵ For more information about economic effects associated with hunting, fishing, and wildlife, see the Game and Nongame Species (Wildlife Related Recreation) section of this chapter.

is Forest Service) only 3.8 percent of the total revenue (approximately 5.2 million) comes from the federal land sources (Headwaters Economics, 2013j). Additionally, in 2012 the four-county area received approximately \$2.2 million in federal land payments to offset the maintenance of country roads (Headwaters Economics, 2013j).

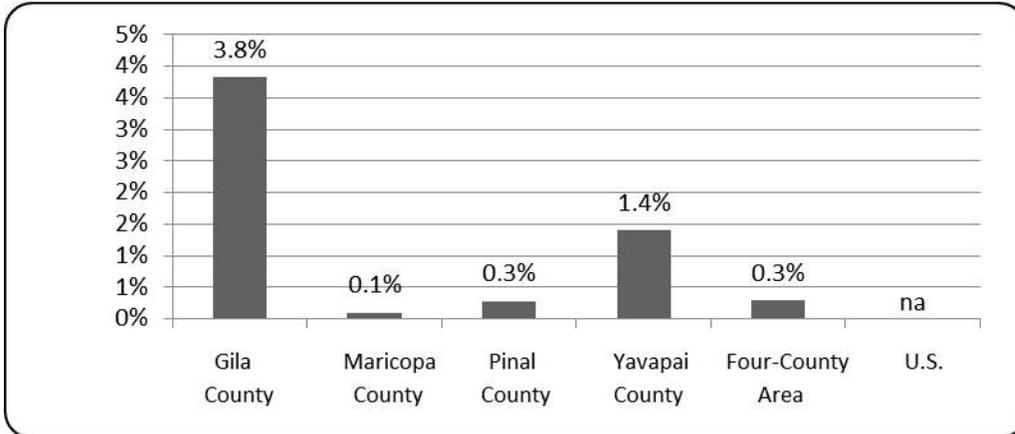


Figure 43: Federal Land Payments, Percent of Total General Government Revenue, Fiscal Year 2007

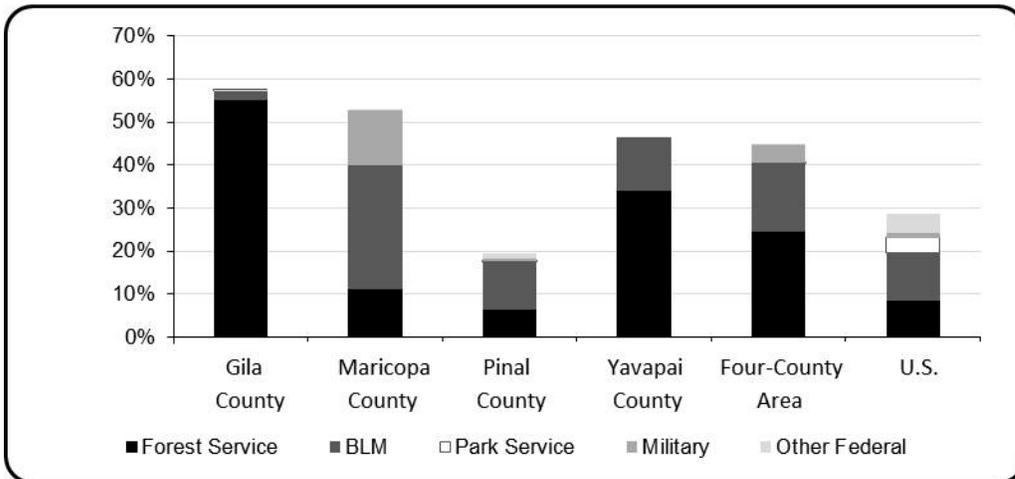


Figure 44: Federal Land by Agency, Percentage of Total Land Area

There are several other mechanisms where the federal government can contribute to counties that have federal land in their land base. The following are just a few, based on employment industries, for 2011:

- For agriculture (including farming), less than one percent of those employed are in this industry; the personal income from farm employment in the four-county area is approximately \$546,000 (Headwaters Economics, 2013d).
- For mining, less than one percent of those employed are in this industry; the average annual wage for this industry in the four-county area is approximately \$87,000 (Headwaters Economics, 2013e).

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- For forest products related employment, less than one percent of those employed are in this industry; the average annual wage for this industry in the four-county area is approximately \$38,000 (Headwaters Economics, 2013g).
- For government employment, approximately one percent of those employed are in this industry; the personal income from federal government jobs in the four-county area is approximately \$2.6 million (Headwaters Economics, 2013f).

Decisions related to travel management, including the miles of roads and trails open to motor vehicle use, for the Tonto National Forest are not expected to affect any of four-county economic trends, including tourism and sales of off-road vehicles, because the contributions associated with the Tonto National Forest are such a small percent (less than five percent) of the overall economic contributions to the counties adjacent to the forest. In addition, areas open to motorized cross-country travel and permit zones are not expected to affect any of four-county economic trends, including tourism and sales of off-road vehicles, for the same reasons as roads and trails open to motor vehicle use.

It is understood that some individuals may be greatly affected by the Tonto National Forest's travel management decision, especially if that decision includes a greater decrease in motor vehicle use access. Without that level of quantitative data, the intensity that individuals may be affected cannot be determined. Because the effects of travel management on the four-county area, and even by individual counties, are so negligible, it is assumed that the four alternatives being analyzed would not have any effect, either negative or positive, on economic trends for Gila, Maricopa, Pinal, or Yavapai Counties.

Assumptions Associated with Forest Visitation Trends

As stated earlier in this document, when the 2008 NVUM survey was being administered, a total of 3,496 individuals were interviewed. To extrapolate the number of total visitors, traffic counters were also set up throughout the Tonto National Forest. As such, when the 2008 survey (U.S. Forest Service, 2012) results indicated that a certain percentage of the visitation participated in a specific activity or came from a certain area, it is not a percentage of the calculated visitors, but instead a weighted estimate to illustrate the trends associated with recreation on the Tonto National Forest.

As indicated earlier, nearly 22 percent of the Arizona population (Arizona State Parks, 2009), or approximately 1.4 million people⁷⁶ identified that they use motorized vehicle on trails for multiple purposes. Without more site specific data, it is unclear if the 22 percent would apply to the four-county area or the individual counties adjacent to the Tonto National Forest, as the data was gathered and extrapolated for the entire state. With the largest population base for the state within the Phoenix metropolitan area, there is a high probability that the percentage participating in motorized recreation on the adjacent Tonto National Forest is greater than the percentage for the state. But without data to support this observation, no analysis will be completed to determine the specific effects of travel management on the Tonto National Forest on 22 percent of the state's population.

⁷⁶ According to [U.S. Census Bureau website](#) accessed on July 1, 2013.

No Action (Alternative A)

This alternative acts as the baseline, allowing the decision maker to understand the effects of travel management if no decision is made. As indicated in Chapter 2 of the draft EIS, although there is a specific amount of roads open for motorized travel, many of the designated closed and decommissioned roads are currently open to motorized travel. Without knowing specifically which roads are currently open, the analysis for this alternative will be based on the existing road data, including the inconsistencies outlined in Chapter 2 of this document.

Direct and Indirect Effects

As indicated in the assumptions section of this report, the effects from travel management on the Tonto National Forest on the social and economic trends of the four-county area are negligible and cannot be quantitatively analyzed. As populations in Arizona increase, and the potential for a similar increase in motorized use, contributions related to motorized travel would be expected to also increase; however, since these contributions are so small to the overall economy of the four-county area, this increase is not likely to effect the overall economy or demographic distribution of the counties adjacent to the forest.

Environmental Justice Effects

In small towns within and adjacent to the Tonto National Forest, some individuals and families depend on the ability to gather fuelwood or hunt game species as a means of subsistence. These people may also be those that are below the poverty level, although there is no current data to indicate this direct connection. Often, the gathering of fuelwood and the retrieval of game requires the use of a motorized vehicle. Currently, forest users are able to get a permit to collect fuelwood in designated areas within the Globe, Payson, Pleasant, and Tonto Basin ranger districts. In addition, the Arizona Game and Fish Department issues hunting permits; and on the Payson and Pleasant Valley ranger districts cross-country travel is permitted, including for the retrieval of game. If the Tonto National Forest decides to take no action to implement the travel management rule, the ability to access these resources using a motor vehicle would continue.

There is no legal requirement to allow people with disabilities to use motor vehicles in areas that are closed to motor vehicle use. Restrictions on motor vehicle use that are applied consistently to everyone are not discriminatory. Generally, granting an exemption from designations for people with disabilities would not be consistent with the resource protection and other management objectives of travel management and would fundamentally alter the nature of the Forest Service's travel management program (29 U.S.C. 794; 7 CFR 15e.103).

Under section 504 of the *Rehabilitation Act of 1973*, no person with a disability can be denied participation in a Federal program that is available to all other people solely because of his or her disability. Consistent with 36 CFR 212.1, FSM 2353.05, and Title V, Section 507(c), of the *Americans With Disabilities Act*, wheelchairs and mobility devices, including those that are battery-powered, that are designed solely for use by a mobility-impaired person for locomotion and that are suitable for use in an indoor pedestrian area, are allowed on all National Forest System lands that are open to foot travel.

When it comes to accessing dispersed camping sites using a motor vehicle, the Payson and Pleasant Valley ranger districts allow everyone this opportunity, regardless of disability, and there is no charge to the forest visitor associated with this type of use. On the remaining four districts,

this type of access is not permitted, although there are several examples where it is currently happening on the ground based on disturbance. For those that would need motorized access (based on the inability to pay for developed sites or disabilities) to disperse camp in these districts, they could be negatively affected; however, there is no site specific data to indicate the magnitude of this effect.

With the exception of dispersed camping, implementation of this alternative is not expected to affect persons with disabilities related to access and motor vehicle use.

Cumulative Effects

Because the direct and indirect effects, even those associated with environmental justice, are negligible under this alternative, and travel management decisions on adjacent forests that impact one or more counties in the four-county area still allow for fuelwood gathering and access for those persons with disabilities, there are no cumulative effects associated with social and economic trends.

Alternative B

This alternative proposes to decrease the current motorized route system by nearly half, not allow for the retrieval of game species via a motor vehicle, limits motorized access to designated dispersed camping sites, and decreases the distance off of a designated roads and motorized trails that motor vehicles can be used to gather fuelwood.

Direct and Indirect Effects

Although this alternative decreases motorized access on designated routes, does not allow the use of a motor vehicle to retrieve big game, and decreasing the area for permitted fuelwood gathering using a motor vehicle and limits dispersed camping to designated sites, the effects from travel management on the Tonto National Forest on the social and economic trends of the four-county area are negligible.

As populations in Arizona increase, and the potential for a similar increase in motorized use, contributions related to motorized travel would be expected to also increase; however, with the data available showing that these contributions are so small to the overall economy of the four-county area, this increase is not likely to effect the overall economy or demographic distribution of the counties adjacent to the forest.

Environmental Justice Effects

In this alternative, gathering fuelwood using a motorized vehicle is limited to within 300 feet of designated roads and motorized trails within fuelwood gathering permit areas. In the No Action Alternative, the area available for fuelwood gathering is approximately 1.35 million acres. In this alternative, that area is decreased to approximately 133,000 acres. As fuelwood becomes scarce in this corridor, permit holders may be unable to fuelwood⁷⁷. For those that live below the poverty level that depend on fuelwood for household heating and cooking, this substantial decrease could

⁷⁷ A detailed account of fuelwood permits and gathering trends can be found in the Short-Term Uses and Long-Term Productivity section of this chapter.

disproportionately affect this segment of the population. Each year approximately 1,500 permits are issued and are for the Tonto National Forest only. However, no economic data is collected when a permit is issued. Thus, of the 1,500 permits issued yearly there is no way to determine what percentage of the permits is issued to those that live below the poverty line.

For those individuals that depend on game species to feed themselves or their family, potentially those living below the poverty level, this restriction could negatively affect this segment of the population if they rely on motor vehicles to retrieve game. However, since the Arizona Game and Fish Department does not currently offer a reduced rate license fee for those below the poverty level, nor do they track economic data on those applying for a license⁷⁸; it is not possible to quantify these effects.

This alternative limits motorized access for dispersed camping to designated dispersed sites that are accessible by a designated road or motorized trail (approximately 65 acres total). This limitation has the potential to negatively affect those that would need motorized access (based the inability to pay for developed sites or disabilities) to disperse camp in these districts.

Cumulative Effects

Because the direct and indirect effects on the general population are negligible under this alternative, there are no cumulative effects associated with social and economic trends for the four-county area.

This alternative has the potential to negatively affect those below the poverty level, one of the potential Environmental Justice populations, if additional economic stressors are present, such as difficulty finding means for heating and cooking sources like personal use fuelwood. However, without detailed data that is currently not available, it is not possible to quantify this effect.

Alternative C

This alternative proposes to decrease the current motorized route system by about 1,400 miles, allow the use of a motor vehicle for the retrieval of game species up to one mile on both sides of all designated roads and motorized trails, limit the use of a motor vehicle to accesses dispersed camping up to 100 feet on both sides of all designated roads and motorized trails, and decreases the distance off of a designated roads and motorized trails that motor vehicles can be used to gather fuelwood to 300 feet on both sides of motorized routes within designated permitted areas.

Direct and Indirect Effects

Although this alternative decreases motorized access on designated routes and to retrieve big game while decreasing the area for permitted fuelwood gathering using a motor vehicle and the overall area allowed for motorized access of dispersed camping sites, the effects from travel management would be negligible. Additionally, the effect to the overall economy or demographic distribution of the counties adjacent to the forest would be the same as Alternative B.

⁷⁸ Information from [Arizona Game and Fish Department hunting website](#) accessed July 2, 2013.

Environmental Justice Effects

In this alternative, gathering fuelwood using a motorized vehicle is limited to within 300 feet on both sides of designated roads and motorized trails within fuelwood gathering permit areas, resulting in approximately 162,000 acres (a substantial decrease from the existing condition). Although the designated motorized route system would be different than Alternative B, the width of the permitted motorized gathering corridor (300 feet both sides) would be the same and would have the same effects to those that rely on fuelwood gathering for heating and cooking needs, often those that live below the poverty level.

In terms of hunting, this alternative would allow permitted hunters to retrieve elk and bear within one mile of designated roads and motorized trails. This results in approximately 1.3 million acres open, as opposed to approximately 704,000 acres open to motorized retrieval in the No Action Alternative. For those individuals that depend on game species to feed themselves or their family (potentially those living below the poverty level), this increase in motorized access could positively affect this segment of the population if they rely on motor vehicles to retrieve game. However, since the Arizona Game and Fish Department does not currently offer a reduced rate license fee for those below the poverty level, nor do they track economic data on those applying for a license⁷⁹, it is not possible to quantify these effects.

This alternative allows motorized access for dispersed within 100 feet on both sides of designated roads and motorized trails, resulting in approximately 91,000 acres open for accessing dispersed camping using a motor vehicle and allows use within all six ranger districts on the Tonto Nation Forest. This proposed change has the potential to positively affect those that would need motorized access (based on the inability to pay for developed sites or disabilities) to disperse camp in these districts.

Cumulative Effects

Because the direct and indirect effects on the general population are negligible under this alternative, there are no cumulative effects associated with social and economic trends for the four-county area.

This alternative would have the same effects as Alternative B to those below the poverty level, one of the potential Environmental Justice populations, in terms of gathering fuelwood using a motor vehicle.

Alternative D

This alternative proposes to decrease the current motorized route system by about 100 miles, allow the use of a motor vehicle for the retrieval of game species up to one mile on both sides of all designated roads and motorized trails, limit the use of a motor vehicle to accesses dispersed camping up to 300 feet on both sides of all designated roads and motorized trails, and allow the use of a motor vehicles anywhere in the permitted fuelwood gathering area to gather fuelwood.

⁷⁹ Information from [Arizona Game and Fish Department hunting website](#) accessed July 2, 2013.

Direct and Indirect Effects

Although this alternative increases motorized access across the forest, the effects from travel management on the Tonto National Forest on the social and economic trends of the four-county area are negligible and cannot be quantitatively analyzed. Thus, the effects from this alternative are anticipated to be the same as those in Alternatives B and C.

Environmental Justice Effects

In this alternative, gathering fuelwood using a motorized vehicle would stay the same as the No Action Alternative, resulting in an area of approximately 1.35 million acres. Although this alternative proposes no change from the current conditions, it is not currently possible to determine if this area is large enough and distributed in such a manner as to not put undue hardship on those below the poverty level that depend on this resource to heat their house or cook their food.

In terms of hunting, this alternative would allow permitted hunters to retrieve elk, bear, and deer within the appropriate game units on the Tonto National Forest⁸⁰. For those individuals that depend on game species to feed themselves or their family (potentially those living below the poverty level), this increase in motorized access could positively affect this segment of the population if they rely on motor vehicles to retrieve game. However, since the Arizona Game and Fish Department does not currently offer a reduced rate license fee for those below the poverty level, nor do they track economic data on those applying for a license⁸¹; it is not possible to quantify these effects.

This alternative allows motorized access within 300 feet on both sides of all designated roads and motorized trails, resulting in approximately 336,000 acres open for accessing dispersed camping using a motor vehicle and allows use within all six ranger districts on the Tonto nation forest. This proposed change has the potential to positively affect those that would need motorized access (based the inability to pay for developed sites or disabilities) to disperse camp in these districts.

Cumulative Effects

Because the direct and indirect effects on the general population are negligible under this alternative, there are no cumulative effects associated with social and economic trends for the four-county area.

Heritage Resources

Affected Environment

During the past 30 years, Tonto National Forest Heritage Resource specialists, permitted consultants, and volunteers, in compliance with Sections 106 and 110 of the 1966 *National Historic Preservation Act* (NHPA), as amended, have inventoried approximately 7 percent of nearly 3 million acres that comprise the Forest. Well over 10,000 archaeological, historical, and cultural sites (collectively known herein as cultural resources) have been recorded by that effort.

⁸⁰ For more information on game management units, please see the Game and Nongame Species section of this chapter.

⁸¹ Information from [Arizona Game and Fish Department hunting website](#) accessed July 2, 2013.

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Some inventoried sites date back to as much as 12,000 years ago. These sites range from simple artifact scatters to massive prehistoric masonry structures and cliff dwellings, from barely visible Apache camps to entire historic mining towns. Thirty-two of these sites have been listed on the National Register of Historic Places; thousands more have been determined to be eligible for listing. Based on the number and quality of sites recorded in this small percentage of the Forest, it is apparent that the Tonto National Forest has a very high density of significant archaeological sites overall. Many of these sites are fragile and easily damaged by motorized vehicles running over them and all of them are susceptible to further damage, and even loss, from erosion that often accompanies uncontrolled cross-country motorized travel. In addition to direct physical impacts to archaeological and historic sites, indirect impacts to the environmental context of these sites can result from both cross-country travel and high densities of established routes.

The Forest currently contains 4,959 miles of roads open to the public, many of which, owing to high archaeological and historical site density, have inevitably impacted a variety of cultural resources. Many of these roads originated in the late 19th century and have been in continual use ever since. Many more were built prior to the passage of the NHPA, and were constructed without regard for their potential impacts to archaeological or historic sites. As a result, hundreds of archaeological sites on the Tonto National Forest have been documented in the inventory as having been damaged by past road construction and maintenance activities.

In the past, looters used existing roads for access but often created roads to get to ruins by traveling cross-country, particularly as the availability of four wheel drive vehicles increased dramatically after World War II. As a result of this activity, heaviest in the period between 1950 and 1980, many ruins in proximity to roads were vandalized, looted, and damaged. Site condition in areas accessible by road prior to 1980 is generally poor, though vandalism and looting damage to sites on the Forest is not limited to these areas. Vandalism to sites within a few hundred meters of existing roads continues sporadically, but today many of those same roads, including those originally pioneered by pothunters, are used to monitor and protect those sites from further damage.

Visiting archaeological sites has long been a popular recreational pursuit on the Tonto National Forest; so that today we also protect sites for the public. The purposes for and attitudes about public visitation have changed drastically over the last few decades. Prior to enactment of the 1979 Archaeological Resources Protection Act (ARPA) and creation of the Arizona Site Stewards volunteer monitoring program in the 1980s, vandalism and looting of archaeological sites in central Arizona was widespread and highly destructive, but was considered acceptable behavior by many Americans who took pride in showing off their looted collections at county fairs and wrote articles about their adventures in the Sunday supplements and outdoor magazines. At least half the archaeological sites in the recorded inventory of the Tonto National Forest have suffered to one extent or another, some to the point of having been virtually destroyed by looters. However, since then, enforcement of the new law and its stiff penalties and the widespread use of the Site Stewards program have decreased vandalism and looting considerably, almost to the point of being eliminated, at least in heavily-visited parts of the Forest. Occasional incidents continue to be reported and investigated, but now tend to be located in more remote parts of the Forest and almost always involve casual, unfocused digging in sites that have already been extensively looted.

In 2010, a condition and damage assessment of 96 previously recorded archaeological sites on the Tonto National Forest was conducted as a volunteer project for the Forest by the Center for

Desert Archaeology (CDA) to provide data for this analysis (Hedquist and Ellison, 2010)⁸². This analysis was done to investigate the relationship between site damage and proximity to roads on the Tonto National Forest. Analysis of the amount of damage done over the last 35 years to sites within a sample of 225 sites on the Forest—all Priority Heritage Asset sites and sites with documented damage assessment—shows that there has been a dramatic reduction in the level of vandalism. Prior to 1979, estimates of damage to sites in the sample document a total volume of disturbance equivalent to approximately 24,880 cubic meters. Since that time, inspections and damage assessments for all sites in the sample document only a total of 1,884 cubic meters of disturbance. This is a 92.5 percent reduction in measurable disturbance to sites resulting from all forms of vandalism after 1979 and the passage of ARPA and the development of monitoring practices that include both regular Forest Service inspections, Site Steward monitoring, and reporting by Forest visitors.

An archaeological survey conducted in 2010 under contract for this analysis (Roberts and Mitchell, 2010), has been completed for a 50 foot (15 meters) wide corridor along 170 unclassified, unauthorized routes proposed at that time for designation as system roads and motorized trails, along with three OHV areas proposed for designation on Globe and Mesa ranger districts. This inventory was conducted under the guidelines established by the Protocol. It identified a total of 86 archaeological sites ranging in size and complexity from simple artifact scatters to multi-room masonry structures. Included were several historic sites and one or two that may reflect the use of the area by Yavapai and/or Apache in the last several centuries. But the vast majority of these sites were prehistoric, related to the Hohokam archaeological culture, and dating to various times between approximately 800 and 1400 A.D.

Desired Conditions

Management of motorized travel on the Tonto National Forest will protect and preserve cultural resources in their natural environment, provide recreational access for site visitation, provide Tribal access to traditional use and sacred sites, and reduce vandalism while facilitating law enforcement and other forms of protection.

Environmental Effects

Assumptions and Methodology

Analysis of the specific effects to cultural resources related to travel management can be complex and the potential effects may seem contradictory, and the solutions typically reflect that situation. Access can be both beneficial and detrimental depending on what aspects of preservation, management, and use of cultural resources are under discussion.

Cultural resources, depending on their nature and composition, are subject to several different types of impact from activities associated with motorized recreation and transportation. Archaeological and historic sites are irreplaceable and individually unique. Their integrity is wholly dependent on the contextual relationship between artifacts, architecture, and the environment in which they are found, something that cannot be recreated or restored once disturbed. They are also, by their very nature, previously affected, reduced by the transformation

⁸² More information about this survey can be found in the Heritage Resource Report in the project record.

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processes of erosion and decay from their original pristine state. Any effect to such sites, therefore, is cumulative; they can't grow back and their populations cannot rebound.

The Southwestern Region Programmatic Agreement between the Advisory Council on Historic Preservation, Forest Service Region 3 and the State Historic Preservation Officers (SHPOs) of New Mexico, Texas, Oklahoma and Arizona (1994, as amended 2003, hereafter referred to as the Programmatic Agreement) (U.S. Forest Service, R3, 2003-2007) recognizes this situation and accepts that continued use and routine maintenance of system roads and motorized trails, even where there are known historic properties or cultural resources, does not necessarily constitute an adverse effect to these properties when the proposed work is clearly confined to previously disturbed contexts and will not increase or expand this disturbance. Any maintenance or modification outside of their existing disturbance area of a road, that is the area that includes the roadbed itself and any ditches, cuts, or fills on either side (the road's "prism") or that would increase the existing disturbance or widen the prism is subject to Section 106 of the National Historic Preservation Act and so must avoid or mitigate any additional effects. Nevertheless, known instances of site damage from use or maintenance will go through the 106 process and adverse effects will be avoided or mitigated.

A nation-wide Forest Service policy for travel management route designation was developed in 2006 with the Advisory Council on Historic Preservation. In addition, Region 3 developed guidance for travel management route designation as Appendix I to the Region's Programmatic Agreement, Standard Consultation Protocol for Travel Management Route Designation (Protocol) (U.S. Forest Service, R3, 2003-2007). The protocol was developed in consultation with the New Mexico, Texas, Oklahoma and Arizona SHPOs, the Advisory Council, and tribes. The forests in Region 3 follow the protocol to meet their Section 106 responsibilities. Both the National Policy and the Region 3 protocol hold that a decision to designate a system of already existing roads and trails currently open for motor vehicle use will have little or no potential to affect historic properties. Adding new roads, trails, areas and other vehicular access-related facilities such as parking lots or pullouts and areas not already incorporated into the designated National Forest System of roads, such as unauthorized routes, may have such potential, however, and so must comply with section 106.

Assumptions Associated with Direct Effects

Direct effects to cultural resources, especially archaeological sites, can be generally defined as anything that results in removal of, displacement of, or damage to artifacts, features, or stratigraphic deposits of cultural material.

In the case of cultural resources which are considered eligible for inclusion in the National Register of Historic Places, direct effects can also include alterations of a property's setting or context. Unrestricted and uncontrolled motorized vehicular use off of National Forest System roads that result in erosion and changes in vegetative composition and density is an example of how motor vehicle use can alter the setting and geographic context of sites. In the case of traditional cultural properties and sacred places, additional considerations may include alterations in the presence or availability of particular plant species.

Direct impacts from motor vehicle recreation are generally considered to be those resulting from construction, use, and maintenance of facilities, such as campgrounds, picnic areas, roads, and parking lots. In this context, that would include the designation of an unauthorized route into a

designated road and motorized trail system and the use of that route, if it passes through the boundary of an archaeological or historic site or a traditional use or sacred place. It would also include designation of areas, which unlike designated routes, allow cross-country motorized travel.

According to the documentation in the archaeological site inventory for the Tonto, many sites on the Forest have already been damaged by OHV cross-country travel and dispersed motorized camping, evidenced by unauthorized roads, trails, tire tracks, fire rings, and trash being present. It is not known to what extent this has taken place, since such data has not been consistently recorded over the past 50 years. And sites have been inventoried by many different individuals and institutions. However, this damage is not uncommon, especially in the more popular camping areas. Some of this damage may also have come from motorized big game retrieval, but without specific evidence, a track through a site can't be differentiated between motorized big game retrieval and any other form of OHV cross-country activity.

Assumptions Associated with Indirect Effects

Indirect impacts to cultural resources come from activities associated with the use, particularly the recreational use, of roads and the activities people undertake once having accessed their destinations. The most commonly cited indirect effects are site contamination with modern trash and surface artifact displacement associated with camping and site visitation and the actual destruction of features, cultural deposits, and archaeological context by vandalism and looting. Camping and trash disposal are activities associated with roads that can be anticipated and planned for with various ways to minimize their effects.

However, as noted above, evidence and experience clearly show that the social and legal climate has changed regarding this activity since the passage of the *Archaeological Resources Protection Act* (ARPA) in 1979. What was once considered a harmless pastime or legitimate hobby is now generally recognized by the public, and by informed Forest visitors in particular, as an illegal activity that, at the very least, diminishes the legitimate recreational experience of visiting archaeological sites and robs us all of a part of our shared heritage. In this post-ARPA climate, vehicular access is not so much a threat to cultural resources as it is a means to provide that legitimate recreational experience and a tool for land managers to facilitate the protection and preservation of this resource. The primary threat from vehicular access today – much as it was prior to ARPA – is the physical damage to sites from road construction and uncontrolled cross-country travel. The relationship between roads and looting over the last century or so has been neither constant nor straightforward and simple proximity between motorized access and archaeological sites without accounting for the nature of the motorized use or the condition and characteristics of the sites is not an infallible indicator of a threat.

Reporting of vandalism, a key aspect of protection and law enforcement, is often a direct reflection of vehicular access. Forest Service personnel and volunteer monitors from the Arizona Site Stewards program report incidents at sites they can get to. Because of the change in attitudes post-ARPA, Forest visitors also report violations on a regular basis. The direct result of increased visitation and access by heritage professionals, law enforcement officers, volunteer monitors, and a concerned public has been a sharply reduced incidence of looting and vandalism of archaeological sites on the Tonto National Forest since the passage of ARPA in 1979.

And yet the attitude persists that making archaeological sites difficult to find or access is the best way to protect them, even going so far as to suggest that if it is difficult to monitor a site, then it would also be more difficult for vandals and looters to disturb that site. This is a fundamentally incorrect assumption for two reasons. First of all, pothunters and Site Stewards – the majority of our volunteer monitors, who are generally retired seniors – do not have the same levels of motivation and physical ability. Second, if it is more difficult to observe a site, it is therefore easier for a pothunter to avoid detection at that site. Limiting the ability to monitor sites merely guarantees the pothunter exclusive access to an area where he will have relative assurance of not being observed.

Indirect effects from the closing of motorized routes can include a reduction in the agency's ability to protect sites from vandalism and looting. They can also reduce accessibility of traditional resources and sacred areas to Tribal people.

Assumptions Associated with Unauthorized Routes and Decommissioned Roads

Under the Protocol, all newly designated roads, trails, corridors, and areas must comply with Section 106. If any cultural resources are found, the protection measures identified in the Protocol must be implemented to avoid or mitigate any impacts. Documentation is needed to demonstrate that either the route does not encounter any cultural resources or that any adverse effects have been resolved in compliance with section 106, just like any other ground-disturbing activity under the terms of the Programmatic Agreement. No new route can be designated or displayed on the MVUM without completing this process. Where mitigation is not feasible, the routes cannot be designated as open or included in the MVUM.

Mitigation of impacts to cultural resources resulting from the designation of motorized routes is best accomplished by avoidance. It can also be achieved by maximizing opportunities to localize recreational activities, especially those involving motor vehicle use, to those areas where cultural resources are least likely to be affected. Specific recommendations regarding particular routes will be developed upon analysis of the survey data and field inspection of site locations; routes may be realigned and relocated to avoid sites or they may, if potential impacts are too great or the terrain does not effectively allow relocation, be dropped from the proposal. Decommissioning unauthorized routes is outside the scope of this analysis and will require separate analyses and decisions.

Assumptions Associated with Areas Open to Motorized Cross-country Travel

Under the current Forest plan, the southern Ranger Districts, Cave Creek, Globe, Mesa, and Tonto Basin are closed to unrestricted cross-country motorized travel, but it is allowed on the Payson and Pleasant Valley Districts. Under the terms of the Protocol, designation of a specific area for unrestricted cross-country motorized access, like the designation of a previously unauthorized route, requires Section 106 consultation and, unless the specific exemptions under the protocol apply, must be surveyed, evaluated, and any effects to archaeological sites resolved under the protection measures established in the Protocol before they can be added to the MVUM.

Assumptions Associated with Permit Zones

There is currently only one permit zone on the Forest. Since travel in a permit zones is restricted to designated roads and by implementing the Travel Management Rule, motorized travel would only be permitted on designated roads, trails, and areas, the effects associated with permit zones will not be analyzed separate from the current and proposed motorized route system.

Assumptions Associated with Motorized Big Game Retrieval

Although specific documentation of impacts to sites due to motorized big game retrieval is not readily available, it is unlikely that this activity in and of itself would have a significant effect on archaeological sites. The dispersed, short-term and non-repetitive nature of the impact, relatively few permits issued, limited duration of hunting seasons, and typically low hunter success rates on the Tonto National Forest, combined with a natural tendency to avoid riding or driving over difficult obstacles such as collapsed prehistoric masonry walls, suggests that the probability of damage to archaeological sites resulting from this activity would be low. Nevertheless, unrestricted cross-country OHV travel always has a potential for impacting archaeological sites, degrading traditional use areas, and disrupting traditional activities. Though it may be difficult to accurately quantify, authorizing or designating parameters for motorized big game retrieval may be a potential source of impact, especially where it opens up areas to legal cross-country travel that were previously restricted.

Assumptions Associated with Motorized Access for Dispersed Camping

Motorized access to dispersed camping locations, whether they are adjacent to roads and trails or located at a distance, has the same potential to impact cultural resources as any other type of cross country motorized travel. Since this seems to be a repetitive behavior as camp sites are used over and over again, this impact may be significant depending on the type of site and its environmental context. Management of motorized access to dispersed camping locations can be done in several ways: roadside parking without designated camping sites, designated camping sites with designated access routes, and designated corridors for motorized access to dispersed camping.

Roadside parking for access to dispersed campsites adjacent to roads is exempted under the Protocol and allowable under the current Plan on the northern districts where cross-country travel is currently allowed. This has been the traditional way that forest users have camped on all Districts of the Tonto National Forest. Because this activity typically takes place in heavily disturbed areas along edges of existing roads, there are few new threats to cultural resources. Nevertheless, if areas are found during routine monitoring where roadside parking is damaging cultural resources, then those areas may be designated as closed to parking if effects to cultural resources cannot be avoided or mitigated. Unauthorized routes that are to be designated can also be closed to parking, if archaeological inventory identifies the potential for impacts that cannot be resolved under the protection measures established in the Protocol.

Designated camping areas and motorized routes to access them and designated fixed distance corridors along system roads, even exempt roads, both require Section 106 consultation under the Protocol and, unless the specific exemptions under the protocol apply, must be surveyed,

evaluated, and any effects to archaeological sites resolved under the protection measures established in the Protocol before they can be added to the MVUM.

Assumptions Associated with Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel is authorized as part of any permit to collect fuelwood, regardless of whether the District issuing is closed or open to such activity. As a permitted use, it is not considered to be in the same category as unrestricted cross-country travel and the permits include rules for motorized access into the permit areas that are designed to limit environmental damage. Also, firewood permit areas move around to prevent overuse, limiting the potential for repetitive impacts on any given permitted location. Generally, these permit areas are defined ahead of time and where cross-country travel is restricted, firewood areas may be subject to archaeological clearance, in which case it is common practice to modify permit boundaries to limit the exposure of archaeological sites to vehicular impacts. While the small numbers of permits, low potential for repetitive impacts, and limitations on access built into the permits reduce concerns for damage to archaeological sites, cross-country OHV travel always has a potential for impacting archaeological sites, degrading traditional use areas, and disrupting traditional activities.

Alternative A – Direct and Indirect Effects

Current conditions include a total of about 4,959 miles of Forest system roads open to the public and maintained for both high clearance and passenger vehicles. Cross-country motorized travel is allowed but is restricted to the higher elevation Payson and Pleasant Valley ranger districts. There are also about 672 miles of unauthorized routes that have been inventoried across the Forest, many of which are currently in use; there are also many more unauthorized routes resulting from cross-country travel than have been inventoried.

Cross-country Travel

Continued cross-country travel on Payson and Pleasant Valley ranger districts would result in continued damage to cultural resources. Enforcement of restrictions on uncontrolled motorized travel off of system roads on other ranger districts would reduce impacts to cultural resources.

Motor Vehicle Use for Big Game Retrieval

Although specific documentation of impacts to sites due to motorized big game retrieval is not readily available, it is unlikely that this activity in and of itself as currently experienced on the Forest, where cross-country travel is open on only two ranger districts, would have a significant effect on archaeological sites.

Motor Vehicle Use for Dispersed Camping

Continued vehicular access to dispersed camping on Payson and Pleasant Valley ranger districts outside the roadside zone covered by the Protocol would not reduce the potential for impacts, especially as many known dispersed camping sites are located well outside the roadside parking zone. Continued cross-country access to dispersed camping on the other districts, though not authorized, would continue to create a potential for impacts to cultural resources.

Motor Vehicle Use for Fuelwood Gathering

Cross-country travel for fuelwood gathering always has a potential for impacting archaeological sites, degrading traditional use areas, and disrupting traditional activities. The effects to archaeological sites may be mitigated somewhat by the conditions applied to all fuelwood permits, but the potential threat remains.

Alternative B – Direct and Indirect Effects

Designations of unauthorized routes and proposed cross-country areas are undertakings subject to compliance with the inventory, consultation, and protection requirements of the Protocol. Under the terms of the Protocol, before any route can be added to the MVUM, it must comply with Section 106. Any routes or areas that affect cultural resources and that have not had those effects resolved by protection measures of the Protocol would not appear on the MVUM and thus would not be open to the public.

Under this alternative, approximately 541 miles of the inventoried unauthorized routes would be closed. A total of about 50 miles of unauthorized routes would be added to the system and designated for motor vehicle use. The resulting motorized route system would total approximately 2,560 miles of designated roads and motorized trails open to the public, for a net reduction of 393 miles.

Approximately 1.96 miles (3.8 percent) of 50 foot wide corridors along those unclassified routes proposed for designation as roads or motorized trails in this alternative were inventoried by archaeological survey (Roberts and Mitchell, 2010). Since the survey was contracted, additional routes have been proposed for designation and some of the routes previously identified were dropped from consideration. Over 48 of the 50 miles of unauthorized routes proposed for designation still require inventory before they can be evaluated for addition to the MVUM. This additional archaeological survey, under the terms of the Protocol, would be phased in as funding becomes available. Of the four routes surveyed, two were encumbered by archaeological sites, the routes passing through them with varying degrees of disturbance. These routes would also be held from inclusion in the MVUM pending further analysis and the application of protective measures or they would be eliminated from the proposal if no suitable mitigation is feasible.

Areas Designated for Motor Vehicle Use

Compared to the current condition, by prohibiting travel off of designated routes and closing over 540 miles of unauthorized routes, this alternative would significantly reduce direct and indirect effects to cultural resources by restricting cross-country travel and by employing the protection measures identified in the Protocol. Any restriction or reduction of uncontrolled off-road travel would reduce impacts to cultural resources. It differs from the other alternatives primarily by closing nearly all unauthorized routes and eliminating all cross-country travel areas, including motorized big game retrieval.

In terms of the total number and nature of routes, effects on cultural resources from this alternative are significantly reduced compared to the current condition. By eliminating virtually all cross-country travel, including big game retrieval, it affords more protection to cultural resources from the direct effects of unregulated vehicular impacts than any other alternative.

Motor Vehicle Use for Big Game Retrieval

Since no motorized big game retrieval would be allowed under this alternative, there would be no effect on cultural resources.

Motor Vehicle Use for Dispersed Camping

Under this alternative, motorized access for dispersed camping would be limited to designated campsites and designated access routes. The protocol requires that any such designated areas or routes be subject to consultation and would require archaeological clearance prior to being added to the MVUM. Therefore, motorized access to dispersed camping under this alternative would have no direct effect on cultural resources.

Motor Vehicle Use for Fuelwood Gathering

Under current conditions, cross-country travel is allowed anywhere within the permit area. Under this alternative, such access is permitted only within 300 feet on both sides of designated motorized routes within the permit areas. This would reduce the potential for impacting archaeological sites, degrading traditional use areas, and disrupting traditional activities, but does not eliminate it.

Alternative C – Direct and Indirect Effects

Designations of unauthorized routes and proposed cross-country areas are undertakings subject to compliance with the inventory, consultation, and protection requirements of the Protocol. Under the terms of the Protocol, before any route can be added to the MVUM, any adverse effects the route may have on cultural resources would need to be avoided or mitigated and compliance with Section 106 documented. Any routes or areas that affect cultural resources and that have not had those effects resolved by protection measures of the Protocol would not appear on the MVUM and thus would not be open to the public.

Under this alternative, approximately 342 miles of existing unauthorized routes would be closed. A total of 330 miles of unauthorized roads and trails would be added to the system and designated for motor vehicle use. The resulting motorized route system would total about 3,570 miles of designated roads and motorized trails open to the public for a net increase from the current condition of over 617 miles, but would restrict cross-country travel to designated corridors and areas.

Approximately 124 miles (37.4 percent) of 50 foot wide corridors along those unclassified routes proposed for designation as roads or motorized trails in this alternative were inventoried by archaeological survey (Roberts and Mitchell, 2010). Since the survey was contracted additional routes have been proposed for designation and some of the routes previously identified were dropped from consideration. Approximately 206 of the 330 miles of unauthorized routes proposed for designation still require inventory before they can be evaluated for addition to the MVUM. This additional archaeological survey, under the terms of the Protocol, would be phased in as funding becomes available. Of the 117 routes surveyed, 13 were encumbered by archaeological sites, the routes passing through them with varying degrees of disturbance. These routes would also be held from inclusion in the MVUM pending further analysis and the application of protective measures or they would be eliminated from the proposal if no suitable mitigation is feasible.

The actual incidence of damage to sites identified by the survey is fairly low (only about 11 percent of the surveyed routes impacted archaeological sites), with most of the vehicular impacts associated with those routes that began as cross-country ATV and motorcycle trails but have widened over time. Since many of these routes have been in use for years, this does not suggest that their presence has led to any marked increase in vandalism. It is unlikely that designation of the proposed unauthorized routes would have a significant direct impact on cultural resources, particularly once protective measures are applied or the affected routes are dropped from consideration.

Areas Designated for Motor Vehicle Use

Under this alternative, 342 miles of unauthorized routes would be closed and cross-country travel prohibited other than limited motorized big game retrieval, and within four designated OHV areas and four “tot lots” where vehicular access would not be confined to specific routes, and cross country use would be allowed. Designated OHV areas and tot lots are subject to the same archaeological survey and clearance requirements as designated routes. Two of the tot lots have been surveyed and found to contain no cultural resources (Roberts and Mitchell, 2010; Howe and Nez, 2010); the other two remain to be inventoried. The 2010 archaeological survey (Roberts and Mitchell, 2010) examined the proposed Golf Course area and identified no cultural resources. The proposed Bartlett Lake, Roosevelt Lake, and Sycamore OHV areas have not been specifically surveyed for designation but are known to contain archaeological sites. Prior to designation, archaeological survey and additional Tribal consultation would need to be completed and the protection measures identified in the Protocol applied. Given the presence of known archaeological sites in these areas, there may well also be Tribal concerns. Therefore, it is likely that all of these areas would need to be modified and any necessary mitigation completed before their final designation and inclusion on the MVUM. Archaeological survey, under the terms of the Protocol, would be phased in as funding becomes available and areas added to subsequent versions of the MVUM as they acquire archaeological clearance.

Compared to the current condition, by prohibiting travel off of designated routes and outside of designated areas and by employing the protection measures identified in the Protocol where cross country travel would be permitted, this alternative would significantly reduce impacts to cultural resources.

Motor Vehicle Use for Big Game Retrieval

In this alternative, motorized big game retrieval would be allowed under this alternative for retrieving elk and bear within one mile of any designated motorized route, limited only by the presence of other closure orders and designated areas where motorized travel is not permitted. This would authorize limited cross-country travel on several Districts where it is currently prohibited. Specific documentation of impacts to sites due to motorized big game retrieval is not readily available and it is unlikely that this activity would have a significant effect on archaeological sites, given the low numbers of permits issued for these animals on the Forest relative to the large area involved and the short seasons in which it would take place, but the inclusion of authorized cross-country travel corridors for big game retrieval to this alternative diminishes the beneficial effect of extending the restriction of cross-country travel to the entire Forest. It allows the practice to continue on the high elevation Districts, at least within the designated corridors during elk and bear seasons, but while the overall area in acres may be reduced for the Forest as a whole, it allows limited legal cross-country travel on parts of the low

elevation Districts that were previously restricted from such use. However, none of the 1,293,178 acres proposed for inclusion in these corridors have been surveyed specifically for this purpose and conducting archaeological survey of this large an area is unfeasible since it is not possible to narrow the survey down owing to the randomness and unpredictability of the location and length of routes that might be used. It is anticipated that only about 209 legally harvested bear or elk would even be available for motorized retrieval, so the dispersed driving would be very limited. The impacts would be similar to district wide fuelwood gathering that is exempt from further Section 106 compliance under the PA. Authorization of motorized big game retrieval under this alternative would result in greater impacts to cultural resources than under Alternatives A and B, but it is not likely to be adverse.

Motor Vehicle Use for Dispersed Camping

Under Alternative C, cross-country motorized access to dispersed camping areas would be allowed within a 200 foot corridor (100 feet on each side) along all designated roads and motorized trails. Since designated corridors for dispersed camping access are areas wherein cross-country travel is allowed, they are subject to the same requirements under the Protocol as the proposed designated OHV areas. As a result, unless the specific exemptions under the protocol apply, they would not be available for inclusion on the MVUM until they have been surveyed and any necessary protective measures are applied and any mitigation is complete or they would be eliminated from the proposal if no suitable mitigation is feasible. Application of the Protocol would prevent impacts to cultural resources under this Alternative, but at present, none of the 91,391 acres proposed for inclusion in these corridors have been surveyed specifically for this purpose. Any additional archaeological survey, under the terms of the Protocol, would be phased in as funding becomes available and corridors would be added to subsequent versions of the MVUM as they acquire archaeological clearance.

Motor Vehicle Use for Fuelwood Gathering

Under this alternative, cross-country travel is permitted only within 300 feet of a designated motorized route within the permitted area, as in Alternative B. This would reduce the potential for impacting archaeological sites, degrading traditional use areas, and disrupting traditional activities, relative to the current condition, but does not eliminate it. Therefore, the potential for impact to cultural resources is the same as for Alternative B.

Alternative D – Direct and Indirect Effects

Designations of unauthorized routes and proposed cross-country areas are undertakings subject to compliance with the inventory, consultation, and protection requirements of the Protocol. Under the terms of the Protocol, before any route can be added to the MVUM, it must comply with Section 106, and any impacts that route may have inflicted on cultural resources would need to be avoided or mitigated. Any routes or areas that affect cultural resources and that have not had those effects resolved by protection measures of the Protocol would not appear on the MVUM and thus would not be open to the public.

Under this alternative, approximately 88 miles of existing unauthorized routes would be closed. A total of 584 miles of unauthorized roads and trails would be added to the system and designated for motor vehicle use. The resulting motorized route system would total about 4,867 miles of Forest system roads and motorized trails open to the public for a net increase from the current

condition of over 1915 miles, but would restrict cross-country travel to designated routes and areas.

Approximately 120 miles (20.5 percent) of 50 foot wide corridors along those unclassified routes proposed for designation as roads or motorized trails in this alternative were inventoried by archaeological survey (Roberts and Mitchell, 2010). Since the survey was contracted additional routes have been proposed for designation and some of the routes previously identified were dropped from consideration. Approximately 464 of the 584 miles of unauthorized routes proposed for designation still require inventory before they can be evaluated for addition to the MVUM. This additional archaeological survey, under the terms of the Protocol, would be phased in as funding becomes available. Of the 115 routes surveyed, 18 were encumbered by archaeological sites, the routes passing through them with varying degrees of disturbance. These routes would also be held from inclusion in the MVUM pending further analysis and the application of protective measures or they would be eliminated from the proposal if no suitable mitigation is feasible.

The actual incidence of damage to sites identified by the survey is fairly low (less than 16 percent of the surveyed routes impacted archaeological sites), with most of the vehicular impacts associated with those routes that began as cross-country ATV and motorcycle trails. Although many of these routes have been in use for years, there is no indication that their presence has led to any marked increase in vandalism. It is unlikely that designation of the proposed unauthorized routes would have a significant direct impact on cultural resources, particularly once protective measures are applied or the affected routes are dropped from consideration.

Compared to the current condition, by prohibiting travel off of designated routes, this alternative would reduce direct and indirect effects to cultural resources by restricting cross-country travel and by employing the protection measures identified in the Protocol, similar to the Proposed Action. It differs from Alternatives B and C primarily by increasing the number of motorized routes open to the public, and by opening up motorized big game retrieval to additional species and hunting units. As with the Proposed Action, any restriction or reduction of uncontrolled off-road travel would reduce impacts to cultural resources.

Areas Designated for Motor Vehicle Use

Under this alternative, 88 miles of unauthorized routes would be closed and cross-country travel prohibited other than that associated with CHAMP permits and within four designated OHV areas and four “tot lots” where vehicular access would not be confined to specific routes, and cross country use would be allowed. Designated OHV areas and tot lots are subject to the same archaeological survey and clearance requirements as designated routes. Two of the tot lots have been surveyed and found to contain no cultural resources (Roberts and Mitchell, 2010; Howe and Nez, 2010); the other two remain to be inventoried. The 2010 archaeological survey (Roberts and Mitchell, 2010) examined the proposed Golf Course area and identified no cultural resources. The proposed Bartlett Lake, Roosevelt Lake, and Sycamore OHV areas have not been specifically surveyed for designation but are known to contain archaeological sites. Prior to designation, archaeological survey and additional Tribal consultation would need to be completed and the protection measures identified in the Protocol applied. Given the presence of known archaeological sites in these areas, there may well also be Tribal concerns. Therefore, it is likely that all of these areas would need to be modified and any necessary mitigation completed before their final designation and inclusion on the MVUM. Archaeological survey, under the terms of the

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Protocol, would be phased in as funding becomes available and areas added to subsequent versions of the MVUM as they acquire archaeological clearance.

Compared to the current condition, by prohibiting travel off of designated routes and outside of designated areas and by employing the protection measures identified in the Protocol, this alternative would significantly reduce impacts to cultural resources.

Motor Vehicle Use for Big Game Retrieval

In this alternative, motorized big game retrieval would be allowed under this alternative for retrieving mule deer, whitetail deer, elk, and bear and would be limited to a specified corridor along all designated motorized routes, one mile on both sides. It would also be limited by the presence of other closure orders and designated areas where motorized travel is not permitted. This would authorize cross-country travel on several ranger districts where it is currently prohibited. Specific documentation of impacts to sites due to motorized big game retrieval is not readily available and while it is unlikely that this activity would have a significant effect on archaeological sites. It is anticipated that only about 550 legally harvested bear, elk, whitetail deer, and mule deer would even be available for motorized retrieval, so the dispersed driving would be very limited. However, the authorization of cross-country travel for big game retrieval under this alternative would diminish the beneficial effect of extending the restriction of cross-country travel to the entire Forest. It allows the practice to continue on the high elevation ranger districts, at least during hunting seasons, and it allows limited legal cross-country travel on parts of the low elevation ranger districts that were previously restricted from such use. Overall, 2,068,208 acres would be open to potential impacts to cultural resources resulting from cross-country motorized travel. Since conducting archaeological survey of this large an area is unfeasible and since it is not possible to narrow the survey down owing to the randomness and unpredictability of the location and length of routes that might be used, authorization of motorized big game retrieval under this Alternative would result in greater impacts to cultural resources than any of the other alternatives. The impacts would be similar to district wide fuelwood gathering that is exempt from further Section 106 compliance under the PA. Authorization of motorized big game retrieval under this Alternative is not likely to adversely affect cultural resources.

Motor Vehicle Use for Dispersed Camping

Under Alternative D, cross-country motorized access to dispersed camping areas would be allowed within a 600 foot corridor (300 feet on each side) along all designated roads and motorized trails. Since designated corridors for dispersed camping access are areas wherein cross-country travel is allowed, they are subject to the same requirements under the Protocol as the proposed designated OHV areas. As a result, unless the specific exemptions under the protocol apply, they would not be available for inclusion on the MVUM until they have been surveyed and any necessary protective measures are applied and any mitigation is complete or they would be eliminated from the proposal if no suitable mitigation is feasible. Application of the Protocol would prevent impacts to cultural resources under this alternative, but at present, none of the 336,038 acres proposed for inclusion in these corridors have been surveyed specifically for this purpose. Any additional archaeological survey, under the terms of the Protocol, would be phased in as funding becomes available and corridors added to subsequent versions of the MVUM as they acquire archaeological clearance.

Motor Vehicle Use for Fuelwood Gathering

Under this alternative, cross-country travel is throughout the permitted area, and is no change from the current condition. Therefore, the potential for impact to cultural resources is the same as for alternative A.

Summary of Direct and Indirect Effects for Action Alternatives

All action alternatives examined here involve decommissioning some existing routes. Alternatives B, C, and D all include designation of previously unauthorized routes and Alternatives C and D further include authorization of areas where motorized use would be concentrated and not restricted to specific routes.

Toward this end, a number of unauthorized routes identified for inclusion in what was then the proposed action were surveyed in 2010 (Roberts and Mitchell, 2010). The results of this survey are summarized in Table 52.

Table 52: Archaeological Survey of Unauthorized Routes by Alternative

	Alternative B	Alternative C	Alternative D
Miles of Unclassified Routes Proposed for Designation	50.44	330.16	583.52
Number of Unauthorized Routes Inventoried by Archaeological Survey	3	117	115
Number of Miles Inventoried by Archaeological Survey	1.96	123.59	120.04
Number of Archaeological Sites Identified	3	21	29
Number of Routes Encumbered by Sites	1	13	18
Percentage of Surveyed Routes with Archaeological Sites	33	11.1	15.6
Number of Miles Remaining to be Surveyed	48.48	206.57	463.48

All three of these alternatives (Alternatives A, B, and C) significantly reduce direct and indirect impacts to cultural resources by restricting cross-country travel and by employing the guidelines and protection measures identified in the Protocol to the designation of motorized routes and areas and the designation of areas and corridors for dispersed camping. Indeed, given that mere proximity of motorized access does not appear to create an impact to cultural resources on the Tonto National Forest. Employment of the Protocol generally makes all three alternatives roughly the same in that regard. It is not expected that the implementation of any of the action alternatives would result in significant adverse effects to cultural resources. Indeed, all of the action alternatives provided, except the No Action Alternative, greatly reduce the risk of damages to cultural resources from uncontrolled and unauthorized cross-country motorized travel.

There is some potential for unforeseeable indirect impact to sites (e.g., illegal vandalism and looting) in all of the action alternatives, but increasing the number of routes available for access also increases the potential for protection based on efficient monitoring of archaeological site condition and law enforcement and increases potential for access to traditional resources and

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places of significance for Tribes. Alternative D provides the most access and thus the greater potential for efficient site monitoring and Tribal access.

While the potential for impact to cultural resources resulting from motorized big game retrieval is relatively low, by expanding the area open to cross-country travel for that purpose beyond what is feasible to protect under the Protocol, alternatives C and D (especially alternative D) diminish the beneficial effect of extending the restriction of cross-country travel to the entire Forest. In this regard, alternative B is the only one that would eliminate those potential impacts.

Likewise, by restricting motorized access for firewood gathering, alternatives B and C would reduce – though not eliminate – the potential for impacts to cultural resources from that activity, while alternative D would not.

Cumulative Effects Associated with the Action Alternatives

As previously noted, archaeological sites are, by their very nature, previously affected, reduced by the transformation processes of erosion and decay from their original pristine state. Any effect to such sites, therefore, is cumulative. Many have also been affected by historic and recent human activity, including management activities undertaken by the Forest and resource use and extraction projects undertaken prior to the implementation of Section 106 of the National Historic Preservation Act. Such actions that are known to have affected archaeological sites on the Tonto National Forest include unrestricted livestock grazing, timber harvesting, road and trail construction, and a wide variety of recreational activities. There were also the decades of essentially unrestricted vandalism and looting. All of these activities have the potential to cause permanent damage to the structures, artifacts, and cultural deposits making up archaeological sites and many sites on the Forest bear the scars of damages resulting from them. The effects of unrestricted motorized cross-country travel have already been discussed in the current conditions.

Reasonably foreseeable actions that can affect cultural and historical and Tribally significant resources represent a continuation of the land use practices of the past: livestock grazing, fuels reduction and forest thinning, timber harvesting, mining, watershed improvements, recreation management (obliteration of social trails and dispersed campsites, construction and designation of trails and campsites), lands special use permits (new issuances and maintenance on existing structures), new road construction, and personal use activities such as fuelwood harvesting that often entail cross-country vehicular access. While these activities can directly and indirectly affect cultural and historical and Tribally significant resources as well as cause destruction or modification to their environmental contexts, these actions must comply with Section 106. They are planned to minimize (and when possible, to eliminate) effects to these properties and have measures designed to mitigate disturbance that may occur from project implementation. By applying the standards and protection measures in the Protocol and by eliminating cross-country travel and reducing the amount of land subject to ground disturbance by vehicle use, it is not expected that any of these alternatives would result in any significant increase in cumulative effects associated with cultural resources on the Tonto National Forest.

Illegal activities such as vandalism and looting by pothunters clearly affect cultural and historical and tribally significant resources. Since these activities are illegal, they cannot be predicted and so in the strictest sense are not foreseeable in any legal sense. Still, since these activities have been reduced in recent years but not entirely eradicated, they can be expected to continue at some level. They can be reduced by monitoring and law enforcement.

Contemporary Indian Uses

Affected Environment

Tonto National Forest contains many plant and animal species, water sources, minerals, and geographic landforms and places that have significance to contemporary Indian Tribes for their use in traditional economies, religious practices, or in Tribal and clan histories. For as much as three centuries prior to its being established in 1905, the Forest was part of a large area in central Arizona that was occupied by Apache and Yavapai peoples, some of whom continued to live on Forest land well into the Twentieth century. It also retains significance through affiliation into prehistory for the O'odham, Hopi, and Zuni peoples.

An important consideration in the fulfillment of the Forest Service mission is the trust relationship the Forest Service has with these Tribes and the potential impact Forest Service policy, program, and project decisions may have on them. The Tonto National Forest recognizes that several area Tribes have cultural ties to and knowledge about lands now managed by the Forest Service. Many tribal members regularly visit the Forest to harvest traditional plant resources such as acorns, piñon nuts, arrowweed, agave, willow, cattails, and beargrass, to collect medicinal plants and mineral resources for personal and ceremonial uses, and to collect firewood. Currently, the policy regarding collection of forest resources by tribal members (in compliance with *American Indian Religious Freedom Act* and the U.S. Forest Service Policy toward American Indians and Alaska Natives (FSM 1563)) for the Tonto National Forest requires a permit for timber products to be used for religious purposes. No Forest Service permit is required for the collecting of minor quantities of medicinal and ceremonial plants, acorns, pinyon nuts, agave, tree boughs, water, plants, quartz crystals, other minerals, soil, invertebrate fossil remains, rocks, trees less than six feet in height, and other food plants or other resources for personal (noncommercial) use in traditional cultural or religious activities, provided those activities are in accordance with *Executive Order 13007*, applicable laws and regulations, and Forest Service policies regarding special forest products and botanical products. For tribal members, no artifacts, cultural items, or remains may be collected from archaeological sites without an ARPA (*Archaeological Resources Protection Act*) permit from the Forest. Motorized use for the gathering of forest resources is only allowed on designated roads. Tribal members also regularly visit traditional cultural properties and sacred sites on the Forest. Resource collection and site visitation are both activities that require motorized access, particularly for Tribal elders, who make up the majority of traditional practitioners. They use the existing roads to get to the places they want to go, but tend to conduct their activities on foot once they get there. The Tribes, therefore, wish to maintain access but also desire to protect important natural and cultural resources from damage, including that caused by construction of new roads and trails and by uncontrolled cross-country motor vehicle traffic. Roads on Cave Creek, Mesa, Globe, Payson, and Pleasant Valley ranger districts also access Tribal land adjacent to the Forest. Some of these roads are used by Tribal members to get to their activity areas on the Forest. Access to and maintenance of these roads is, therefore, a significant concern. On the other hand, these same roads are also seen as providing opportunities for trespass onto tribal lands by non-Tribal members.

Some general locations used by Tribal members to conduct traditional activities such as plant collection and religious rites on the Forest are known, but no specific locations were identified during scoping that are within the Area of Potential Effect (APE) for this analysis (the Tonto National Forest). It is known, however, that Tribal members utilize both designated and

unauthorized routes to access traditional resource gathering areas and sacred sites on the Tonto National Forest, typically using trucks and other full-size vehicles rather than ATVs or motorcycles. Such small scale, low frequency uses of the Forest by Tribal members are currently allowed without requiring permits except for the removal of timber products. Access is allowed on any designated road and timber removal permits do not authorize cross-country travel except on those Districts where it is currently allowed.

The Tribal consultation process for the Forest is guided through a variety of laws, Executive Orders, Memorandums, and case law. Some of those laws include: *National Historic Preservation Act* (NHPA) and subsequent amendments, *Archaeological Resources Protection Act*, *American Indian Religious Freedom Act*, *National Environmental Policy Act*, and *National Forest Management Act*. Executive Orders and Memorandum include 1994 Government-to-Government Relations with Native American Tribal Governments, *E.O. 13007 Accommodations of Sacred Sites*, and *E.O. 12898 Environmental Justice*. Depending on the specific location of an undertaking, the Forest routinely consults with between nine and thirteen Tribes regarding proposed projects and management policies. These Tribes are: Apache (San Carlos Apache Tribe, Tonto Apache Tribe, White Mountain Apache Tribe, and Yavapai-Apache Nation), Four Southern Tribes (Salt River Pima-Maricopa Indian Community, Gila River Indian Community, Ak Chin Indian Community, and the Tohono O'odham Nation), Hopi Tribe, Pueblo of Zuni, and Yavapai (Yavapai-Prescott Tribe, Fort McDowell Yavapai Nation, and Yavapai-Apache Nation). Consultation with these Tribes regarding Travel Management is ongoing⁸³.

Environmental Effects

Significant Tribal places, whether sacred sites or resource collecting areas, or places associated with clan or Tribal histories, are located throughout the Forest, though their specific locations often remain known only to Tribal members. They can be archaeological or historic sites, landmarks, or simply places on the landscape used for traditional activities. Like other heritage resources, they are subject to several different types of impact from activities associated with recreation and Forest management that can degrade their physical characteristics and disrupt the traditional or religious activities associated with them. Like archaeological and historic sites, they are irreplaceable and individually unique and their integrity is wholly dependent on the contextual relationship with the environment in which they are found, something that cannot be recreated or restored once disturbed. They are also, by their very nature, previously affected, reduced by any activities taking place there since the land passed out of their control. Any effect to such sites, therefore, is cumulative.

Direct effects to sacred sites and traditional use areas can be generally defined as anything that results in removal of, displacement of, or damage to the physical features of the landscape associated with the traditional use or alteration of the vegetative composition of the area in the case of collecting sites.

Unrestricted motorized travel off of system roads has the potential to create those kinds of impacts, as does the repeated use of unauthorized routes. Direct effects can include alterations of a sacred site's setting or context, sometimes to the extent that they are no longer recognizable and the various landscape features associated with their past use cannot be relocated. Unrestricted and

⁸³ Additional information specific to Tribal consultations regarding Travel Management can be found in the project record.

uncontrolled off-highway vehicular use that results in erosion and changes in vegetative composition and density or alterations in the presence or availability of particular plant species can be especially damaging to traditional collecting areas.

Indirect impacts can include modern trash contamination and the introduction of noise and light pollution from vehicles and camping and the presence of people and activities that may be seen as degrading to either the sacred nature of a place or to the experience of conducting traditional activities there. They can also take the form of conflicts with other recreational or economic uses that affect the ability of traditional practitioners to access these areas.

Assumptions and Methodology

Areas Designated for Motor Vehicle Use

Under the current Forest plan, the southern Ranger Districts (Cave Creek, Globe, Mesa, and Tonto Basin) are closed to unrestricted cross-country motorized travel, but it is allowed on the Payson and Pleasant Valley Districts. Under the terms of the Protocol, designation of a specific area for unrestricted cross-country motorized access, like the designation of a previously unauthorized route, requires Section 106 consultation and unless the specific exemptions in the protocol apply, they must be surveyed, evaluated, and any effects to cultural resources, including traditional cultural properties, resolved under the protection measures established in the Protocol before they can be added to the MVUM. As new information is developed, the MVUM may be modified to reflect any resolution of conflicts. Similar guidance for contemporary use areas, although not specifically covered by the protocol, is appropriate.

Permit Zones

There is currently only one permit zone on the Forest. Permit zones would create no impacts to contemporary Indian uses. As such, they will not be analyzed further.

Motor Vehicle Use for Big Game Retrieval

Although specific documentation of impacts to contemporary Indian uses due to motorized big game retrieval is not readily available, it is unlikely that this activity in and of itself would have a significant effect on them. The short-term, dispersed, and non-repetitive nature of the impact, relatively few permits issued, limited duration of hunting seasons, and typically low hunter success rates on the Tonto National Forest combine to minimize the potential for conflict⁸⁴. Nevertheless, unrestricted cross-country OHV travel always has a potential degrading traditional use areas and disrupting traditional activities. Though it may be difficult to accurately quantify, authorizing or designating parameters for motorized big game retrieval may be a potential source of impact, especially where it opens up areas to legal cross-country travel that were previously restricted.

Motor Vehicle Use for Dispersed Camping

Restriction of motorized access to dispersed camping locations, whether they are adjacent to roads and motorized trails or located at a distance, has the potential to impact contemporary

⁸⁴ For more information about hunting and the quantitative data associated with it on the Tonto National Forest, see the Game and Nongame section of this chapter.

Indian uses since they often require short or long term stays on the Forest and typically do not involve formal campgrounds. Roadside parking for access to dispersed campsites adjacent to roads is exempted under the Protocol and allowable under the current Plan on the northern ranger districts where cross-country travel is currently allowed. This has been the traditional way that Tribal traditional practitioner users have camped on all ranger districts of the Tonto National Forest, but camp areas may also extend some distance from the roads in order to secure a degree of seclusion.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel is authorized as part of any permit to collect fuelwood. As a permitted use, it is not considered to be in the same category as unrestricted cross-country travel and the permits include rules for motorized access into the permit areas that are designed to limit environmental damage. Also, fuelwood permit areas rotate to prevent overuse, limiting the potential for repetitive impacts on any given permitted location. Generally, these permit areas are defined ahead of time and where cross-country travel is restricted, fuelwood areas may be subject to archaeological clearance, in which case it is common practice to modify permit boundaries to limit the exposure of archaeological sites to vehicular impacts. While the small numbers of permits, low potential for repetitive impacts, and limitations on access built into the permits reduce concerns for damage to archaeological sites, cross-country OHV travel always has a potential for impacting archaeological sites, degrading traditional use areas, and disrupting traditional activities.

Alternative A – Direct and Indirect Effects

Access to areas that Tribal people have historically visited would not change under this alternative. Most traditional practitioners typically use full size vehicles rather than ATVs or motorcycles and occasionally drive them cross-country to facilitate resource gathering, especially for elderly traditional practitioners. Tribal people needing access to collection sites necessary for ceremonial activities and other traditional uses would continue to have the same opportunities to drive to collection sites. No Tribe has indicated that the current road system is inadequate for their continued use of the Forest. Retaining the road system as it is currently used would provide necessary access and allow traditional practitioners to continue to use the area. However, uncontrolled off-road travel would result in continued damage to sacred sites and traditional use areas and may inhibit or limit the use of such areas. Likewise, the potential remains for trespass onto reservation lands from uncontrolled and unclassified routes. While not strictly speaking a matter of contemporary Indian use, reduction of trespass onto adjacent reservations was identified in consultation as a concern.

Cross-country Travel

Continued cross-country travel on Payson and Pleasant Valley ranger districts would result in continued potential for impacting significant Tribal sites, degrading traditional use areas, and disrupting traditional activities. Enforcement of restrictions on uncontrolled motorized travel off of system roads on other ranger districts would reduce impacts to contemporary Indian uses.

Motor Vehicle Use for Big Game Retrieval

Although specific documentation of impacts to contemporary Indian uses due to motorized big game retrieval is not readily available, it is unlikely that this activity in and of itself as currently experienced on the Forest, where cross-country travel is open on only two ranger districts, would have a significant effect on contemporary Indian uses.

Motor Vehicle Use for Dispersed Camping

Continued vehicular access to dispersed camping will not impact the practice of contemporary Indian uses that involves camping. On the other hand, continued cross-country access to dispersed camping areas would continue to create a potential for impacts to sacred sites and traditional use areas.

Motor Vehicle Use for Fuelwood Gathering

Cross-country OHV travel for fuelwood gathering always has a potential for adversely affecting significant Tribal sites, degrading traditional use areas, and disrupting traditional activities. These effects may be mitigated somewhat by the conditions applied to all fuelwood permits, but the potential threat remains.

Alternative B – Direct and Indirect Effects

Under this alternative, approximately 541 miles of the inventoried unauthorized routes would not be added to the system. A total of about 50 miles of unauthorized routes would be added to the system and designated for motor vehicle use. The resulting motorized route system would total approximately 2,560 miles of Forest system roads and motorized trails open to the public, for a net reduction of 393 miles. It would also virtually eliminate all cross-country travel.

This alternative greatly reduces potential direct and indirect effects to sacred sites and traditional use areas by restricting cross-country travel, reducing the potential for trespass onto Tribal lands, and by employing protection measures to cultural resources and traditional cultural properties identified in the Protocol for any newly designated route, corridor, or area. In particular, restricting motorized vehicles to designated routes would reduce the potential for disruption of traditional cultural or religious activities. However, closure of some existing roads may reduce opportunities for traditional resource gathering, visitation of sacred and other traditionally significant sites and increase the need for non-motorized travel for elderly traditional practitioners. Likewise, eliminating cross-country motorized travel on the northern ranger districts and reducing the number of available motorized access routes throughout the Forest by closing unauthorized existing roads could reduce access to areas that Tribal people have historically visited without restraint. Tribal people needing motorized access to collection sites necessary for ceremonial activities and other traditional uses related to subsistence (e.g. medicinal or food plant gathering or fuelwood cutting) may have fewer opportunities to drive to collection sites with this alternative. Activities authorized under separate NEPA decisions, such as traditional gatherings, may be exempted from restrictions of the Travel Management Rule and an authorized Forest officer can allow specific limited-use authorization for cross-country motorized access or use of a road closed to the public under the terms of a permit for collection of such products.

Areas Designated for Motor Vehicle Use

Any restriction or reduction of uncontrolled off-road travel would reduce impacts to sacred sites and traditional use areas and would reduce the potential for trespass onto Tribal lands but may restrict motorized access for the practice of contemporary Indian uses.

Motor Vehicle Use for Big Game Retrieval

Since no motorized big game retrieval would be allowed under this alternative, there would be no effect on contemporary Indian uses. By excluding motorized big game retrieval, this alternative also further reduces potential direct and indirect effects to sacred sites and traditional use areas and reduces the potential for trespass onto Tribal lands.

Motor Vehicle Use for Dispersed Camping

Under this alternative, motorized access for dispersed camping would be limited to designated campsites and designated access routes. Assuming that these designated camping areas and routes include those used by Tribal people for access to sacred sites and traditional use areas, motorized access to dispersed camping under this alternative would have no direct effect on contemporary Indian uses. Of course, if the designated campsites and access routes did not include those traditionally used by Tribal members for these purposes, then this alternative could be seen as limiting Tribal Access.

Motor Vehicle Use for Fuelwood Gathering

Under current conditions, cross-country travel is allowed anywhere within the fuelwood permit area. Under this alternative, such access is permitted only within 300 feet on both sides of a designated motorized route within the permit area. This would reduce the potential for impacting sacred sites, degrading traditional use areas, and disrupting traditional activities, but does not eliminate it.

Alternative C – Direct and Indirect Effects

Under this alternative, approximately 342 miles of existing unauthorized routes would not be added to the system. A total of 330 miles of unauthorized roads and trails would be added to the system and designated for motor vehicle use. The resulting motorized route system would total about 3,570 miles of Forest system roads and motorized trails open to the public for a net increase from the current condition of over 617 miles, but would restrict cross-country travel to designated routes and areas.

This alternative greatly reduces potential direct and indirect effects to sacred sites and traditional use areas by restricting cross-country travel, reducing the potential for trespass onto Tribal lands, and by employing protection measures identified in the Protocol for any newly designated route, corridor, or area. In particular, restricting motorized vehicles to designated routes would reduce the potential for disruption of traditional cultural or religious activities. By the same token, particularly regarding motorized big game retrieval, it also has greater potential than Alternative B for motorized recreational activities to disrupt traditional activities sensitive to public intrusion and increases the potential for trespass onto tribal land.

Areas Designated for Motor Vehicle Use

Under this alternative, cross-country travel would be limited for motorized big game retrieval and within four designated OHV areas and four “tot lots” where vehicular access would not be confined to specific routes, and cross country use would be allowed. Designated OHV areas are subject to the same archaeological survey, Tribal consultation, and clearance requirements as designated routes. Two of the tot lots have been surveyed and found to contain no cultural resources (Roberts and Mitchell, 2010; Howe and Nez, 2010); the other two remain to be inventoried. The 2010 archaeological survey (Roberts and Mitchell, 2010) examined the proposed Golf Course area and identified no cultural resources. The proposed Bartlett Lake, Roosevelt Lake, and Sycamore OHV areas have not been specifically surveyed for designation but are known to contain archaeological sites; their status relative to the presence of sacred sites or traditional use areas is currently unknown. Prior to designation, compliance with section 106 and additional Tribal consultation would be completed and the protection measures identified in the Protocol applied to historic properties. Given the presence of known archaeological sites in these areas, there may well also be Tribal concerns. Therefore, it is likely that all of these areas would need to be modified and any necessary mitigation completed before their final designation and inclusion on the MVUM. Archaeological survey and ethnohistoric research (depending on the outcome of Tribal consultation) would be phased in as funding becomes available and areas added to subsequent versions of the MVUM as they acquire archaeological clearance.

Compared to the current condition, by prohibiting travel off of designated routes and outside of designated areas and by employing the protection measures similar to those identified in the Protocol, this alternative would significantly reduce potential impacts to sacred sites and traditional use areas. However, closure of some existing roads may reduce opportunities for resource gathering, visitation of sacred and other traditionally significant sites and increase the need for non-motorized travel for elderly traditional practitioners. Likewise, eliminating cross-country travel on the northern ranger districts and reducing the number of available access routes throughout the Forest by closing unauthorized routes could reduce access to areas that Tribal people have historically visited without restraint. Tribal people needing access to collection sites necessary for ceremonial activities and other traditional uses related to subsistence (e.g. medicinal or food plant gathering or fuelwood cutting) may have fewer opportunities to drive to collection sites with this alternative. This alternative does, however, provide more access opportunities for contemporary Indian uses than Alternative B

Motor Vehicle Use for Big Game Retrieval

Under this alternative, motorized big game retrieval would be allowed under this alternative for retrieving elk and bear within one mile on both sides of any designated motorized route, limited only by the presence of other closure orders and designated areas where motorized travel is not permitted. This would authorize cross-country travel on several districts where it is currently prohibited. Specific documentation of impacts to sites due to motorized big game retrieval is not readily available and it is unlikely that this activity would have a significant effect on contemporary Indian uses, given the low numbers of permits issued for these animals on the Forest relative to the large area involved and the short seasons in which it would take place. However, allowing motorized big game retrieval, even under the limited conditions of this alternative, does increase the potential for direct and indirect effects to sacred sites and traditional use areas and increases the potential for trespass onto Tribal lands above what would be associated with Alternative B, though it is unknown to what degree.

Chapter 3. Affected Environment and Environmental Consequences

None of the 1,293,178 acres proposed for inclusion in these corridors have been surveyed specifically for this purpose and conducting archaeological or ethnohistoric survey of this large an area is unfeasible and since it is not possible to narrow the survey down owing to the randomness and unpredictability of the location and length of routes that might be used. The impacts would be similar to district wide fuelwood gathering that is exempt from further Section 106 compliance under the PA. Authorization of motorized big game retrieval under this alternative would result in greater potential impacts to contemporary Indian uses than under Alternatives A and B, but it is not likely to be adverse.

Motor Vehicle Use for Dispersed Camping

Under Alternative C cross-country motorized access to dispersed camping areas would be allowed within a 200 foot corridor (100 feet on each side) along all designated roads and motorized trails. Assuming that these designated camping corridors include those campsites used by Tribal people for access to sacred sites and traditional use areas, motorized access to dispersed camping under this alternative would have no direct effect on contemporary Indian uses. Since designated corridors for dispersed camping access are areas wherein cross-country travel is allowed, they are subject to the same requirements under the Protocol as the proposed designated OHV areas. As a result, , unless the specific exemptions under the protocol apply, they would not be available for inclusion on the MVUM until archaeological surveys and Tribal consultations have been done and any necessary protective measures are applied and any mitigation is complete or they would be eliminated from the proposal if no suitable mitigation is feasible. Application of the Protocol would prevent impacts to sacred sites and traditional use areas under this Alternative, but at present, none of the 91,391 acres proposed for inclusion in these corridors have been surveyed specifically for this purpose. Any archaeological survey and ethnohistoric research (depending on the outcome of Tribal consultation), would be phased in as funding becomes available and corridors would be added to subsequent versions of the MVUM as they acquire archaeological clearance.

Motor Vehicle Use for Fuelwood Gathering

Under this alternative, cross-country travel is permitted only within 300 feet on both sides of a designated motorized route, as in alternative B. This would reduce the potential for impacting sacred sites, degrading traditional use areas, and disrupting traditional activities, relative to the current condition, but does not eliminate it. Therefore, the potential for impact to cultural resources is the same as for alternative B.

Alternative D – Direct and Indirect Effects

Under this alternative, approximately 88 miles of existing unauthorized routes would not be added to the system. A total of 584 miles of unauthorized roads and trails would be added to the system and designated for motor vehicle use. The resulting motorized route system would total about 4,867 miles of Forest system roads and motorized trails open to the public for a net increase from the current condition of over 1,915 miles, but would restrict cross-country travel to designated routes and areas.

Except for the expansion of motorized big game retrieval, this alternative greatly reduces potential direct and indirect effects to sacred sites and traditional use areas by restricting cross-country travel, reducing the potential for trespass onto Tribal lands, and by employing protection

measures identified in the Protocol for any newly designated route, corridor, or area. In particular, restricting motorized vehicles to designated routes would reduce the potential for disruption of traditional cultural or religious activities.

This alternative, with the most proposed motorized access, particularly in regards to roads, would have the most potential for providing Tribal access to sacred and traditional places and resources. By the same token, it also has greater potential than the other alternatives for motorized recreational activities to disrupt traditional activities sensitive to public intrusion and increases the potential for trespass onto tribal land. Otherwise, effects on Tribal access to traditional resources and significant places under this alternative would be similar to what they would be under the alternative C.

Areas Designated for Motor Vehicle Use

Under this alternative, cross-country travel prohibited other than that associated with CHAMP permits and within four designated OHV areas and four “tot lots” where vehicular access would not be confined to specific routes, and cross country use would be allowed. Designated OHV areas and tot lots are subject to the same archaeological survey and clearance requirements as designated routes. Designated OHV areas are subject to the same archaeological survey, Tribal consultation, and clearance requirements as designated routes. Two of the tot lots have been surveyed and found to contain no cultural resources (Roberts and Mitchell, 2010; Howe and Nez, 2010); the other two remain to be inventoried. The 2010 archaeological survey (Roberts and Mitchell, 2010) examined the proposed Golf Course area and identified no cultural resources. The proposed Bartlett Lake, Roosevelt Lake, and Sycamore OHV areas have not been specifically surveyed for designation but are known to contain archaeological sites; their status relative to the presence of sacred sites or traditional use areas is currently unknown. Prior to designation, archaeological survey and additional Tribal consultation must be completed and the protection measures identified in the Protocol applied. Given the presence of known archaeological sites in these areas, there may well also be Tribal concerns. Therefore, it is likely that all of these areas would need to be modified and any necessary mitigation completed before their final designation and inclusion on the MVUM. Archaeological survey and ethnohistoric research (depending on the outcome of Tribal consultation), would be phased in as funding becomes available and areas added to subsequent versions of the MVUM as they acquire archaeological clearance.

Compared to the current condition, by prohibiting travel off of designated routes and outside of designated areas and by employing protection measures similar to those identified in the Protocol, this alternative would significantly reduce potential impacts to sacred sites and traditional use areas. However, closure of some existing roads may reduce opportunities for resource gathering, visitation of sacred and other traditionally significant sites and increase the need for non-motorized travel for elderly traditional practitioners. Likewise, eliminating cross-country travel on the northern ranger districts and reducing the number of available access routes throughout the Forest by closing unauthorized routes could reduce motorized access to areas that Tribal people have historically visited without restraint. Tribal people needing motorized access to collection sites necessary for ceremonial activities and other traditional uses related to subsistence (e.g. medicinal or food plant gathering or fuelwood cutting) may have fewer opportunities to drive to collection sites with this alternative. This alternative does, however, provide more access opportunities for contemporary Indian uses than Alternatives B and C.

Motor Vehicle Use for Big Game Retrieval

In addition to that associated with CHAMP permits, motorized big game retrieval would be allowed under this alternative for retrieving mule deer, whitetail deer, elk, and bear and would not be limited to a specified corridor along designated motorized routes. It would be limited only by the presence of other closure orders and designated areas where motorized travel is not permitted. This would authorize cross-country travel on several districts where it is currently prohibited. Specific documentation of impacts to sites due to motorized big game retrieval is not readily available and it is unlikely that this activity would have a significant effect on contemporary Indian uses, given the low numbers of permits issued for these animals on the Forest relative to the large area involved and the short seasons in which it would take place, but allowing essentially unrestricted motorized big game retrieval, does increase the potential for direct and indirect effects to sacred sites and traditional use areas and increases the potential for trespass onto Tribal lands well above even the elevated levels that would be associated with Alternative C, though it is unknown to what degree.

Since none of the 2,248,279 acres open to potential impacts have been surveyed specifically for this purpose and conducting archaeological or ethnohistoric survey of this large an area is unfeasible and since it is not possible to narrow the survey down owing to the randomness and unpredictability of the location and length of routes that might be used, authorization of motorized big game retrieval under this alternative would result in the greatest potential impacts to contemporary Indian uses than under alternatives A, B and C.

Motor Vehicle Use for Dispersed Camping

Under Alternative D, cross-country motorized access to dispersed camping areas would be allowed within a 600 foot corridor (300 feet on each side) along all designated roads and motorized trails. Assuming that these designated camping corridors include those campsites used by Tribal people for access to sacred sites and traditional use areas, motorized access to dispersed camping under this alternative would have no direct effect on contemporary Indian uses. Since designated corridors for dispersed camping access are areas wherein cross-country travel is allowed, they are subject to the same requirements under the Protocol as the proposed designated OHV areas. As a result, unless the specific exemptions under the protocol apply, they would not be available for inclusion on the MVUM until archaeological surveys and Tribal consultations have been done and any necessary protective measures are applied and any mitigation is complete or they would be eliminated from the proposal if no suitable mitigation is feasible. At present, none of the 336,038 acres proposed for inclusion in these corridors have been surveyed specifically for this purpose. Archaeological survey and ethnohistoric research (depending on the outcome of Tribal consultation), would be phased in as funding becomes available and corridors would be added to subsequent versions of the MVUM as they acquire archaeological clearance.

Motor Vehicle Use for Fuelwood Gathering

Under this alternative, cross-country travel is throughout the permitted area, as in alternative A. Therefore, the potential for impacting sacred sites, degrading traditional use areas, and disrupting traditional activities is the same as for alternative A.

Cumulative Effects Associated with Action Alternatives

From the time that control of those lands now comprising the Tonto National Forest left tribal hands, there has been a diminution of the number and quality of significant Tribal places throughout the Forest. Everything from homestead entry patents and land exchanges to mine development to reservoir inundation has reduced Tribal access to the land and its sacred and traditional places and in many cases destroyed them. Forest management activities from timber harvesting to livestock grazing to campground construction to road building have altered the landscape and vegetation of many of these areas, often eliminating the specific resources on which traditional uses were focused. Recreational use has had similar effects and introduced new conflicts with other user groups and further restrictions of access to traditional places. As these areas continue to disappear under reservoirs, into open pit mines, and under highways and campgrounds, preservation of those remaining areas and continued vehicular access to them, particularly for elder practitioners, has become paramount. Foreseeable Forest uses would differ little in the future from what they have been in the past and so would continue to reduce the number and quality of these places, though a renewed Forest Service commitment to protect sacred sites and traditional use areas may mitigate these losses somewhat. Therefore, despite the potential reduction in physical destruction under Alternatives B, C, and D and the potential improvement of access under some circumstances, the cumulative effect under all alternatives is the continued reduction or restriction of motorized access to traditional lands and resources by Tribal members.

Game and Nongame Species (Wildlife Related Recreation)

For the purposes of this analysis, wildlife related recreation is defined as hunting, fishing, and wildlife viewing. Wildlife related recreation is inherently tied to motorized recreation as all three activities generally require the use of motor vehicles to reach destinations to participate in each respective activity. This is especially true on public lands, like the Tonto National Forest. Motorized vehicles often provide the means for hunters and anglers to reach hunting or fishing areas as designated by the Arizona Game and Fish Department. Therefore, the use of motorized vehicles by wildlife related recreationists often contributes significantly to the ability of the Arizona Game and Fish Department to meet wildlife conservation objectives.

Specifically, the use of hunting as a wildlife management and wildlife conservation tool arose out of a movement, led by prominent hunters near the turn of the last century, to stop over-exploitation of wildlife by market hunters and the desire to have wildlife accessible to all people. Since then, hunters have contributed billions of dollars to wildlife management that benefit countless wildlife species. These funds support wildlife management agencies, which manage all wildlife species, not just those that are hunted. This unique and successful conservation paradigm is responsible for supporting a wide variety of conservation activities, including law enforcement, research, information and education, habitat management and acquisition, as well as wildlife population restoration and management. The importance of hunting to wildlife conservation in the broad sense is not tied simply to population control. Game populations are renewable resources that literally pay the bills for a far-reaching, comprehensive system of sustainable wildlife conservation that has proven itself superior to any other widely implemented model. (Heffelfinger, 2013; Mahoney, 2013)

Affected Environment

Arizona is rich in biological diversity, ranking among the top five states in the nation for the number of native bird, reptile, and mammal species, and in the top ten for overall diversity of vertebrates. Some nonnative species were established intentionally, as is the case with rainbow trout; while others such as quagga mussels have arrived as unwelcome or invasive species, and yet others appeared as they expanded their range. A few species, like the Mexican gray wolf and the California condor, were extirpated in Arizona, but have been reestablished through reintroduction programs (Arizona Game and Fish Department, 2012b).

The Tonto National Forest mirrors the state with rich biological diversity and numerous wildlife species which include 310 bird, 94 mammal, 55 reptile, 14 amphibian, 16 native fish, 28 nonnative fish, 3 special status invertebrates, and 24 special status plant species⁸⁵. Wildlife habitat within the Tonto National Forest can be divided into 15 wildlife habitat categories based on the Tonto National Forest's potential natural vegetation layer. These habitat types represent wildlife habitat that can generally be associated with particular wildlife species and include Colorado Plateau grassland, cottonwood willow riparian forest, desert communities, interior chaparral, Madrean encinal woodland, Madrean pine-oak woodland, mixed broadleaf deciduous riparian forest, mixed conifer with aspen, piñon-juniper chaparral, piñon-juniper grassland, ponderosa pine – mild, semidesert grassland, sparsely vegetated, urban and other, and water. Wildlife habitat descriptions and acreages are listed in the wildlife specialist report of the project record.

Tonto National Forest, managed under the principles of multiple uses, plays a vital role in Arizona by supporting crucial wildlife habitat and maintaining Arizona's wildlife heritage as well as providing significant opportunities for wildlife related recreation and associated economic effects of such. Motorized access to public lands is important in maintaining funding for Arizona Game and Fish Department programs that support wildlife conservation. The Arizona Game and Fish Department uses hunting as a wildlife management tool and depends on hunting and angling access to public lands to meet identified objectives. Hunting on the Tonto National Forest includes: nine out of Arizona's ten big game species (elk, mule deer, whitetail deer, bighorn sheep, pronghorn, bear, mountain lion, turkey, and javelina), small game (quail, dove, tree squirrel, rabbit, and migratory birds), fur bearing mammals, and predatory mammals. The Tonto National Forest contains rivers, lakes, creeks, and ponds that offer diverse fishing opportunities. These include six out of eight of central Arizona's major reservoirs, two trout hatcheries, numerous coldwater fish streams, and two of Arizona's major rivers (Verde River and Salt River). Furthermore, the biological diversity of the Tonto National Forest provides a wide array of wildlife viewing opportunities.

Hunting Participation on the Tonto National Forest

Providing an accurate account of participation of hunting and fishing and other wildlife related recreation on the Tonto National Forest can be difficult. For example, determining the overall number of people interested in fishing or hunting statewide is relatively easy because people wishing to participate in those activities must purchase hunting or fishing licenses, but not all people who buy licenses hunt solely on the Tonto National Forest. To determine the number of hunters that may hunt on the Tonto National Forest, the Arizona Game and Fish Department relies

⁸⁵ For more information, see the Wildlife and Plant Habitat Resources section of this chapter.

heavily on a well-established hunter questionnaire program to estimate how many hunters hunt in a particular game management units and to provide information on game species harvest (Arizona Game and Fish Department, 2008). In the case of big game hunting, these licenses or tags are distributed via a lottery draw and the numbers of people who wish to participate far exceed those that are allowed to participate due to the need to regulate the number of animals harvested (Table 53⁸⁶). For example, in 2011 there were 1,503 applicants (people wishing to participate) for only six desert bighorn sheep tags (people who actually participated) in Game Management Units⁸⁷ 22 and 24B on the Tonto National Forest. Most big game hunts have more applicants than the number of hunt permits available.

Table 53: Hunt Applicants and Permits Issued by GMU on Tonto National Forest in 2011

Species	Game Management Unit	Number of Authorized Permits	Number of 1st Choice Applicants
Whitetail Deer	21, 22, 23, 24A, 24B	3,975	4,917
Mule Deer	21, 22, 23, 24A, 24B	2,750	4,322
Any Antlered Deer	22, 23	275	579
Pronghorn	21	35	424
Elk	21, 22, 23, 24A	2,040	5,556
Turkey	22, 23, 24A	1,590	2,646
Javelina	21, 22, 23, 24A, 24B	4,420	5,207
Bighorn Sheep	22, 24B	6	1,503
Total		15,091	25,158

For bear hunting on the Tonto National Forest, the majority of bear hunting permits are issued during the fall hunt seasons that begin in August and run through the end of December. The five year average number of bear hunters on the Tonto National Forest is approximately 1,680 hunters and five year average black bear harvest is 69 animals. Contrary to management of the other big game species listed above, bear hunting permits (known as nonpermit-tags) are not issued through a lottery draw system but are available to hunters over the counter at any hunting license dealer. Bear harvest is not managed by limitation on hunting permits like deer and elk, but rather restrictions on harvest of the female segment of the bear population based on wildlife research and reproductive limitations of the species. Each game management unit has a predetermined level of acceptable female harvest for that area and when that harvest level is reached the game management unit is closed to bear hunting for that season.

Annual black bear harvest on the Tonto National Forest comprises approximately one quarter to one third of the statewide harvest for black bears. This level of harvest is consistent with black bear research that indicates that Arizona black bear abundance is greatest in central and southeastern Arizona. Black bear abundance is influenced by home range size of bears occupying

⁸⁶ Black bear is not included in this list because the majority of black bear hunts that occur on the Tonto National Forest do not require an individual to apply for a hunt, but rather the nonpermit-tag is available over the counter. The five-year average number of black bear hunters on the Tonto National Forest is approximately 1,680 hunters. This estimate is derived by taking the number of black bear nonpermit-tags sold statewide and multiplying by the percentage of black bear harvested on Tonto National Forest lands. This estimate assumes that the level of black bear harvest is directly proportional with the number of nonpermit-tags sold.

⁸⁷ For a map of the game management units on the Tonto National Forest, see Alternative A's description in Chapter 2.

Chapter 3. Affected Environment and Environmental Consequences

that habitat; the smaller the home range the greater the abundance. Smallest home ranges of black bears in the southwestern United States were found in the Madrean evergreen woodland and interior chaparral habitats in the Mazatzal Mountains and just south of the Mogollon Rim indicating preferred habitat qualities and greater abundance in this area (Arizona Game and Fish Department, 2012a).

The majority of black bears harvested on the Tonto National Forest are harvested during the early fall from August through October. Most (57.6 percent) black bears harvested in Arizona between 1998 and 2002 were killed in areas located primarily south of the Mogollon Rim, and most (55 percent) were harvested in September (Arizona Game and Fish Department, 2012a). The harvest locations of bears on the Tonto National Forest are often at elevations less than 6,000 feet with temperatures sometimes exceeding 80 degrees Fahrenheit during those months. Average adult size of female black bears is 150 pounds and male bears are 275 pounds with some males weighing more than 400 pounds. Due to the conditions described above, the need for black bear hunters on the Tonto National Forest to retain the ability to use motorized vehicles to retrieve the legally harvested animal may be warranted. With the five year average black bear harvest on the Tonto National Forest being 69 animals and the estimated annual motorized big game retrievals for black bear estimated at 15 trips, effects on wildlife and wildlife habitat are likely nominal⁸⁸.

Although the Tonto National Forest receives the highest levels of expenditures for hunting of any National Forest in the Southwestern Region (American Sportfishing Association, 2006), data derived from the National Visitor Use Monitoring report for the Tonto National Forest indicates that 2.5 percent of visitors to the Tonto National Forest are hunters (U.S. Forest Service, 2012). These figures may further represent that the Tonto National Forest is one of the most highly visited National Forests in the United States with each recreational activity (e.g., hunting, hiking, boating) contributing significantly to the number of visits and economic effects when reported separately as a distinct recreational activity.

While the interest in participating in big game hunting has generally increased statewide, the same has not been observed with interest in small game hunting. Although data for small game hunter participation on the Tonto National Forest is not available, an annual quail hunter check station has been in operation on the Tonto National Forest near Punkin Center for nearly ten years. According to the data, hunter days for 2004 to 2005 were 169; for 2005 to 2006 were 218; for 2006 to 2007 were 94; there was no data for 2007 to 2008; for 2008 to 2009 were 102; and for 2009 to 2010 were 74. Data from this check station demonstrates a decline of small game hunter participation on the Tonto National Forest that is consistent with the statewide decline.

Angling Participation on the Tonto National Forest

Angling participation on the Tonto National Forest is the highest of any National Forest in Arizona due to the diversity of fishable waters on the Tonto National Forest and their proximity to the Phoenix Metropolitan Area (American Sportfishing Association, 2006; Pringle, 2004). This includes the Mogollon Rim area streams (East Verde River, Tonto Creek, Canyon Creek, etc.), the Salt River Lakes (Roosevelt, Apache, Canyon, and Saguaro), and the Verde River Lakes (Bartlett and Horseshoe) (Figure 45).

⁸⁸ For a more detailed account for these calculations, see Appendix A of the Arizona Game and Fish Department Report which is part of the project record.

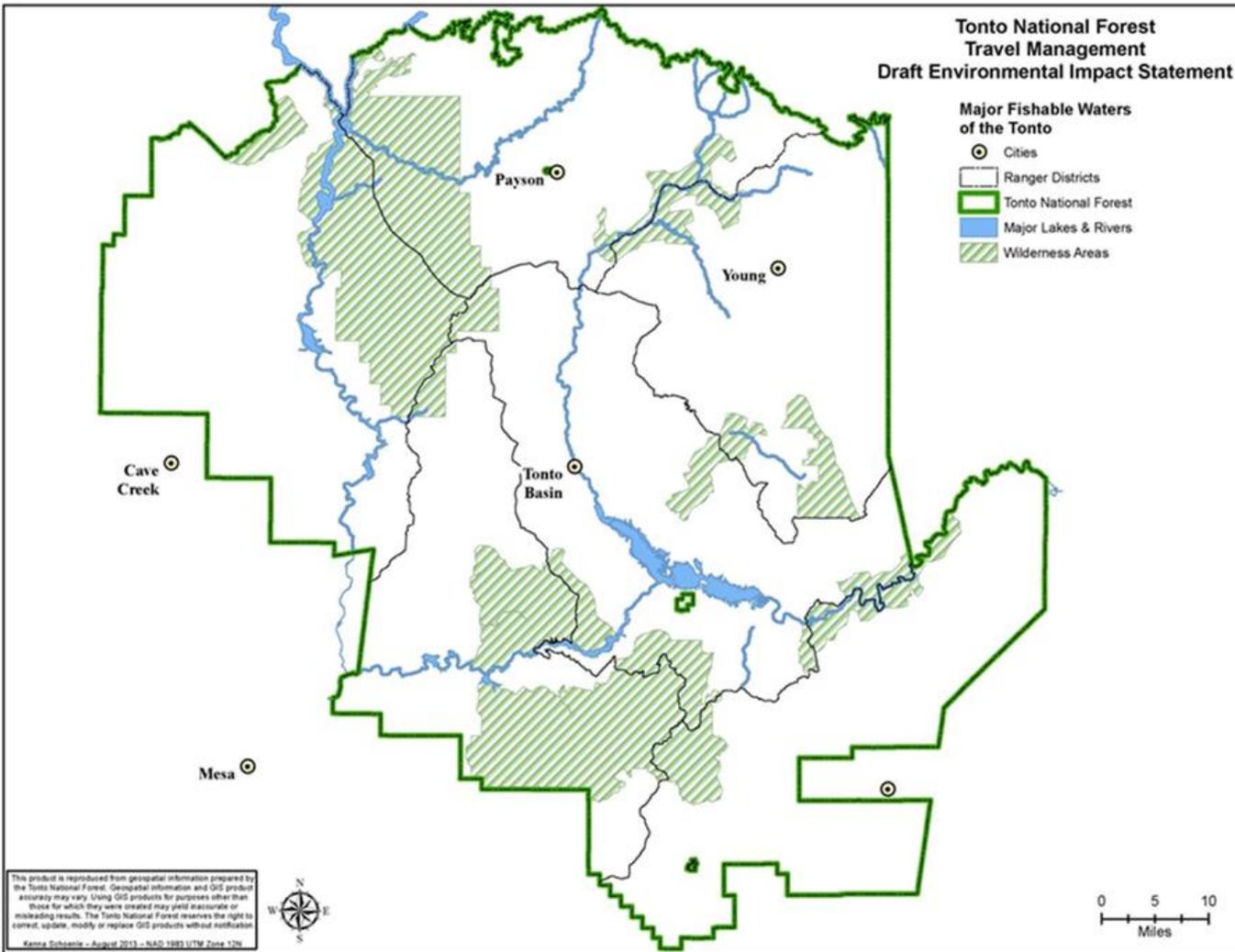


Figure 45: Map of Major Fishable Waters on the Tonto National Forest

These waters combined include a high diversity of sportfish species including; bass, trout, walleye, catfish, sunfish, and even opportunities to fish for native roundtail and headwater chub. In 2001 the Arizona Game and Fish Department did a statewide survey of angler use. Numbers derived from that survey indicate that there were 1,252,663 angler use days on the Tonto National Forest, making it one of the most heavily used fishing destinations in Arizona (Pringle 2004). On average Arizona anglers spent approximately 19 days fishing in 2001 (Pringle, 2004) and based on decrease in fishing license sales since 2001, it is believed to be even lower today. The major lakes on the Tonto National Forest (Roosevelt Lake, Bartlett Lake, Saguaro Lake, Canyon Lake, and Apache Lake make up five of the top eleven lakes in the state for highest angler use days. Data derived from the National Visitor Use Monitoring report for the Tonto National Forest indicates that 9.5 percent of visitors to the Tonto National Forest were anglers (U.S. Forest Service, 2012).

Economics Associated with Hunters and Anglers on the Tonto National Forest

The ability of the Arizona Game and Fish Department to adequately represent current public interests in wildlife is being tested by an ongoing societal shift in the way people value and interact with wildlife. The Arizona Game and Fish Department conserves game, sport fish, and nongame wildlife species, primarily using revenues from discretionary spending of customers relating to hunting and fishing license sales. Increasingly, fewer people are interested in hunting and fishing as a proportion of the entire population, yet there has been growth in other forms of wildlife-related recreation, such as wildlife viewing. Although valuable and contributory to local economies (U.S. Fish and Wildlife Service, 2012), wildlife viewing activities provide little direct revenue for the Arizona Game and Fish Department, but likely contribute significantly to local communities. Tied to these trends is the increasing interest in providing input in how wildlife is managed. People have many different preferences for wildlife-related recreation programs and services. Greater diversity in viewpoints has contributed to increased conflict, as well as contradictory social values among stakeholders (Arizona Game and Fish Department, 2012b).

Although economic data for angling on the Tonto National Forest is not specifically available, the statewide economic effect estimates that anglers spent \$830 million, and contribute \$1.1 billion to the state's economy (Pringle, 2004). Tonto National Forest angling economic data would be expected to be a high proportion of the statewide data based on the angling use days described above.

According to the 2006 report for State and National Economic Impacts of Fishing, Hunting and Wildlife-Related Recreation on U.S. Forest Service-Managed Lands (American Sportfishing Association) Tonto National Forest had the most expenditures for wildlife related recreation in the southwestern region:

- \$24,350,674 for hunting;
- \$21,583,552 for fishing; and
- \$11,898,625 for wildlife viewing

Much of this information was obtained from the 2006 United States Fish and Wildlife Service National Survey of Fishing, Hunting and Wildlife-Associated Recreation (U.S. Fish and Wildlife Service, 2008) and the National Visitor Use Monitoring Program (U.S. Forest Service, 2012).

From 2000 to present, the Arizona Game and Fish Department has observed a relatively stable number of hunting licenses sold (Figure 46).

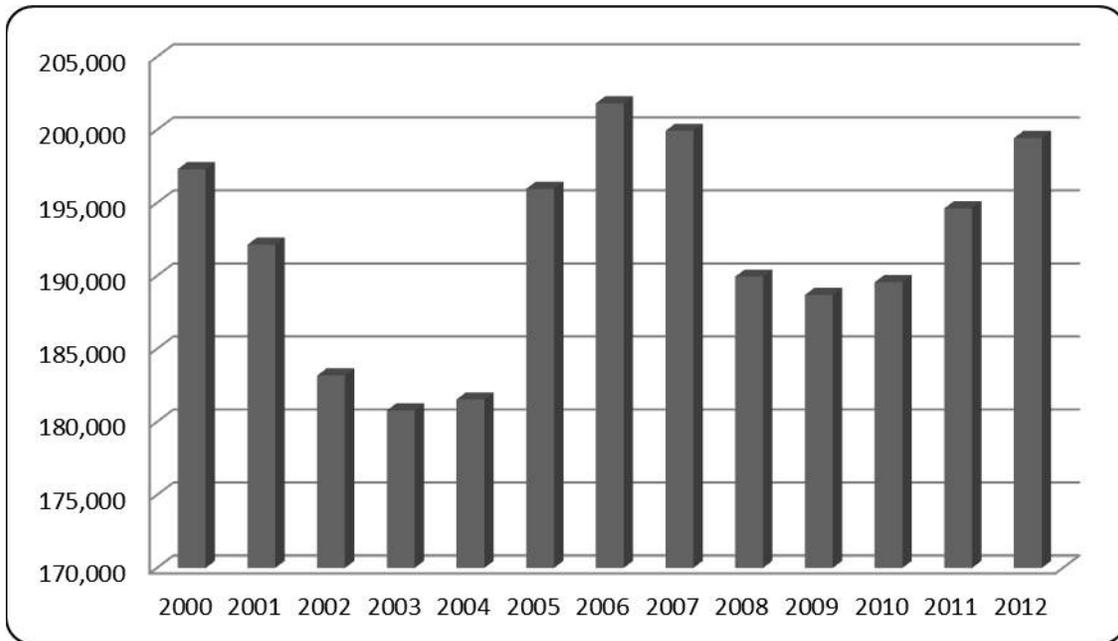


Figure 46: Arizona Hunting License Sales, 2000-2012

Fishing License sales over the years have steadily declined due to many factors including: change in demographics of Arizona’s human population, economic issues, prolonged drought and weather patterns, wildfires, land management agency actions (e.g., closures, restrictions, fees, etc.), accessibility of waters, and availability of sportfish (Figure 47).

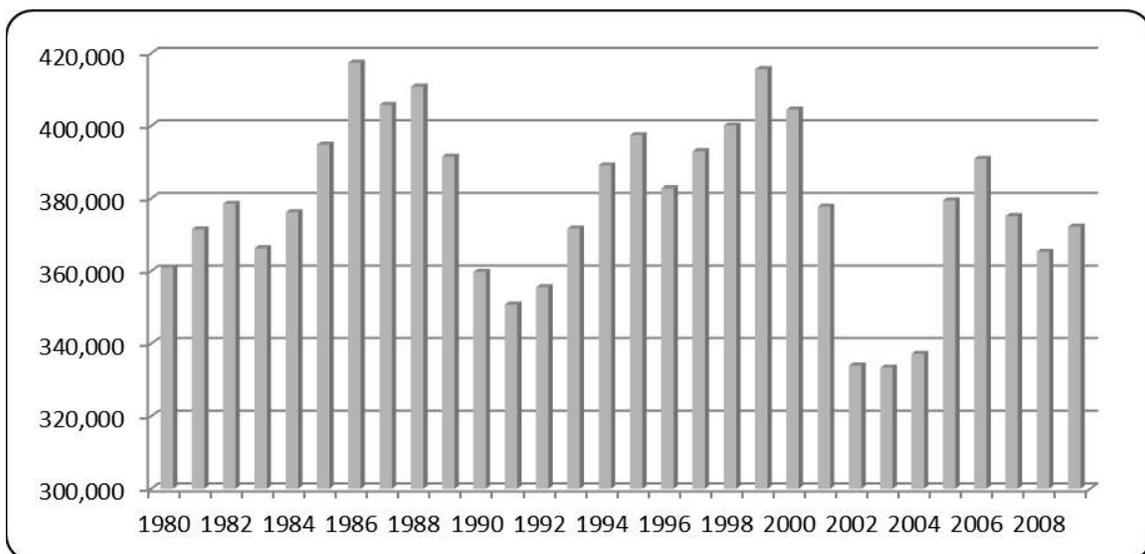


Figure 47: Arizona Fishing License Sales, 1980-2008

Environmental Effects

Assumptions

The assumptions used in this analysis include:

- Wildlife managed by the Arizona Game and Fish Department will be managed according to existing laws, regulations, and policy to protect these resources according to biological and societal conditions
- Motorized use on the Tonto National Forest will continue to increase consistent with growth in Arizona's population and such increases will affect wildlife and wildlife related recreation.
- Big game hunter harvest and subsequent motorized big game retrieval occurs equally across all land ownerships, habitat types, and topography within each game management unit.
- All areas within each game management unit on Tonto National Forest lands are open and available to hunting and motorized big game retrieval with the exception of federally designated wilderness.
- Hunters have equal opportunity to harvest animals and use motorized big game retrieval.
- The proportion of animals harvested by species is similar to the proportion of each game management unit that is available for motorized big game retrieval.
- Current laws, rules, regulations, orders prohibiting cross-country travel (subsequently motorized big game retrieval) on the Cave Creek, Mesa, Tonto Basin, and Globe ranger districts of the Tonto National Forest are adhered to by motorized recreationists.
- In regards to motorized dispersed camping, recreationists will continue camping in existing motorized dispersed camping sites for any restrictions placed on this activity that are greater than 100 feet from identified legal roads. For restrictions less than 100 feet from identified legal roads, recreationists will seek and create new motorized dispersed camping sites.
- Trends and numbers published in various surveys and publications about wildlife related recreation at the statewide level are similar to trends observed on the Tonto National Forest (e.g., 2006 and 2011 United States Fish and Wildlife Service National Survey of Fishing, Hunting, and Wildlife-Associated Recreation) (U.S. Fish and Wildlife Service, 2008 and 2012).
- The number of hunting and fishing licenses sold directly represents participation in the respective activity.
- Current levels of motorized travel on the Tonto National Forest have detrimental effects on wildlife populations particularly on fragile desert habitats.

The following assumptions were used for the hunting/angling motorized access analysis:

- There are no barriers to connectivity of Tonto National Forest roads and motorized trails open to the public with those outside of the Tonto National Forest boundary.

- There are no barriers to connectivity of Tonto National Forest roads and motorized trails within the Tonto National Forest boundaries.
- One mile is a reasonable distance for a hunter/angler to walk to access hunting/fishing areas from Tonto National Forest roads and motorized trails that are open to the public.
- Private lands within the Tonto National Forest boundary do not allow hunting.
- Hunters/anglers have equal access to alternative types of motor vehicles to allow motorized travel on all roads and motorized trails proposed to be open for the public
- Hunting/angling motorized travel demands are distributed evenly across the Tonto National Forest.
- Hunter/angler satisfaction in regards to reasonable motorized access on Tonto National Forest lands is highly variable on an individual basis and survey instruments are not available to provide quantitative estimates of such.
- Hunter/angler satisfaction in regards to dispersed motorized camping on Tonto National Forest lands is highly variable on an individual basis and survey instruments are not available to provide quantitative estimates of such.

Methodology

The primary method used to determine motorized travel effects on wildlife habitat and wildlife populations was personal communication with Arizona Game and Fish Department wildlife managers and wildlife biologists, who have worked on the Tonto National Forest for many years. Many of these wildlife professionals are familiar with the travel management history of the Tonto National Forest and have observed and documented the changes in wildlife populations and wildlife habitat over the last 10 to 20 years.

The methods used to describe effects on wildlife related recreation and associated economic effects include noting baseline economic data from the State and National Economic Effects of Fishing, Hunting and Wildlife-Related Recreation on U.S. Forest Service-Managed Lands report (American Sportfishing Association, 2006). A review of the Tonto National Forest Visitor Use Report was also included as it pertains to wildlife related recreation on the Tonto National Forest (U.S. Forest Service, 2012). In addition, data from the 2006 and 2011 United States Fish and Wildlife Service National Survey of Fishing, Hunting and Wildlife-Associated Recreation was used to infer trends from the state level to the Tonto National Forest (U.S. Fish and Wildlife Service, 2008 and 2012). Furthermore, personal communication with Arizona Game and Fish Department wildlife professionals was used to determine potential effects of each alternative. During this analysis, each individual Arizona Game and Fish Department Wildlife Manager on the Tonto National Forest was asked to assess the effect to wildlife and wildlife related recreation as it relates to travel management planning within each ranger district. Summary statements of these opinions are included in the effects analysis for each alternative.

Within each game management unit, the Arizona Game and Fish Department collects information about wildlife populations through wildlife surveys; information collected includes age and sex ratios, juvenile recruitment, population trends, etc. The Arizona Game and Fish Department uses a hunter harvest questionnaire program to collect data such as harvest, hunter success, hunter demand, hunter days, etc. The game management units that include portions of the Tonto National

Forest are GMU 21, 22, 23, 24A, 24B, and 37B. Most of this data is summarized annually in the Hunt Arizona report⁸⁹.

For hunter and angler participation rates, data was collected from various survey instruments including the Statewide survey of 2001 Arizona Anglers (Pringle, 2004), Arizona Game and Fish Department Small Game Participation Questionnaire (Arizona Game and Fish Department 2008), 2013 Statewide Comprehensive Outdoor Recreation Plan (Arizona State Parks, 2013), Hunt Arizona 2012 Edition (Arizona Game and Fish Department, 2012a), and personal communication with Arizona Game and Fish Department wildlife professionals⁹⁰.

As a measure of hunter and angler satisfaction with Tonto National Forest access to wildlife resources, a GIS modeling analysis was conducted to determine how much Tonto National Forest lands (acres) available for hunting and fishing may be lost or gained with each alternative. Under this analysis all private lands within the Tonto National Forest were removed from consideration. An assumption was made in regards to a baseline point of measurement; that one mile from an open road or motorized trail would result in reasonable access for hunters/anglers. This one mile buffer was placed on all roads and motorized trails proposed to be open for the public under each alternative. With each alternative, portions (acreages) of the Tonto National Forest would become accessible and portions of the Tonto National Forest would become inaccessible given the one mile buffer. The differences in these acreages are the basis for which to measure overall hunter/angler access on the Tonto National Forest and then subsequent hunter/angler satisfaction with their Tonto National Forest visit. The discussion of these differences is found within the effects analysis for each alternative.

Alternative A – No Action

Direct and Indirect Effects on Wildlife

Under this alternative, current management of motorized travel on the Tonto National Forest would continue. Existing road densities and motorized cross-country travel would continue to have detrimental effects to wildlife and wildlife habitat defeating the intent and purpose of the Travel Management Rule passed in 2005⁹¹.

Direct and Indirect Effects on Wildlife Related Recreation and Associated Economic Effects

Under this alternative, the movement of environmental conditions (soil, water, wildlife, air, etc.) away from the desired future condition may occur. Under existing conditions and levels of motorized recreational use on the Tonto National Forest (U.S. Forest Service, 2012), natural resources would continue to deteriorate and not be sustainable for wildlife populations and their habitats⁹². The subsequent loss of wildlife may result in the Tonto National Forest not being a destination for those that enjoy visiting the Tonto National Forest for wildlife related recreation. Those communities that rely heavily upon Tonto National Forest visitation for wildlife related recreation may suffer from loss of revenue.

⁸⁹ [Arizona Game and Fish Department hunting website](#)

⁹⁰ For more information about these personal communications, see the Arizona Game and Fish Department Report in the project record.

⁹¹ For more information, see Chapter 1 of this document.

⁹² For more information, see the Wildlife and Plant Habitat Resources section of this chapter.

Under this alternative, approximately 2,050,400 acres (72 percent of the Tonto National Forest) would be available for walk-in wildlife related recreation access within one mile of roads and motorized trails open for public use. The existing level of motorized wildlife related recreational access (roads and motorized trails open to the public) appears to be sufficient for meeting Arizona Game and Fish Department wildlife management objectives and offers continued opportunities for recreationists that prefer to recreate in areas away from motorized travel as well.

Under this alternative the Cave Creek, Mesa, Globe, and Tonto Basin ranger districts would remain closed to cross-country travel and therefore motorized big game retrieval would not be permitted on those districts. This may affect those hunters that are not knowledgeable of the existing restriction, but the effect would be minimal as it is estimated that 550 hunters forestwide use motorized big game retrieval.

Alternative B

Direct and Indirect Effects on Wildlife

Under this alternative, movement towards desired future conditions for wildlife and wildlife habitat would occur as there would likely be less motorized disturbance to wildlife populations and wildlife habitats in areas where road closures take place and through the elimination of cross-country travel. The Arizona Game and Fish Department has historically been supportive of efforts by the Tonto National Forest to reduce road densities where they are deemed duplicative and from which a pattern of use has been analyzed and determined to be detrimental to wildlife resources. The general prohibition against cross-country travel would likely improve wildlife habitat for all species. Wildlife and wildlife habitat would likely improve within designated permit zones. For permit zones, it is likely that responsible motorized recreationists would respond by obtaining a permit for the area, other less responsible recreationists may abandon use of the area and recreate somewhere else that may be more detrimental to wildlife and wildlife habitat and into areas that have not already been heavily affected by motorized recreation. An appropriate balance of permit zones and nonpermit zones in heavy motorized use areas across ranger districts would allow the user to choose what motorized experience they desire. The significant restrictions to motorized dispersed camping (restricted to approximately 65 designated acres) may have positive effects to wildlife and wildlife habitat as there would be less motorized disturbance and less human effect on the environment. On the other hand, this reduction of motorized use and potential restriction on hunters' ability to find and harvest big game animals may lead to wildlife populations that are above population objectives and subsequent habitat damages.

Direct and Indirect Effects on Wildlife Related Recreation and Associated Economic Effects

Under this alternative, movement towards and away from desired future conditions for wildlife related recreation and associated economics may occur. The reduction in road density, elimination of cross-country travel, and reduction in motorized disturbance on wildlife may benefit wildlife related recreationists who prefer to recreate in areas away from motorized travel. On the other hand, the number of road closures (2,367 miles of decommissioned routes) may create confusion amongst recreationists when attempting to determine if particular roads are open or closed, particularly if adequate and reasonable signage is not maintained on the ground. Furthermore, if the requirement to possess a Motor Vehicle Use Map (MVUM) is not well established and/or the quality and scale of the MVUM does not provide enough information for a reasonable person to

determine whether a road is open or closed, may result in Tonto National Forest visitors not being satisfied with their visit. This potential confusion amongst wildlife related recreationists may turn them away from pursuing further wildlife related recreation and/or they may go elsewhere resulting in subsequent loss of economic effects.

In regards to permit zones, if wildlife and wildlife habitat improve as anecdotally observed on the Mesa Ranger District at Bulldog Canyon Permit Zone, wildlife related recreation may increase; otherwise in areas of the Tonto National Forest that suffer from heavy motorized use (e.g., Lower Sycamore, Sugarloaf, and lower section of Four Peaks Road), wildlife related recreationists tend to avoid these areas because wildlife is scarce due to degraded wildlife habitat conditions.

This alternative does not allow for any motorized big game retrieval and therefore, approximately 550 elk, deer, and bear hunters combined would annually be precluded from using a motor vehicle to retrieve their animal (Arizona Game and Fish Department, 2013b). This alternative eliminates the ability of the Arizona Game and Fish Department to implement the Challenged Hunter Access Mobility Permit (CHAMP) program. It is unknown as to how both groups of hunters may react to removal of these privileges, but they may stop hunting, change their hunting behavior, hunt somewhere else, and/or choose to violate the restriction. Under this alternative, approximately 1,813,400 acres (63 percent) of the Tonto National Forest are available for walk-in wildlife related recreation access within one mile of roads and motorized trails open for public use. The level of motorized access (roads and motorized trails open to the public) may result in the Arizona Game and Fish Department not being able to meet big game harvest and wildlife management objectives at the game management unit level and subsequent statewide level. Control and management of large herbivore (ungulate) populations is a critical component of maintaining the Tonto National Forest's ecosystem. Public hunting has been the most effective tool for managing herbivore populations and often depends on reasonable motorized access to wildlife populations. The harvest and management objectives on the Tonto National Forest rely heavily on relatively predictable hunter harvest to reduce negative effects to vulnerable habitats. The ability to meet these objectives may be compromised with significant reductions in motorized access. As Arizona's hunters age (Arizona Game and Fish Department, 2012b), the need for motorized big game retrieval may increase to a point that harvest needs may not be met by hunter demand if those hunters choose not to harvest animals due to restrictions on motorized big game retrieval. Current demand for big game hunting on the Tonto National Forest does not indicate a decrease in demand for big game permits. A concern with the removal of motorized big game retrieval is the spoilage of meat before hunters are able to retrieve their animals. Retrieval by motorized means allows hunters to remove the meat in a more efficient manner than packing the meat out without the use of motorized vehicles. Many hunting seasons for deer, elk, and bear occur in the months of August, September, and October when ambient temperatures on the Tonto National Forest are relatively warm (70 to 80 degrees Fahrenheit) which may contribute to spoilage of meat.

In regards to motorized dispersed camping, this alternative allows for approximately 65 acres designated for such purposes. It is likely that restrictions of available campsites would result in a difficult situation for recreationists unable to locate a legal campsite during periods of high use such as hunting seasons or for anglers at Tonto National Forest lakes which allow motorized dispersed camping. This could lead to stratification of hunt structures resulting in more seasons with fewer permits to mitigate this issue. This, in turn, could lead to seasons occurring later in the fall and into the winter in order to meet management goals, which could result in the disruption of deer breeding season and exacerbate road damage during wet periods of the year. The restrictions

on dispersed motorized camping may lead to less hunting as dispersed motorized camping is the most common form of camping used by hunters on the Tonto National Forest.

The limitation on dispersed motorized camping under this alternative may force recreationists to those existing designated spur roads and campsites into close proximity to each other and potentially expanding the footprint of these camping areas. Depending on the locations of the designated campsites, it may affect the ability of the Tonto National Forest's hunters to reach wildlife populations that need population control through hunting in support of specific wildlife habitat objectives (e.g., Canyon Creek riparian area, removal of bears in wildland-urban interface areas, etc.). Furthermore, a significant portion of the Tonto National Forest's anglers use motorized dispersed camping to access fishing areas at Tonto National Forest lakes and streams. Depending on the location of the designated sites and the distance from these lakes and streams, anglers may react by not participating, choosing to participate somewhere else, and/or by choosing to violate provisions of the Plan. Specific locations on the Tonto National Forest where this negative effect on hunter and angler participation may be most evident is Fossil Creek corridor, East Verde River, Weber Creek, and the Lower Verde River near Box Bar. In addition to affecting those using the Tonto National Forest for hunting and fishing, closure of roads and motorized trails that lead to dispersed campsites may affect nonconsumptive users of wildlife.

It is expected under this alternative, that hunter and angler harvest and participation rates would decline, particularly as they relate to those hunters and anglers who wish to stay overnight on the Tonto National Forest at dispersed camping sites which would be significantly restricted. A quantitative analysis of this effect is not available, as it would be speculative in nature.

Alternative C

Direct and Indirect Effects on Wildlife

As with alternative B, movement towards desired future conditions for wildlife and wildlife habitat would occur with this alternative, as there would likely be less motorized disturbance to wildlife populations and wildlife habitats in areas where road closures take place and through the elimination of cross-country travel. The rate of movement towards desired future conditions may be slower than that of alternative B. Similar responses may occur to wildlife and wildlife habitat as those mentioned in alternative B with the exception that there are fewer restrictions to motorized dispersed camping (91,391 acres available in alternative C as compared to 65 acres in alternative B). The availability of motorized dispersed camping in this alternative would likely not have an effect on hunters' ability to find and harvest big game animals and subsequently wildlife populations objectives would likely remain within guidelines for sustainable wildlife habitat conditions.

Direct and Indirect Effects on Wildlife Related Recreation and Associated Economic Effects

The same or similar effects on wildlife related recreation as described in alternative B would occur with this alternative although effects would be less. The addition of OHV Areas at Bartlett Lake and Roosevelt Lake would legitimize existing use and wildlife related recreation would likely not be affected. As described in alternative B, permit zones may result in responsible motorized recreationists obtaining a permit for the area, while other less responsible recreationists may abandon use of the area and recreate somewhere else that may be more detrimental to

wildlife and wildlife habitat and into areas that have not already been heavily affected by motorized recreation. An appropriate balance of permit zones and areas which do not require a permit in heavy motorized use areas across the ranger districts would allow the user to choose what motorized experience they desire. St. Clair and Desert Vista permit zones are located immediately adjacent to each other on the Cave Creek Ranger District in an area heavily affected by motorized use; and therefore, the likelihood of displacement of existing motorized users somewhere else on the Tonto National Forest may be higher and associated effects to wildlife, wildlife habitat, and associated recreation may occur.

Under this alternative, motorized big game retrieval would be allowed for bear and elk hunters up to one mile from a designated road or trail. Therefore, approximately 341 deer hunters would annually be precluded from using a motor vehicle to retrieve their animal (Arizona Game and Fish Department, 2013b). The effects of this action would be similar as those described in Alternative B for motorized big game retrieval. Under this alternative approximately 2,081,500 acres (73 percent of the Tonto National Forest) are available for walk-in wildlife related recreation access within one mile of roads and motorized trails open for public use. This alternative allows for essentially the same level of motorized wildlife related recreational access (roads and motorized trails open to the public) as the existing condition from which would be sufficient for meeting Arizona Game and Fish Department wildlife management objectives. The Arizona Game and Fish Department Challenged Hunter Access Mobility Permit program would be retained under this alternative.

This alternative allows for motorized dispersed camping within 100 feet on each side of designated road and trails for approximately 91,390 acres available for such purposes. Although many dispersed camping sites may exist on short spur roads and trails beyond 100 feet, it is likely that this restriction would not create an environment where wildlife related recreationists are unable to locate a legal campsite during periods of high use, such as hunting seasons or for anglers at Tonto National Forest lakes which allow motorized dispersed camping.

It is expected that under this alternative, hunter and angler harvest and participation rates would remain relatively unchanged. A quantitative analysis of the effect on hunter and angler participation rates is not available, as it would be speculative in nature.

Alternative D

Direct and Indirect Effects on Wildlife

Under this alternative, current management of motorized travel on the Tonto National Forest would include approximately 4,900 miles of roads and motorized trails open to the public. Road densities and motorized travel on the Tonto National Forest would continue to have detrimental effects to wildlife and wildlife habitat defeating the intent and purpose of the Travel Management Rule passed in 2005. It is likely that under this alternative, the effects to wildlife and wildlife habitat would be similar to the existing conditions.

Direct and Indirect Effects on Wildlife Related Recreation and Associated Economic Effects

Under this alternative, the movement of environmental conditions (soil, water, wildlife, air, etc.) away from the desired future condition may occur. Under existing conditions and levels of

motorized recreational use on the Tonto National Forest (U.S. Forest Service, 2012), natural resources would continue to deteriorate and not be sustainable for wildlife populations and their habitats⁹³. The subsequent loss of wildlife may result in the Tonto National Forest not being a destination for those who enjoy visiting the Tonto National Forest for wildlife related recreation. Those communities which rely heavily upon Tonto National Forest visitation for wildlife related recreation may suffer from loss of revenue.

In regards to motorized big game retrieval under this alternative, approximately 550 elk, deer, and bear hunters combined would annually be allowed to use a motor vehicle to retrieve their animal⁹⁴ within one mile on both sides of all designated motorized routes. This alternative allows for cross-country travel for motorized big game retrieval on four ranger districts (Cave Creek, Mesa, Tonto Basin, Globe) which previously have been closed for this activity. The effects to wildlife and wildlife habitat are likely nominal considering there is a low number of retrievals (550 trips) annually across the entire Forest. Effects would be greatest on those wildlife habitats found in the Sonoran Desert habitats because damage from motorized vehicles in that environment takes more time to recover. Effects on wildlife related recreation and associated economics for motorized big game retrieval would be nominal. Under this alternative approximately 2,204,500 acres (77 percent of the Tonto National Forest) are available for walk-in wildlife related recreation access within one mile of roads and motorized trails open for public use. This alternative allows for essentially the same level of motorized wildlife related recreational access (roads and motorized trails open to the public) as the existing condition which would be sufficient for meeting Arizona Fish and Game Department wildlife management objectives.

This alternative allows for motorized dispersed camping within 300 feet on each side of designated road and trails for approximately 336,000 acres available for such purposes. This restriction would not create an environment where wildlife related recreationists are unable to locate legal campsites during periods of high use, such as hunting seasons or for anglers at Tonto National Forest lakes which allow motorized dispersed camping. Recreationists would likely continue camping in existing motorized dispersed camping sites and therefore likely be little to no effects on wildlife or wildlife habitats.

It is expected that under this alternative, hunter and angler harvest and participation rates would remain relatively unchanged; although, as mentioned in the effects on wildlife, wildlife populations may decline over time due to motorized travel effects on individuals and habitats resulting in decreased satisfaction and reduced participation in hunting and angling. A quantitative analysis of this effect is not available as it would be speculative in nature.

Cumulative Effects

The cumulative effects analysis area for this project is the Tonto National Forest and in some cases other National Forests and lands open to the public for wildlife related recreation. Other National Forests and other lands open to the public for wildlife related recreation are included because the effects of this action may affect recreational use patterns across these lands. The past 20 to 30 years and the next 10 years are the primary focus for actions and events, because effects of motorized travel on the Tonto National Forest's wildlife and wildlife related recreation and

⁹³ For more information, see the Wildlife and Plant Habitat Resources section of this chapter.

⁹⁴ For more information, see Appendix A in the Arizona Game and Fish Department Report in the project record.

would be significant as they relate to the growth in human population over this period. In general, predictions about changes in wildlife related recreational use which may occur on the Tonto National Forest are difficult to make and somewhat speculative in nature. However, it would be reasonable to assume that under all alternatives, levels of motorized use would continue to increase along with population growth following current trends. It would also be reasonable to assume that motorized vehicle use patterns may change with time.

Past actions related to wildlife and wildlife related recreation within this analysis area have occurred regularly over the last 20 to 30 years and are too numerous to list. Some of these actions have been small, project specific actions such as construction of wildlife habitat improvement projects (e.g., water catchments, juniper thinning), while others have been large, landscape level changes to wildlife and wildlife related recreation such as the Cave Creek Complex Fire in 2005 that burned approximately 244,000 acres and the Willow Fire in 2004 that burned approximately 120,000 acres. Other past actions/occurrences with significant effects to wildlife and wildlife related recreation include elk population growth and expansion on the forest over the last 30 years, Tonto National Forest closure orders (target shooting) and subsequent changes to recreational behavior and use patterns, drought and other long-term weather patterns, fees associated with Tonto National Forest recreation (e.g., hunting/fishing licenses, Tonto Pass) and significant reduction in mule deer population.

Some proposed reasonable foreseeable actions related to wildlife and wildlife related recreation within the analysis area include: reauthorization of grazing allotments, fuels reduction projects and forest thinning (e.g., the Four Forest Restoration Initiative), watershed improvement projects, recreation management, special use permits, personal use activities, road construction (e.g., U.S. Highway 60, State Route 87, State Route 288), wildfires and fire management, continued increase in motorized use of the Tonto National Forest related to human population expansion, management of invasive aquatic species in the Salt River Lakes and other sites, law enforcement, human-wildlife conflicts, management of wildlife diseases, translocations and reintroductions of fish and wildlife.

Observed Effects on Wildlife and Wildlife Related Recreation after Implementation of Travel Management Plans on the Coconino and Kaibab national forests

The author discussed the effects on wildlife and wildlife related recreation as a result of implementation of a Travel Management Plans on the Coconino and Kaibab national forests with Arizona Game and Fish Department personnel involved in coordination with those Forests. Both the Coconino and Kaibab National Forest recently implemented Travel Management Plans and published motor vehicle use maps, and so observed effects may only include the initial year after implementation. The following anecdotally observed effects may be helpful with effects analysis on the Tonto National Forest:

- Prior to implementation of the Travel Management Plan and public distribution of the motor vehicle use map, the Coconino National Forest placed many numbered signs on roads/motorized trails which had not been previously signed for some time. Many of the roads/motorized trails, which were signed, were not opened in the Plan and not published on the motor vehicle use map. As a result, the public began using some of these numbered roads/motorized trails, effectively opening some areas which had not been previously open. In some cases this created negative effects on wildlife and created unlawful uses as the routes were not on the motor vehicle use map. In some cases,

Coconino National Forest and Arizona Game and Fish Department personnel have been retroactively pulling these signs since implementation.

- After publication of the motor vehicle use map some errors were detected, creating confusion among visitors.
- Some visitors became confused with what roads/motorized trails were open and were not able to easily detect what roads/motorized trails were open because the motor vehicle use map did not have topographic features.
- The Garmin and smart phone applications were received well by visitors and helped considerably with visitors in understanding open roads/motorized trails and locations of camping corridors.
- Some hunters expressed satisfaction with the creation of the “roadless or quiet areas” that were created with implementation of the Plan, yet became dissatisfied when they planned their hunting experience around these areas only to be disturbed by other hunters not following the motor vehicle use map. Other hunters were not satisfied.
- The Kaibab National Forest integrated existing spur roads and existing locations of campsites, whereas the Coconino National Forest used camping corridors. Some new campsites in previously undisturbed areas have been developed on the Coconino National Forest, as a result of visitors being forced into a camping corridor.
- Some hunters expressed dissatisfaction on the Coconino National Forest that they could not retrieve their animal by motorized means, while those gathering fuelwood were able to use motor vehicles cross-country to gather wood.

Alternative A - No Action

Under this alternative, current use of roads and motorized trails would continue to negatively affect wildlife populations and wildlife-related recreation may decline. Without a travel management plan to provide guidance to travel management on the Tonto National Forest, motorized use would likely continue to increase as the human population surrounding the Tonto National Forest grows. Some areas on the Tonto National Forest have already reached a level of motorized use that is not compatible with natural resource sustainability⁹⁵. In these areas of the Tonto National Forest, wildlife populations have already been affected by loss of habitat and increased disturbance. Under this alternative, wildlife habitat damage may continue to expand into areas that remain relatively intact and insulated from the negative effects of mostly unregulated motorized recreation. Therefore, the cumulative effect of no action, in combination with reasonable foreseeable actions, would move wildlife populations and wildlife related recreation away from desired future conditions.

Alternative B

Under this alternative, effects on wildlife would be beneficial due to less motorized disturbance to wildlife populations and wildlife habitats in areas where road closures take place and through elimination of cross-country travel. It is unknown how quickly wildlife and wildlife habitat would respond favorably to this action. Many factors would determine the rate of improvement of wildlife populations and habitat including: weather patterns, how quickly the Tonto National

⁹⁵ For more information, see the Wildlife and Plant Habitat section of this document.

Forest could implement the action, the public's response and reaction to the action, and current status of wildlife populations. With the exception of elk populations (which have shown the ability to quickly increase and expand populations), other game species would likely not increase to a point beyond Arizona Game and Fish Department population objectives within 10 years after implementation of the action.

Effects on wildlife related recreation may be readily apparent soon after implementation of this action as recreationists become aware of the changes and choose to comply with the new regulations, choose to violate the new regulations, or choose to recreate somewhere else outside of Tonto National Forest boundaries. It could be reasonably assumed that hunters' ability to find and harvest game animals by motorized means may be negatively affected by this alternative, but it is unknown how quickly and/or if hunters would be able to change hunting patterns to meet harvest objectives set by the Arizona Game and Fish Department. If wildlife populations respond favorably and quickly to reduced motorized disturbance and less habitat damage on the Tonto National Forest, it is possible that there would be little change in hunters' ability to find and harvest game species, if the game species population expansion is commensurate with the loss of motorized access and occurs in areas which are still accessible.

The reduction in road density, elimination of cross-country travel, and reduction in motorized disturbance on wildlife may benefit wildlife related recreationists who prefer to recreate in areas away from motorized travel, but based on anecdotal observations from wildlife professionals in the Arizona Game and Fish Department, the use of motorized vehicles for wildlife related recreation has increased commensurate with the statewide increase in the use of motorized vehicles over the last 10 to 20 years (Arizona State Parks, 2013). This action may result in further regulation pertaining to wildlife related recreation. This additional burden upon recreationists to remain legitimate may create conversion of those wildlife related recreationists to other forms of recreation and the subsequent loss of economic effects.

This alternative does not allow for any motorized big game retrieval; and therefore, approximately 550 elk, deer, and bear hunters combined would annually be precluded from using a motor vehicle to retrieve their animal. This alternative also effectively eliminates implementation of the Arizona Game and Fish Department's Challenged Hunter Access Mobility Permit program (CHAMP). It is unknown how these hunters may react to removal of this privilege, but they may stop hunting, hunt somewhere else, or choose to violate the restriction. Under this alternative approximately 1,813,400 acres (63 percent of the Tonto National Forest) are available for walk-in wildlife related recreation access within one mile of roads and motorized trails open for public use. Cumulative effects of this action may result in replacement of big game hunters that rely heavily on motorized big game retrieval with those hunters that do not rely on it.

In regards to motorized dispersed camping, this alternative only allows for approximately 65 acres designated for such purposes. It is likely that restrictions of available campsites would result in a difficult situation for recreationists unable to locate a legal campsite during periods of high use such as hunting seasons or for anglers at Forest Lakes which allow motorized dispersed camping. The restrictions on dispersed motorized camping may lead to less hunting as dispersed motorized camping is the most common form of camping used by hunters on the Tonto National Forest.

It is expected that under this alternative, hunter and angler harvest and participation rates would decline, particularly as they relate to those hunters and anglers who wish to stay overnight on the

Tonto National Forest because dispersed camping site would be significantly restricted. Effects would likely extend to nonconsumptive wildlife related recreationists, who prefer to camp in undeveloped sites. A cumulative quantitative analysis of this effect is not available, as it would be speculative in nature.

Alternative C

Under this alternative the cumulative effects on wildlife and wildlife related recreation would be moderate and beneficial in movement towards the desired future condition. Specifically, the elimination of cross-country travel and designation of open roads and motorized trails would be beneficial for wildlife and make the Tonto National Forest consistent in regards to the prohibition of cross-country travel. Restrictions outlined in the alternative on dispersed motorized camping, motorized big-game retrieval, and permit zones are not likely to change wildlife related recreation significantly. This action may initially raise frustration and confusion with wildlife related recreationists similar to any forestwide change in regulations, but not likely to adversely affect hunter and angler participation rates.

Alternative D

It is likely that under this alternative, effects to wildlife and wildlife habitat would move away from desired future conditions. In the short term (less than five years) there would likely be minimal effect to wildlife related recreation; but in the long term (20 to 30 years), it is likely that the undesirable effects of increasing motorized travel on wildlife populations and habitat may create an environment where the level of motorized recreation is not sustainable with managing desirable populations of wildlife. Should this level be obtained, it is likely that the Tonto National Forest would no longer be a destination for those involved in wildlife related recreation and associated economic effects would be lost.

Law Enforcement

The Tonto National Forest is not increasing in size, but there is an ever-increasing demand for the finite resources, including those related to recreation use⁹⁶. Thus it defies logic to expect the resource to do anything but deteriorate, because the current management plan has been unsuccessful in sufficiently protecting the resources. In addition, the stance of allowing an activity just because it was historically allowed is not a valid concept, especially for human safety and forest protection. Since 1970, the population of Maricopa County (which includes the Phoenix metropolitan area) has increased nearly 300 percent (Headwaters Economics, 2013b) and is currently approximately 3.8 million (Headwaters Economics, 2013a). From 1995 to 2006, sales of off-highway motorcycles and all-terrain vehicles (ATVs) in Arizona increased approximately 623 percent (Arizona State Parks, 2009). However, the size of the Tonto National Forest has remained fairly constant at nearly 3 million acres. Simultaneously, a significant amount of Arizona State Trust Land has been sold and developed around the Phoenix Metropolitan area, which eliminated some of the motorized recreational opportunities there.

Because of the increase in potential motorized users visiting the Tonto National Forest, more than one enforcement tool would be necessary. At a minimum, the following would be needed:

⁹⁶ For more detail about these increases, see the Recreation Specialist Report and Socioeconomic Report in the project record.

- A map that is readable. This action may include multiple maps or a map for every ranger district in order to get the level of detail necessary to inform the public.
- Signs on the routes done in a consistent manner.
- Barriers/obliteration of decommissioned/closed/unavailable to the public roads.
- Training and meetings among staff and law enforcement officers and cooperators to ensure consistent understanding of the plan.

Existing Conditions

Currently, the proliferation of unauthorized roads and trails on the desert ranger districts (Cave Creek, Mesa, Tonto Basin, and Globe) of the Tonto National Forest cannot be denied⁹⁷.

In many cases, Forest Service employees have not been successful in adequately posting and/or identifying (on the ground) these unauthorized roads and trails to the public. Once they have been established through repeated use the public is often unable to tell unauthorized roads and trails from authorized Forest Service System routes. Typically these unauthorized trails start as a single set of motorcycle or ATV tracks of minimal width (10 to 50 inches) and grow wider and deeper as more vehicles drive on it until they eventually accommodate full-sized vehicles (6 to 8 feet in width). In many cases, when signs are installed indicating a road or trail was closed to motorized vehicles, the signs are often illegally removed, destroyed or otherwise rendered unreadable. There is significant motive for someone who wants to drive a vehicle in an area that is posted closed, to remove the signs indicating motor vehicles use is prohibited. Once this is done, the area appears to be open as it is not marked closed.

From a legal standpoint, we (Forest Service Law Enforcement Officers) are obligated to ensure a “reasonable person” knew or should have known that they were operating off of a designated road or trail or in a location or manner that is contrary to rules or laws. Currently, this is extremely difficult to do. Removal of the signs coupled with building new unauthorized access points around signs and physical barriers contributes to the difficulty in prosecuting persons operating motor vehicles on these roads and areas. Those forest visitors who want to follow the laws and regulations could easily end up on an unauthorized route or closed road unintentionally.

On June 19, 2013, the governor of Arizona signed *House Bill 2551* into law, which among other things seems to inhibit state and local law enforcement officials from enforcing off-highway vehicle (OHV) laws and driving off-road violations on the National Forests in Arizona. Some agencies have announced positions that are even more restrictive than this law. There is an exception whereby Arizona Game and Fish Department officers **MAY** enforce regulations in situations where they deem habitat damage has occurred. There are also some differences in interpreting the law. That said, it could effectively reduce the typical commissioned patrol as it relates to motorized travel on the Tonto National Forest to nine ranger district law enforcement officers and one supervisor. There are a number of noncommissioned Forest Service employees who also conduct limited enforcement activities (referred to as forest protection officers).

⁹⁷ For more information, see Appendix A of the Law Enforcement Report in the project record.

Environmental Effects

Assumptions

The best chance of successfully enforcing any measure, regardless of the issue, is for the majority to understand the importance of the measure and thus want to comply. As it relates to the travel management planning, successful enforcement requires, at a minimum:

- The majority of the public to understand the importance of the management plan, the rules of the management plan and have a desire to comply with those rules. The number of Forest Service law enforcement officials is small in comparison to the number of forest visitors, which means it is extremely difficult to educate the public in the field and to achieve compliance.
- State and local agencies must also understand the importance of the plan and be willing and active partners in implementing the plan.

It is inconceivable that unlimited access to all user groups for all activities would be sustainable. It is almost guaranteed that concessions would need to be made by almost all interested parties, no matter the alternative selected for managing motorized travel. With that in mind, the single most important factor in enforcing the plan would be for those parties to understand the need for management.

Alternative A (No Action)

Roads and Trails Open to Motorized Travel

Under current conditions, the proliferation of unauthorized roads and trails is obvious in many places throughout the Tonto National Forest⁹⁸. Given population growth and increased numbers of off highway motor vehicles, it is illogical to assume the proliferation of unauthorized roads would decline or cease under the current management scheme. Currently, almost 700 miles of unauthorized roads and trails have been identified on the forest. This is not the entire amount of unauthorized roads; it is only what we have identified.

One area that has been successful in preventing or reducing significant road proliferation, because of success in enforcing where motor vehicles may and may not go is the Bulldog Canyon Permit Area⁹⁹ on the Mesa Ranger District. This is the only area on the forest currently managed this way. The permit is free, but in order to get the combination to access the area, the public is required to come in and sign the permit or fill it out online. When they get the permit, they are provided with gate combinations, rules, and a map of the authorized roads.

In the last five years, law enforcement officers and Forest Protection Officers have documented 443 violation notices, warning notices and incident reports on Tonto National Forest for driving off-road (36 CFR 261.56) (Table 54). Of those, 151 (34 percent) occurred in the Bulldog Canyon Permit Area. Of those total incidents, there were 242 violation notices issued and 94 (39 percent) were issued in the Bulldog Canyon Permit Area. At approximately 34,720 acres, the Bulldog Canyon Permit Area constitutes approximately 1.2 percent of the total Tonto National Forest land base and 1.5 percent of nonwilderness land area. While it is not a foolproof system, the law

⁹⁸ For more information, see Appendix A of the Law Enforcement Report in the project record

⁹⁹ For more information about this area, see Chapter 2, Alternative A description.

enforcement officers have been much more successful in enforcing off-road violations in this area. In recent years, this area has endured much less impact than adjacent areas on the same ranger district. This is likely due to a combination of reduced visitation, because of the permit requirement, an increased awareness of what is allowed and what is not, and increased enforcement success. This permit area may effectively increase usage on other adjacent areas by persons who either do not want to get a permit or do not know how.

Table 54: Violation Notices, Warnings, and Incident Reports for Tonto National Forest, including Bulldog Canyon OHV Area

Year	Violation Notices	Warnings	Incident Reports	Total
2008 Bulldog Canyon	11	7	6	24
2008 Rest of Tonto NF	18	18	35	71
2008 Total	29	25	41	95
2009 Bulldog Canyon	19	7	0	26
2009 Rest of Tonto NF	38	19	16	73
2009 Total	57	26	16	99
2010 Bulldog Canyon	9	1	3	13
2010 Rest of Tonto NF	27	9	12	48
2010 Total	36	10	15	61
2011 Bulldog Canyon	25	7	12	44
2011 Rest of Tonto NF	29	8	7	44
2011 Total	54	15	19	88
2012 Bulldog Canyon	18	2	3	23
2012 Rest of Tonto NF	25	9	11	45
2012 Total	43	11	14	68
2013 Bulldog Canyon	12	7	2	21
2013 Rest of Tonto NF	11	3	6	20
2013 Total	23	10	8	41
2008 – 2013 Bulldog Canyon	94	31	26	151
2008 – 2013 Rest of Tonto NF	148	66	78	292
2008 – 2013 Total	242	97	104	443

Other areas of apparent success have been Forest Order closures due to large fires and subsequent flooding issues, such as the Saint Clair and Bushnell Tanks areas, on the Cave Creek and Mesa ranger districts. These areas have been fenced and gated off, which has almost eliminated motor vehicle access all together.

Motorized Cross-country Travel

In the northern districts (Payson and Pleasant Valley ranger districts), the impacts of off-road activity are not as obvious. Off-road travel is permitted on these ranger districts as long as it does not result in resource damage. Enforcement is dependent on establishing that damage occurred. Determining if damage was done is sometimes subjective and can be a point of contention. Fuelwood cutting and collecting is common on these districts and big game retrieval does occur. There may or may not be road and trail proliferation as an unintended consequence of using motor vehicles to travel cross country, while conducting these permitted activities. While the unauthorized trail may eventually constitute damage, it is difficult to hold individuals responsible. The enforcement program of Tonto National Forest does not have data to indicate the significance of cross-country travel on these ranger districts.

We also have an inconsistency with cross-country travel/off road travel in the Bartlett Lake and Roosevelt Lake Recreation areas where we currently allow motorized travel and dispersed camping below the high water mark at both lakes when the water levels are low enough to accommodate vehicular travel even though off road travel is not otherwise permitted on those ranger districts.

Permit Zones

As already indicated, the Bulldog Canyon OHV Area is the only permit zone under current conditions. It constitutes the one area where we have been much more successful in preventing or reducing significant road proliferation and have successfully enforced driving off road violations.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval is authorized on the Payson and Pleasant Valley ranger districts as long as it does not cause resource damage. While not considered a significant issue from a law enforcement standpoint, there have been cases of individuals not understanding the restrictions and that big game retrieval does not apply to wilderness areas nor does it allow for driving off road to pursue animals prior to their harvest. The CHAMP permit (for hunters with disabilities) allows qualifying persons with the permit to use their motor vehicle off designated roads to wait for big game and to retrieve big game as long as it is not in conflict with other laws is currently honored on Tonto National Forest. Investigation of cross-country travel offenses in areas where big game retrieval is authorized is more complicated because of the requirement to establish that the cross-country travel did not occur due to big game retrieval.

It is virtually impossible to measure how often, if ever, motorized big game retrieval has an unintended consequence of creating an authorized trail/route. That being said, it is entirely plausible that someone witnessing either the act of motorized big game retrieval or the tracks of the vehicle afterwards would believe that driving cross-country was legal or that driving along those tracks was legal. This could result in establishing an unauthorized route. "Track following" is one of the mechanisms by which unauthorized routes are created in the desert ranger districts. This is somewhat mitigated by the lower volume of OHV activity on these ranger districts and especially in places and times where motorized recovery of big game does occur.

Motor Vehicle Use for Dispersed Camping

Repeated use of motor vehicles at dispersed sites does cause some degradation of the site in many cases. Often resource damage is not only associated with the motor vehicle usage in the site, but also from the route created when the motor vehicle leaves a designated route to access the site. Some damage to vegetation and cultural resources does occur at dispersed campsites¹⁰⁰. Users may trim trees for tents and camper access as well as firewood. It should be noted that these activities sometimes occur in developed recreation sites as well. Dispersed sites also have been established by the public without regard to archaeological resources and there are probably some sites that have caused cultural resource damage.

In addition, the Tonto National Forest does not have any existing dispersed camping corridors. As a general rule, we allow dispersed camping throughout the forest, and we typically face the same enforcement issues with the routes to and from dispersed campsite as we do with travelling on unauthorized/user-created roads. If a reasonable person cannot tell that the route to the campsite is unauthorized, it is extremely difficult to justify enforcement action against that person. The fact that the sites exist is prima facie evidence that the public uses them. As indicated earlier in this report, it is much easier to do enforcement when the public wants to comply with the rules. Since the public has already demonstrated they want to use these sites, if we can get them designated, proper enforcement would be the simplest for this option and reduce the likelihood of increased resource damage due to motorized access to dispersed camping areas. We have an inconsistency with the application of the rule under our current management structure where we allow cross-country/off road travel in the Bartlett Lake and Roosevelt Lake Recreation Areas.

Additional Information Pertaining to Motor Vehicle Use Designation

Use of motor vehicles is not restricted for fuelwood gathering, as long as it is conducted in a designated area at designated time and the person has a valid permit. Determining if a violation has occurred requires law enforcement personnel to establish whether the cross-country motor vehicle usage was conducted legally under the conditions of either valid fuelwood gathering activity, big game retrieval, or dispersed camping. This does complicate investigations and requires additional time and effort.

Alternative B

Roads and Trails Designated for Motor Vehicle Use

Under this alternative, the reduction in miles of roads would likely have both positive and negative effects associated with law enforcement. The positive results from fewer roads to travel for enforcement reasons, but would also potentially cause a higher violation rate because it would be an unpalatable option for much of the public. The magnitude and/or interaction of those impacts are hard to determine, but in general the less the majority of the public likes the alternative, the more difficult it is to get compliance.

¹⁰⁰ For more information, see the Heritage Resources and Wildlife and Plant Habitat Resources sections of this chapter.

Areas Designated for Motor Vehicle Use

Under this alternative, cross-country travel would no longer be allowed in general on the Payson and Pleasant Valley ranger districts. Fuelwood gathering would be allowed within 300 feet of open routes in existing gathering areas. This could simplify enforcement somewhat considering someone would have very little defense if they were travelling cross country. However, the challenge of getting the public accustomed to the new rules, since cross-country travel has been allowed previously, would be a negative aspect of this alternative.

Permit Zones

The Bulldog Canyon Permit area is the only permit zone we have currently. Under this alternative, we would add four additional permit areas: Sycamore and The Rolls on the Mesa Ranger District and St. Clair and Desert Vista on the Cave Creek Ranger District. Tonto National Forest law enforcement personnel have been much more successful in citing and prosecuting illegal off road motorized travel in the existing permit zone (Bulldog Canyon) than the rest of the forest. As a general rule, adding the other permit areas would likely increase our effectiveness in those areas as well. The reasons for the increased success are likely a combination of several factors. In order to get the combination to enter the area, the public must sign for the permit, which clearly indicates what roads and trails are legal to operate motor vehicles, and thus they have been “duly noticed” about what is illegal motorized travel. Law enforcement officers would be more likely to patrol the area given that they can take action against those who are not complying with the permit than they would be to patrol areas that have been so seriously degraded that it is almost impossible to prove illegal off road travel enough to take corrective action.

There is potential for negative effects associated with the added permit zones from an enforcement standpoint. A percentage of recreationists on the forest are not willing to go get a permit, even if it is free. This is based on public comments made in the field¹⁰¹ and the change in usage patterns based on observation of the existing permit zone. The result of those restrictive areas would either lead users to become noncompliant and enter the permit area illegally or they would recreate in a different area. If we increase the permit areas as suggested, it would likely push more motor vehicle activity into areas that currently do not have that level of motor vehicle activity. The overall objective of enforcement is not to write more tickets but to be effective enough to deter violations and thus help protect the resource from increased damage under the travel management plan. While the permit zone is more effective in clear cut enforcement as the user has been duly noticed and has an understandable map of where they may and may not go, it is difficult to determine what affect these permit zones would have on adjacent resources.

The proposed Sycamore Area is very seriously degraded and many of the trails are “braided” to the point of being difficult to differentiate between the original route and unauthorized routes. In addition, controlling access into that area would be especially difficult as the terrain does not lend itself well to providing any natural barriers. Currently it provides an opportunity for the aforementioned portion of the public that does not wish to get a permit. For those reasons, I estimate that it would be difficult to conduct efficient or successful enforcement in that area.

¹⁰¹ The Tonto National Forest Patrol Captain has personally been told by members of the public that they do not want to get a permit and do not want to mess with it. They would rather have freedom to recreate as they please.

Motor Vehicle Use for Big Game Retrieval

The Arizona Game and Fish Department has provided statistics which indicate motorized big game retrieval is not a commonly practiced activity and is probably not one of the leading causes of resource damage caused by motorized travel¹⁰². Then logic would dictate that not allowing motorized big game retrieval under this alternative would not create a significant law enforcement burden. In addition, no user group (whether it is big game hunters, bird watchers, or any of the other activities that the public participates in on public land) would have the ability to legally drive cross-country to participate in their activity.

Motor Vehicle Use for Dispersed Camping

Under this alternative, motorized access for dispersed camping would be limited to designated dispersed sites which are accessible by a designated road or motorized trail. Enforcement under this plan would be a process that would need to be expanded over the years. It would take a significant amount of work to identify, document, get archaeological clearances for, and post all of the appropriate dispersed camping sites with suitable motorized access. Illegal dispersed camping would be difficult to enforce until we accomplished those tasks sufficiently. If we assume that the historically used existing dispersed sites would constitute the vast majority of the total dispersed sites, the long term effect would be beneficial from an enforcement stand point for the following reasons. The public has already demonstrated their willingness to use those dispersed sites or they would not exist. Their willingness to use the sites is the equivalent of voluntary compliance and likely the easiest option to enforce. The overall management objective is to provide dispersed camping opportunity, while protecting the resource and this alternative accomplishes that. The vast majority of those sites would be familiar to both Forest Service law enforcement officers and Arizona Game and Fish enforcement officers. The primary enforcers of the rules and laws would typically have a thorough understanding of use patterns and would likely be critical in developing and refining the list of dispersed sites over the initial few years.

Additional Information Pertaining to Motor Vehicle Use Designation

Under this alternative, fuelwood cutting and gathering would be restricted to within 300 feet on both sides of an open route. This could present some confusion and difficulty when determining whether or not a motor vehicle is within the 300 foot buffer. First the measurement has to be taken (or estimated) and as part of that it has to be determined from what point on the open route to take the measurement. This could prove challenging on some of the very winding routes. It may require some increased diligence to make sure there is not a closer point from somewhere further along the route and also to determine if the vehicle must be within 300 foot of the route they used to get the location or from any open route.

Alternative C

Roads and Trails Designated for Motor Vehicle Use

Under this alternative there would be more miles of public access, but significantly more of it would be motorized trails. While enforcement of the *Code of Federal Regulations (36 CFR 212.5)* are fairly clear on designated roads, it is unclear how state motor vehicle code (with the

¹⁰² For more information, see the Game and Nongame section of this chapter.

exception related to driving intoxicated and reckless driving which apply everywhere) would be applied to motorized trails. In general terms, it would take some time and effort to educate the public on the significance of motorized trails and how to tell them from roads. The increase in the administrative use only roads and trails would cause some enforcement complications, because the public may not understand why access is limited to only certain users. The overall amount of roads and trails miles accessible to the public would likely garner public support and thus achieve more voluntary compliance, which is the preferred condition for enforcement strategy.

Areas Designated for Motor Vehicle Use

Under this alternative, motorized cross-country travel would be limited to eight areas: Bartlett Lake (Cave Creek Ranger District); Golf Course (Globe Ranger District); Roosevelt Lake (Tonto Basin Ranger District); Sycamore (Mesa Ranger District), and four proposed “tot lots” totaling approximately 12 acres. From enforcement standpoint, having the designated areas allowing cross-country travel would be simpler to understand and may also serve to protect the resources in the remainder of the forest. Clearly a certain user group exists that demands this type of recreational opportunity. Providing some limited opportunity for cross-country travel may result in fewer attempts at cross-country travel in the other areas of the forest.

Providing tot lots (areas exclusively for beginner or children riders) is a needed management alternative. Segregating those riders from the other areas would give the public a much safer environment to train the beginning riders and allow educational efforts to be more focused on those areas with the hope of increasing safety and compliance for the generations to come.

Under current conditions, we have an inconsistency in dealing with cross-country travel/off road travel in the Bartlett Lake and Roosevelt Lake Recreation Areas, where we currently allow cross-country motorized travel (in districts where it is prohibited) from the current water level to the high water mark when the water levels are low enough to accommodate vehicular travel. This alternative would address that inconsistency, but may have an unintended effect of having more cross-country travel in those locations than we already do, which may result in user conflicts between campers and recreational riders. Additional restrictions on recreational riding in these two areas would likely be needed to prevent the conflicts. It is also noted that the actual area would change with the water levels in those reservoirs and it can cause some confusion and hazards for the public. Changing water levels may prevent travel along portions of Bartlett Lake at certain points. This means persons coming off the Forest Road 42/532 complex may not be able to exit along Bartlett Lake. It also means that people may get stuck on Bartlett Flats, if the water level rises rapidly. Within the last ten years, I have witnessed Bartlett Lake levels rise a vertical foot per day on at least two occasions. This can prevent safe exit of vehicles and trailers for persons camping along the shore.

Permit Zones

Under this alternative, there would be four permit zones, which would increase the permit areas from 34,720 acres to approximately 117,000 acres which is approximately 5 percent of the nonwilderness lands of the Tonto National Forest. The Bulldog Canyon Permit Area is the only current permit zone. It constitutes the one area where we have been much more successful in preventing or reducing significant road proliferation and have successfully enforced driving off road violations. The permit is free, but in order to get the combination to access the area, the public is required to come in and sign the permit. When they receive the permit they are provided

with gate combinations, rules, and a map of the authorized roads. While it is not a foolproof system, the Tonto National Forest Law Enforcement and Investigations has been much more successful in enforcing off-road violations. It is likely that it has endured much less impact than adjacent areas on the same ranger district. This is likely due to a combination of reduced visitation because of the permit requirement, an increased awareness of what is allowed and what is not, and increased enforcement success.

Adding the other three permit zones would likely increase the resource protection in those areas as well. Two of the areas are on the Cave Creek Ranger District and the office is located on Bartlett Dam Road, which is the Primary access route to the St Clair and one of the primary routes to the Desert Vista permit areas. This should serve to increase the public's opportunity to obtain permits and explanations of them. Likewise both Forest Service law enforcement officers and Arizona Game and Fish Department deputies would access this road network regularly, since it is the only access to Bartlett and Horseshoe Lake Recreation areas, which would put them in close proximity to patrol the permit areas.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval is proposed to be allowed within one mile from designated routes to retrieve elk and bear as long as the area is not closed to motorized traffic for some other reason, such as designated wilderness. Creating a one-mile buffer around all the designated routes would likely encompass almost all the area of suitable bear and elk habitat that is not in wilderness. This would likely remove the need for law enforcement officers to measure the one mile distance, which makes determination of that element of the crime easier, but they may have to follow a vehicle for the entire distance to determine if they are conducting cross-country travel for the purpose of retrieving an elk or bear. I do not foresee a significant issue with the hunters engaging in that much off road travel based on the statistics given by the Arizona Game and Fish Department. The potential issue would be the appearance of special treatment given to hunters and the attempts of others to use that to conceal or justify their cross-country travel.

It is virtually impossible to measure how often, if ever, motorized big game retrieval has an unintended consequence of creating an authorized trail/route. That being said, it is entirely plausible that someone witnessing either the act of motorized big game retrieval or the tracks of the vehicle afterwards would believe that driving cross-country was legal or that driving along the tracks witnessed was legal. This could result in establishing an unauthorized route. "Track following" is one of the mechanisms by which unauthorized routes are created in the desert ranger districts. This is somewhat mitigated by the lower volume of OHV activity on these ranger districts.

The CHAMP permit (for hunters with disabilities) allows qualifying persons with the permit to use their motor vehicle off designated roads to wait for big game and to retrieve big game as long as it is not in conflict with other laws is currently honored on Tonto National Forest. Investigation of cross-country travel offenses in areas where big game retrieval is authorized would be more complicated because of the requirement to establish that the cross-country travel did not occur due to big game retrieval.

Motor Vehicle Use for Dispersed Camping

Repeated use of motor vehicles at dispersed sites does cause some degradation of the site in many cases. Often resource damage is not only associated with the motor vehicle usage in the site, but also from the route created, when the motor vehicle leaves a designated route to access the site. Some damage to vegetation and cultural resources does occur at dispersed campsites, but it is likely that camping corridors with a 100 foot buffer on each side along those routes would result in more damage as people would be potentially disallowed from camping in existing sites and would have to explore, select, and likely improve another location within the buffer. How much damage would occur depends largely on if the existing campsites within the corridors are sufficient to accommodate the demand for campsites. As of this time, there is not sufficient information to determine this; however, resource protection is one of the most important functions of law enforcement and forest protection officers. Damage from motorized travel to and from dispersed campsites could be difficult to prove and is more likely to occur within this corridor than within designated locations. The enforcement issues stem from proving the distance from a designated route and determining if the cross-country travel in our developed recreation sites is a result of legal dispersed camping activity or not. The entire camping corridor would have to have archaeological clearances. Users may trim trees for tents and camper access as well as firewood, and they may dig pits and move rocks for fire rings. It should be noted that these activities sometimes occur

Additional Information Pertaining to Motor Vehicle Use Designation

Use of motor vehicles for fuelwood gathering would be restricted to a distance of 300 feet on both sides from a route within permitted areas. This requires law enforcement officers to make a determination of distance from the route, and complicates enforcement somewhat. For example, where exactly to take the measurement, what instrument to use (if any), and how precise do we expect the public to be would all need to be taken into consideration.

Alternative D

Roads and Trails Designated for Motor Vehicle Use

Under this alternative there would be approximately 1,500 more miles for motorized access than alternative C. In addition, more of these miles would retain the road designation. This would have minimal effects on law enforcement. It would, however, reduce the frequency of patrol on some of those roads and trails because of the increased mileage to patrol.

Areas Designated for Motor Vehicle Use

This alternative is identical to alternative C for areas open to motorized cross-country travel and would have the same effects.

Permit Zones

This alternative includes no change in existing condition as it relates to permit zones, resulting in only the Bulldog Canyon Permit Zone being proposed. Bulldog Canyon Permit Area is the only permit zone under current conditions. As a result, the effects are identical to alternative A for permit zones.

Motor Vehicle Use for Big Game Retrieval

This alternative would allow cross-country travel to retrieve deer, bear, and elk forestwide except wilderness and other existing closures. This would not likely significantly increase cross-country travel for big game retrieval. It might significantly increase the burden of proving violators that really are not attempting to retrieve big game but claim they are. It might also significantly increase the likelihood of inadvertently creating unauthorized routes. The soils in the desert ranger districts that this alternative opens up do not recover from vehicular travel very well. The tracks of someone retrieving big game are more visible for a longer time and the volume of vehicles on these ranger districts is higher all of which increase the likelihood of inadvertently causing an unauthorized route due to track following.

Motor Vehicle Use for Dispersed Camping

Repeated use of motor vehicles at dispersed sites does cause some degradation of the site in many cases. Often resource damage is not only associated with the motor vehicle usage in the site, but also from the route created when the motor vehicle leaves a designated route to access the site. Some damage to vegetation and cultural resources does occur at dispersed campsites, but it is likely that camping corridors with a 300 foot buffer on both sides along those routes would result in more damage as people would be potentially disallowed from camping in existing sites and would have to explore, select, and likely improve another location within the buffer. How much damage would occur depends largely on if the existing campsites within the corridors are sufficient to accommodate the demand. As of this time, there is not sufficient information to determine this. The enforcement issues stem from proving the distance from a designated route and determining if the cross-country travel is a result of legal dispersed camping activity or not. The entire camping corridor would need to have archaeological clearances. In addition, persons may trim trees for tents and camper access as well as firewood, and they may dig pits and move rocks for fire rings. It should be noted that these activities sometimes occur in our developed recreation sites as well.

Additional Information Pertaining to Motor Vehicle Use Designation

Like with the existing condition, use of motor vehicles is not restricted for fuelwood gathering as long as it is conducted in a designated area at designated time and the person has a valid permit. Determining if a violation has occurred requires law enforcement personnel to establish whether the cross-country motor vehicle usage was conducted legally under the conditions of either valid fuelwood gathering activity, big game retrieval, or dispersed camping. This could complicate investigations and may require additional time and effort.

Wildlife and Plant Habitat Resources

This section summarizes existing conditions and effects from all alternatives to threatened and endangered species, critical habitats and critical habitats considered, Forest Service sensitive species, other animal species considered, management indicator species, and migratory bird priority species that may occur or may have habitat within the project area.

Threatened, Endangered, Candidate, and Sensitive Species

Wildlife on the Tonto National Forest is managed by maintaining habitat to support viable populations of all native vertebrate and invertebrate species and other desirable species as required by the National Forest Management Act (NFMA) of 1976 (*P.L. 94-588*). Other regulations provide for specific management of special status species based on their designations under various statutes, policies, and plans for which the Forest Service is required to comply.

Affected Environment

Tonto National Forest, managed under the principles of multiple uses, plays a vital role in Arizona by supporting crucial wildlife habitat and maintaining Arizona's wildlife heritage as well as providing significant opportunities for wildlife related recreation and associated economic effects. Owing to the diversity of habitats, the forest has a rich biological diversity and numerous wildlife species which include 310 birds, 94 mammals including 9 big game wildlife species, 55 reptiles, 14 amphibians, 16 native fishes, 28 non-native fishes. In addition, there are 3 special status invertebrates, and 24 special status plant species. Some non-native species were established intentionally, as is the case with rainbow trout; while others such as quagga mussels have arrived as unwelcome or invasive species, and yet others appeared as they expanded their range. A few species, like the Mexican gray wolf and the California condor, were extirpated in Arizona but have been re-established through reintroduction programs (Arizona Game and Fish Department, 2012b). Motorized access across the Tonto National Forest is an important aspect of wildlife related recreational pursuits such as bird watching, big game wildlife viewing, hunting, and fishing¹⁰³.

Mammals: Small mammals such as bats, squirrels, rats, and mice contribute to most of the mammal diversity within Tonto National Forest. Larger mammals are hunted as game, such as American elk, mule deer, white-tailed deer, javelina, and black bear¹⁰⁴.

Birds: Birds within the Tonto National Forest breed, migrate, or seasonally occur within the forest. Nearctic migratory birds, those species that nest in North America and migrate south to Central America, South America, and Caribbean for the winter, are of special concern because of their declining populations¹⁰⁵.

Reptiles: Tonto National Forest supports 23 lizard, 29 snake, and 3 Chelonian species¹⁰⁶.

Amphibians: Tonto National Forest supports 6 species of toads, 6 species of frogs, 1 species of salamander, and 1 non-native bullfrog species. These water-dependent amphibians occur in or near springs, livestock tanks, streams, and rivers within the forest¹⁰⁷.

¹⁰³ For more information about the management of wildlife related recreation, see the Game and Nongame section of this chapter.

¹⁰⁴ Refer to the Tonto National Forest mammal checklist for a complete list of mammals within the forest (U.S. Forest Service, 2008).

¹⁰⁵ Refer to the Tonto National Forest bird checklist for a complete list of birds within the forest (U.S. Forest Service, 2011).

¹⁰⁶ Refer to the Tonto National Forest reptile and amphibian checklist for a complete list of reptiles within the forest (U.S. Forest Service, 2008).

¹⁰⁷ Ibid

Fish: The Tonto National Forest has a diverse fish fauna that inhabits approximately 500 miles of streams that flow on the Forest. There are 14 native stream-dwelling fishes and about 7 stream-dwelling nonnative sport fish on the forest. All native fishes found on the Tonto National Forest are rare and are declining locally and range wide. These native fish species range from the Sonoran desert zone to mixed conifer zone¹⁰⁸.

Wildlife habitat within Tonto National Forest can be divided into 12 wildlife habitat categories based on potential natural vegetation types (PNVT). PNVT categories are coarse-scale groupings of ecosystem types that share similar geography, vegetation, and historic ecosystem disturbances such as fire, drought, and native herbivory. This classification most closely matches habitat descriptions that other previous documents use, including the original habitat classification within the 1985 Tonto National Forest Plan (Forest Plan) and wildlife habitat types used in the forest wildlife checklists. It is important to use consistent wildlife habitat classifications because: 1) it allows for comparison of wildlife habitat changes relative to when the Forest Plan was written and 2) it allows the travel management effects to wildlife habitat to be translated to impacts to particular wildlife species. As such, PNVTs represent wildlife habitat types that can generally be associated with particular wildlife species. PNVT is used to reflect both the current wildlife habitat conditions and the expected vegetation cover type to develop following disturbances such as fire. Table 55 describes each PNVT and identifies the acreage of each PNVT present on the forest.

Table 55: Description and Acreage of Potential Natural Vegetation Types Present on Forest

Potential Natural Vegetation Type	Acres of PNVT on Forest	Description of PNVT
Pinyon-juniper chaparral	814,777.88	Mostly found on lower slopes of mountains and in upland rolling hills at approximately 4,500 to 7,500 ft. in elevation. Most common pine is the Colorado piñon (<i>Pinus edulis</i>), occurring in limited areas. One-seed juniper (<i>Juniperus monosperma</i>) is most common in Arizona and New Mexico; however, there are areas with Utah juniper (<i>J. osteosperma</i>), alligator juniper (<i>J. deppeana</i>), and Rocky Mountain juniper (<i>J. scopulorum</i>). In addition, annual and perennial grasses and graminoids, forbs, half-shrubs and shrubs can be found beneath the woodland overstory.
Desert communities	725,990.92	Lowest elevations on the Tonto NF on all slope ranges. At its upper elevational limit it is bounded by semi-desert grasslands. The Desert Communities PNVT consists of several Existing Vegetation Dominance Types including: Triangle Bursage (<i>Ambrosia deltoidea</i>), Creosote Bush (<i>Larrea tridentata</i> var. <i>tridentata</i>), Yellow Paloverde (<i>Parkinsonia microphylla</i>), Jojoba (<i>Simmondsia chinensis</i>), Velvet Mesquite (<i>Prosopis velutina</i>), and Evergreen and Deciduous Shrubs Mixed. Important overstory plant species (in addition to those named above) include saguaro (<i>Carnegiea gigantea</i>), ocotillo (<i>Fouquieria splendens</i>), and various pricklypear and cholla species (<i>Opuntia</i> spp.).

¹⁰⁸ Refer to the Tonto National Forest fish checklist for a complete list of fish within the forest (U.S. Forest Service, 2008).

Potential Natural Vegetation Type	Acres of PNVT on Forest	Description of PNVT
Semi-desert grassland	394,195.66	Dominant grassland associations/types are black grama (<i>Bouteloua eriopoda</i>) grassland, blue grama/hairy grama (<i>B. hirsuta</i>) grassland, tobossa (<i>Hilaria mutica</i>) grassland, giant sacaton (<i>Sporobolus wrightii</i>) grassland and mixed native perennial grassland. Shrubs also occupy these grasslands and their abundance and species composition also varies.
Ponderosa pine - mild	250,220.91	Widespread on the Forests and represents the largest wildlife habitat type occurring at elevations ranging from 6,000 to 9,000 ft on igneous, metamorphic, and sedimentary parent soils with good aeration and drainage, and across elevational and moisture gradients. The dominant species in this system is Ponderosa pine (<i>Pinus ponderosa</i>). Other trees, such as Gambel oak, Douglas-fir, piñon pine, and junipers may be present. There is typically a shrubby understory mixed with grasses and forbs, although this type sometimes occurs as savannah with extensive grasslands interspersed between widely spaced clumps or individual trees. This system is adapted to drought during the growing season, and has evolved several mechanisms to tolerate frequent, low intensity surface fires.
Interior chaparral	280,763.30	Mountain foothills and lower slopes where low-elevation desert landscapes transition into wooded evergreens. Interior chaparral consists of mixed shrub associations including but not limited to the following species: Manzanita (<i>Arctostaphylos</i> spp.), desert ceanothus (<i>Ceanothus greggii</i>), mountain mahogany (<i>Cercocarpus montanus</i>), silktassles (<i>Garrya</i> spp.), Stansbury cliffrose (<i>Purshia stansburiana</i>), shrub live oak (<i>Quercus turbinella</i>), and sumacs (<i>Rhus</i> spp.).
Pinyon-juniper grassland	204,136.68	Mostly found on lower slopes of mountains and in upland rolling hills at approximately 4,500 to 7,500 ft. in elevation. Most common pine is the Colorado piñon (<i>Pinus edulis</i>), occurring in limited areas. One-seed juniper (<i>Juniperus monosperma</i>) is most common in Arizona and New Mexico; however, there are areas with Utah juniper (<i>J. osteosperma</i>), alligator juniper (<i>J. deppeana</i>), and Rocky Mountain juniper (<i>J. scopulorum</i>). In addition, annual and perennial grasses and graminoids, forbs, half-shrubs and shrubs can be found beneath the woodland overstory.
Mixed conifer with aspen	58,385.76	The highest elevations on the Tonto NF between 5,800 and 7,900 feet. It is bounded on its lower limit by ponderosa pine forests and, occasionally, by Madrean evergreen woodlands or chaparral. The only Existing Vegetation Dominance Type on the Tonto NF is the Mixed Conifer Map Unit. This Map Unit and the entire PNVT are highly variable in that the Mixed Conifer on the Tonto NF is found in both the Low Sun Cold (LSC) (LSC 6, <1, +1) climatic gradient and the Low Sun Mile (LSM) (LSM, 6, -1) gradient. These types will respond differently to disturbance. The LSC Mixed Conifer contains Gamble Oak without evergreen oaks while the LMS Mixed Conifer contains evergreen oaks (Arizona White Oak and Emory Oak) and usually alligator juniper. Dominant and co-dominant vegetation varies in elevation and moisture availability. In the lower and drier elevation portions within this wildlife habitat type, Douglas fir (<i>Pseudotsuga menziesii</i>) and ponderosa pine (<i>Pinus ponderosa</i>) may co-dominate. In higher and moister areas white fir (<i>Abies concolor</i>) may be co-dominant with Douglas fir. The understory vegetation is comprised of a wide variety of shrubs, grasses, graminoids (sedges, etc.), and forbs; the compositions depends on soil type, aspect, elevation, disturbance history and other factors.

Potential Natural Vegetation Type	Acres of PNVT on Forest	Description of PNVT
Madrean encinal woodland	48,181.76	Occurs on foothills, canyons, bajadas and plateaus between the semi-desert grasslands and Madrean pine-oak woodlands. This category is dominated by Madrean evergreen oaks such as Arizona white oak (<i>Quercus arizonica</i>), Emory oak (<i>Quercus emoryi</i>), gray oak (<i>Quercus grisea</i>), Mexican blue oak (<i>Quercus oblongifolia</i>), and Toumey oak (<i>Quercus toumeyii</i>). Madrean pine, Arizona cypress, pinyon and juniper trees and interior chaparral species may be present, but do not co-dominate. The ground cover is dominated by warm-season grasses such as threeawns (<i>Aristida</i> spp.), blue grama (<i>Bouteloua gracilis</i>), sideoats grama (<i>Bouteloua curtipendula</i>), Rothrock grama (<i>Bouteloua rothrockii</i>), Arizona cottontop (<i>Digitaria californica</i>), plains lovegrass (<i>Eragrostis intermedia</i>), curly-mesquite (<i>Hilaria belangeri</i>), green sprangletop (<i>Leptochloa dubia</i>), muhly grasses (<i>Muhlenbergia</i> spp.), or Texas bluestem (<i>Schizachyrium cirratum</i>). Historically this vegetation type had over 10% tree canopy cover, with the exception of early, post-fire plant communities
Cottonwood-willow riparian forest	41,228.82	Lower elevations along rivers and streams in unconstrained valley bottoms. Dominant woody species include cottonwood spp. (<i>Populus</i> spp.), willow species (<i>Salix</i> spp.), and mesquite spp. (<i>Prosopis</i> spp.). Various grasses and forbs are also present. Many of the areas with this wildlife habitat type have experienced an increase in invasive species such as salt cedars (<i>Tamarix</i> spp.), and Russian olive (<i>Elaeagnus angustifolius</i>). The vegetation is dependent upon seasonal flooding and high water tables for germination, growth and survivorship of the woody dominants. This wildlife habitat is probably the least accurate in describing its current condition. A variety of negative impacts (for example, grazing, climate change, falling water tables, recreation) will probably prevent this wildlife habitat returning back to its original condition. This wildlife habitat type has more mesquite, baccharis, and disturbed ground than cottonwood and willow.
Mixed broadleaf deciduous riparian forest	17,731.10	Located in the Madrean and Chihuahuan provinces, mixed broadleaf deciduous riparian forests are found along rivers and streams starting at low elevations (approximately 4,000 ft.) and climbing up to montane elevations of approximately 9,000 ft. The vegetation is a mix of riparian woodlands and shrublands with a variety of vegetation associations. The dominant vegetation is likely to depend upon a suite of site-specific characteristics including elevation, substrate, stream gradient, and depth to groundwater. For example, one vegetation association is dominated by bigtooth maple (<i>Acer grandidentatum</i>) with mixed stands of Gambel oak (<i>Quercus gambelii</i>), some scattered conifers and possibly some aspen (<i>Populus tremuloides</i>). Other sites can be dominated by a mixture of the following woody species: boxelder (<i>Acer negundo</i>), cottonwoods (<i>Populus angustifolia</i> and <i>P. fremontii</i>), Arizona sycamore (<i>Platanus wrightii</i>), velvet ash (<i>Fraxinus velutina</i>), Arizona walnut (<i>Juglans major</i>), Arizona cypress (<i>Cupressus arizonica</i>), and willows species (<i>Salix</i> spp.). The forest often contains several species of oak and conifers (<i>Pinus</i> and <i>Juniperus</i>) from upstream and adjacent uplands. Exotic species such as Russian olive and salt cedar are common in some stands, especially at lower elevations. Vegetation can be dependent upon annual or periodic flooding for growth and reproduction, especially at lower elevations.
Mines	428.85	Disturbed, developed areas with sparse vegetation

Potential Natural Vegetation Type	Acres of PNVT on Forest	Description of PNVT
Water	28,989.16	Reservoirs and large rivers. The map boundary of the reservoirs and large rivers used to calculate overlapping routes, areas, or corridors are not entirely accurate. Consequently routes, areas, or corridors may appear to occur in “water” wildlife habitat. Most routes, areas, or corridors are near lake shores (for example, marinas). In less frequent instances, these areas may be temporary lake beds. Consequently, this “water” wildlife habitat may represent transitory but important riparian wildlife habitat.

Environmental Effects

Methodology for Analysis

Whenever possible, species-specific habitat and locality data were used for analysis. Forest-specific Geographic Information System (GIS) data were used for riparian and wetland habitat. Additionally, using species-habitat relationships, data were queried by Potential Natural Vegetation Type (PNVT) to help with analysis of effects to species’ habitats. Within the Forest boundary, PNVTs were derived from aggregated Forest Terrestrial Ecosystem Survey (TES) Ecological Units on the Forest and Southwest Regional Gap Analysis Project (SWReGAP) (Steinke 2007). PNVTs are ecological units based biophysical settings and depict the potential vegetation type that would dominate a site under historic fire regimes and biological processes (Lee and Smith, 2006).

Extent and density of roads by type is derived from the Forest GIS database and reflects the on the ground road length and design. Forest miles by road type used determined through a GIS-based analysis using available data. Roads under Forest Service authorization were analyzed as direct and indirect effects; roads on Forest Service lands not under Forest Service authorization were included in cumulative effects analysis. Many unauthorized roads are not digitized into the Forest GIS data layer. It is unknown how many miles of unauthorized routes actually exist on-the-ground that are not currently identified in the Forest GIS layer, but it is estimated to be very high and expanding every year due to increased motorized vehicular use on the Forest.

Species occurrence data was obtained from various sources, including the Arizona Game and Fish Department’s Heritage Data Management System, species-based habitat mapping, survey data, and incidental observations as represented in the forest GIS database. Where site-specific information was lacking, information from knowledgeable individuals was used to plot expected species distributions. Ultimately, the analysis of effects of each alternative for each species utilizes the same data sets resulting in a relative comparison of project impacts among alternatives, even if other unknown impacts were present.

Analysis Factors

In the analysis, there is no distinction made between the different types of roads (public, administrative, etc.) since there is no way to quantify the difference in impacts between types. Administrative roads are those roads that are not open to the public, and will not be depicted on the motorized vehicle use maps given to the public. Typical permitted administrative uses

authorized by the Forest Service in writing include: range improvements, ceremonial gathering by tribes, outfitter and guide services, maintenance of utility corridors, administrative use by other state or federal agencies, or special use permit events.

Lakes, reservoirs, rivers, springs, and perennial streams are aquatic habitat for fish, amphibians, reptiles, and invertebrates. Roads within 300 feet of aquatic wildlife habitat or roads crossings perennial streams could potentially impact aquatic wildlife habitat, because road use could disturb channel banks or the road prism could funnel sediments into aquatic habitat.

The metric “road density” is used to give a general and relative assessment of potential road impacts to perennial streams. The Forest Service developed the Watershed Condition Framework (WCF) which is intended to provide a consistent way to evaluate watershed condition at both the National and forest levels (U.S. Forest Service, 2011b). One of the indicators for the watershed condition classification process is “roads and trails.” This indicator represents 15 percent of the overall watershed condition assessment. The road density attribute is rated good, fair, or poor depending on road density per square mile within a watershed. The road density rating is good if road density is less than 1 mile per square mile, fair if road density ranges from 1 to 2.4 miles per square mile, and poor if road density is greater than 2.4 miles per square mile. Density of roads and trails within each threatened, endangered, and sensitive (TES) species habitats and within designated critical habitats for each alternative is assessed for potential effects.

Road density data are presented because road impacts may be masked by total mileages when not comparing the mileages relative to the occurrence of that impacted habitat within Tonto National Forest. For example, although the total road mileages that are included in the no action alternative in riparian forests are small, there are relatively few acres of riparian forests. Consequently, the resultant road density would be relatively higher than in other more abundant wildlife habitats.

The wildlife data is imperfect, but it is the best available data available to analyze the impacts of road designation to wildlife species. The wildlife observational data is not complete, and therefore it is not possible to know absolutely whether an individual occurs near added roads. That is, an absence of data of a species near a road may simply mean that the area was not surveyed, but the individual may still occur in the area.

To attempt to compensate for this, habitat modeling data for wildlife species is also used to evaluate the potential impacts of road designations. Arizona Game and Fish Department created these data from Heritage Data Management System data, breeding bird atlas data, Southwest Regional Gap habitat models, Arizona Game and Fish Department internal occurrence data, and expert opinion on habitat parameters. These habitat models tend to overestimate the current extent of federally-listed-species habitat, describing historic/potential habitat rather than suitable/occupied habitat.

Additionally, within motorized big game retrieval corridors, hunters who have legally killed particular game species are allowed to travel off-road from a designated public route to retrieve their harvest.

The area where hunters will retrieve their harvest depends on several factors:

- Game species habitat: if the game species habitat does not occur in an area, it is not expected that cross-country travel would occur in that area.

- Proposed and designated public routes: public routes are where hunters could originate cross-country travel to retrieve the harvest.
- Areas permitted for motorized cross-country: this does not include land not managed by the Forest Service.

Habitat

Table 56 identifies the miles of roads and road density within each PNVT for each alternative, as well as the acreage of each PNVT impacted by the five analysis factors under each alternative.

Table 56: Miles of Roads and Road Density in Each PNVT and Acres of Each PNVT Impacted by Five Analysis Factors under Each Alternative

Analysis Factor	Alternative A	Alternative B	Alternative C	Alternative D
Pinyon-juniper Chaparral (814,777.88 acres forestwide)				
Roads and trails open to public use (miles)	721.47	425.52	573.95	703.87
Road density (miles per square mile)	0.60	0.37	0.48	0.59
Areas open to motorized cross-country travel (acres)	271,584.35	0.00	0.00	0.00
Big game retrieval using motorized vehicles (acres)	271,584.35	0.00	340,423.39	374,607.87
Access of dispersed camping using motorized vehicles (acres)	271,584.35	6.09	12,640.21	48,485.13
Additional Information Pertaining to motor vehicle use (personal use fuelwood gathering) (acres)	329,724.25	23,689.81	31,556.84	329,724.25
Desert Communities (725,990.92 acres forestwide)				
Roads and trails open to public use (miles)	581.57	246.49	396.36	520.48
Road density (miles per square mile)	0.58	0.29	0.42	0.53
Areas open to motorized cross-country travel (acres)	1,316.76	0.00	1,403.92	1,403.92
Big game retrieval using motorized vehicles (acres)	1,316.76	0.00	32,665.11	240,445.02
Access of dispersed camping using motorized vehicles (acres)	1,316.76	10.65	10,191.79	36,880.42
Additional Information Pertaining to motor vehicle use (personal use fuelwood gathering) (acres)	71,843.67	7,057.36	8,566.65	71,843.67
Semi-desert Grassland (394,195.66 acres forestwide)				
Roads and trails open to public use (miles)	277	169.77	225.54	274.63
Road density (miles per square mile)	0.46	0.29	0.38	0.46
Areas open to motorized cross-country	9,353.35	0.00	0.00	0.00

Chapter 3. Affected Environment and Environmental Consequences

Analysis Factor	Alternative A	Alternative B	Alternative C	Alternative D
travel (acres)				
Big game retrieval using motorized vehicles (acres)	9,353.35	0.00	43,468.11	94,612.74
Access of dispersed camping using motorized vehicles (acres)	9,353.35	4.86	4,835.76	17,154.51
Additional Information Pertaining to motor vehicle use (personal use fuelwood gathering) (acres)	63,352.21	8,093.00	9,867.08	63,352.21
Ponderosa Pine Mild (250,220.91 acres forestwide)				
Roads and trails open to public use (miles)	1,764.47	857.25	1,255.32	1,725.44
Road density (miles per square mile)	4.67	2.35	3.37	4.57
Areas open to motorized cross-country travel (acres)	371,855.52	0.00	0.00	0.00
Big game retrieval using motorized vehicles (acres)	371,855.52	0.00	388,939.49	402,943.85
Access of dispersed camping using motorized vehicles (acres)	371,855.52	24.5	24,495.67	104,934.92
Personal use fuelwood gathering (acres)	192,151.48	28,887.13	34,832.02	192,151.48
Interior Chaparral (280,763.30 acres forestwide)				
Roads and trails open to public use (miles)	210.81	105.32	155.55	210.12
Road density (miles per square mile)	0.50	0.26	0.38	0.50
Areas open to motorized cross-country travel (acres)	8,150.13	0.00	0.00	0.00
Big game retrieval using motorized vehicles (acres)	8,150.13	0.00	83,038.16	93,604.62
Access of dispersed camping using motorized vehicles (acres)	8,150.13	0.97	3,373.60	13,178.38
Personal use fuelwood gathering (acres)	60,441.98	4,184.27	5,979.93	60,441.98
Pinyon-juniper Grassland (204,136.68 acres forestwide)				
Roads and trails open to public use (miles)	285.74	177.86	233.14	279.68
Road density (miles per square mile)	1.01	0.67	0.84	0.99
Areas open to motorized cross-country travel (acres)	53,162.35	0.00	0.00	0.00
Big game retrieval using motorized vehicles (acres)	53,162.35	0.00	63,069.28	93,521.69
Access of dispersed camping using motorized vehicles (acres)	53,162.35	2.29	5,640.58	19,164.07

Chapter 3. Affected Environment and Environmental Consequences

Analysis Factor	Alternative A	Alternative B	Alternative C	Alternative D
Personal use fuelwood gathering) (acres)	88,257.26	11,215.39	13,950.02	88,257.26
Mixed Conifer with Aspen (58,385.76 acres forestwide)				
Roads and trails open to public use (miles)	286.34	137.91	212.02	257.04
Road density (miles per square mile)	3.31	1.68	2.50	2.99
Areas open to motorized cross-country travel (acres)	144,130.17	0.00	0.00	0.00
Big game retrieval using motorized vehicles (acres)	144,130.17	0.00	103,095.21	117,697.66
Access of dispersed camping using motorized vehicles (acres)	144,130.17	0.72	3,166.15	14,721.38
Personal use fuelwood gathering) (acres)	50,305.85	2,969.17	3,199.41	50,305.85
Madrean Encinal Woodland (48,181.76 acres forestwide)				
Roads and trails open to public use (miles)	62.81	30.66	50.82	58.47
Road density (miles per square mile)	0.83	0.41	0.68	0.78
Areas open to motorized cross-country travel (acres)	18,186.98	0.00	0.00	0.00
Big game retrieval using motorized vehicles (acres)	18,186.98	0.00	20,647.21	20,929.68
Access of dispersed camping using motorized vehicles (acres)	18,186.98	0.35	996.6	3,549.79
Personal use fuelwood gathering) (acres)	19,479.61	1,866.32	2,566.50	19,479.61
Cottonwood Willow Riparian Forest (41,228.82 acres forestwide)				
Roads and trails open to public use (miles)	444.29	197.48	278.72	393.59
Road density (miles per square mile)	7.09	3.26	4.52	6.30
Areas open to motorized cross-country travel (acres)	361.68	0.00	1,203.52	1,203.52
Big game retrieval using motorized vehicles (acres)	361.68	0.00	7,433.39	83,545.95
Access of dispersed camping using motorized vehicles (acres)	361.68	24.38	5,685.39	20,150.43
Personal use fuelwood gathering) (acres)	15,232.85	3,074.44	4,322.89	15,232.85
Mixed Broadleaf Deciduous Riparian Forest (17,731.10 acres forestwide)				
Roads and trails open to public use (miles)	7	166.51	213.95	256.91
Road density (miles per square mile)	9.84	6.35	8.06	9.61

Analysis Factor	Alternative A	Alternative B	Alternative C	Alternative D
Areas open to motorized cross-country travel (acres)	33,825.25	0.00	0.00	0.00
Big game retrieval using motorized vehicles (acres)	33,825.25	0.00	31,018.73	43,281.90
Access of dispersed camping using motorized vehicles (acres)	33,825.25	3.74	4,345.57	14,381.01
Personal use fuelwood gathering (acres)	25,846.11	5,777.20	7,117.99	25,846.11
Mines (428.85 acres forestwide)				
Roads and trails open to public use (miles)	0.01	0.00	0.00	0.00
Road density (miles per square mile)	0.01	0.00	0.00	0.00
Areas open to motorized cross-country travel (acres)	0.00	0.00	0.00	0.00
Big game retrieval using motorized vehicles (acres)	0.00	0.00	< 0.01	2.34
Access of dispersed camping using motorized vehicles (acres)	0.00	0.00	0.1	0.16
Personal use fuelwood gathering (acres)	0.74	0.16	0.16	0.74
Water (28,989.16 acres forestwide)				
Roads and trails open to public use (miles)	24.01	13.47	14.43	23.54
Road density (miles per square mile)	0.56	0.33	0.35	0.55
Areas open to motorized cross-country travel (acres)	0.00	0.00	10,984.43	10,984.43
Big game retrieval using motorized vehicles (acres)	0.00	0.00	7.1	79,943.05
Access of dispersed camping using motorized vehicles (acres)	0.00	0.00	368.34	2,202.42
Personal use fuelwood gathering (acres)	210.93	44.57	49.72	210.93

General Effects of Motorized Routes and Associated Uses

Routes and their associated use can have a variety of impacts to wildlife and wildlife habitat. Habitat impacts from routes and their associated use include: habitat degradation (for example, edge effects and spread of non-natives), fragmentation, and increased fire risk. Routes impact individual animals through impeding movement (barriers), causing mortality (vehicle collisions, diseases), and causing disturbance (noise)¹⁰⁹.

¹⁰⁹ More detailed information associated with these effects can be found in the draft Biological Evaluation Report in the project record.

Cumulative Effects Common to All Species

Past, present, and reasonably foreseeable actions that are relevant to TES species and critical habitats are described below for all alternatives. The cumulative effects analysis area for TES species and critical habitats is the forest boundary.

This cumulative effects analysis does not attempt to quantify the effects of past human actions by adding up all prior actions on an action-by-action basis. In order to understand the contribution of past actions to the cumulative effects of the proposed action and alternatives, this analysis relies on current environmental conditions as a proxy for the impacts of past and present actions. This is because existing conditions reflect the aggregate impact of all prior human actions and natural events that are difficult to quantify that have affected the environment and might contribute to cumulative effects. Existing conditions are a result of past and present impacts to wildlife resources.

This analysis focuses on the cumulative impact of those reasonably foreseeable actions that are relevant in assessing the impacts of designating a system of motorized use on TES species and critical habitats. Although almost all Forest and private or other governmental actions may have some relevancy, this report specifically considers those that are most relevant toward resulting in a cumulative impact to TES species and critical habitats.

Projects on the forests schedule of proposed action for the period of April 2014 through June 2014 were considered for the cumulative effects analysis as reasonably foreseeable actions.

Reasonably foreseeable actions that could affect TES species and critical habitats are land exchanges, reauthorization of livestock grazing allotments, mining and exploratory drilling, fuels reduction projects, forest thinning, watershed/vegetation regeneration and habitat improvement, roadway material source pits, recreation management, special use permits (maintenance of existing structures, approval of group organization camps), personal use activities, and new road construction. While these activities can directly and indirectly affect TES species and as well as cause destruction or modification to critical habitats, these actions are planned to minimize (and when possible, to eliminate) effects to TES species and critical habitats above current conditions and have mitigation measures and Best Management Practices designed to mitigate disturbances that may occur from project implementation.

Some projects may be considered cumulative actions because they may result in impacts to critical habitats and thus to TES species associated with the primary constituent elements within a PNV and designated critical habitat, such as renewal of livestock grazing permits that would reduce herbaceous ground cover. Other projects that may be considered as cumulative actions have not resulted or are not expected to result in a measureable impact to TES species and critical habitats as they have been designed to completely avoid or minimize impacts to sensitive species and critical habitat resources by including design criteria or mitigations measures such as timing restrictions.

Projects involving forest thinning and prescribed fire treatments likely contribute to effects to TES species and critical habitats. Although the effects of fuels reduction and thinning projects are mitigated to reduce the effects on TES species and critical habitats, they still result in modification of vegetation which can affect foraging, nesting, roosting, hiding, and thermal cover, and daily and seasonal movements. Recently completed or ongoing planning for restoration and fuels management projects include: Salt River Allotments Vegetative Management project, Mesa

vegetation regeneration and habitat improvement project, and the Haigler fuels analysis. Fuels reduction projects may have short-term impacts on wildlife from disturbance (during implementation) and habitat degradation (up to 3 years after treatment), but generally improve TES species and critical habitats over the long-term (from one to ten or more years after project implementation) by decreasing the potential for high-intensity wildfire (Strom and Fulé, 2007) and improving the productivity and biodiversity of vegetation on which TES species depend (Griffis *et al.*, 2001).

Unauthorized and unmanaged dispersed recreation, while not continuous across the Tonto National Forest like grazing or across large areas like fuels reduction and thinning projects, can result in adverse impacts to TES species and critical habitats. Roads, trails, dispersed camping areas, and the use of these by forest users could denude vegetation and compact soils; disturb vegetation to which some species may be attached; crush eggs and insects; and collapse burrows which can crush individuals; alter and fragment habitat; increase sedimentation into aquatic systems; visually and aurally disturb animals during critical periods such as breeding, and harass individuals through collection or handling.

Legal and illegal personal use activities, particularly fuelwood harvesting, affects TES species and critical habitats. The removal of dead and down wood can result in the loss of habitat for invertebrates, small mammals, and reptiles; all of which are important prey items and habitats for some TES species and critical habitats. The removal of snags not only can affect prey species like invertebrates and reptiles; it also results in the loss of bat roosting habitat and bird nesting and roosting habitat. Fuelwood harvesting could result in the removal of large Gambel's oak trees, which are important for some TES species that nest in their natural cavities and could be tied to the presence of roads. Studies have shown there is an observable decrease in standing and downed large dead trees within near proximity to open roads (Wisdom and Bate, 2008).

All action alternatives would reduce adverse impacts to TES species and critical habitats resources forest-wide by reducing motorized cross-country travel outside of camping, wood gathering and motorized big game retrieval corridors. The miles of open roads will decrease in almost all PNVTs. Although all alternatives would reduce overall motorized vehicle disturbance, action alternatives may increase the intensity of effects to TES species and critical habitats within camping and wood gathering corridors. All effects—direct, indirect, and cumulative—are evaluated to come to determinations of effects for MIS resources in this report.

Federally Listed Species

Lesser Long-nosed Bat

The lesser long-nosed bat is found in desert scrub habitat with agave and columnar cacti present as food plants at an elevation range of 1,600 to 11,500 feet. Two resources are critical for this species: suitable day roosts and adequate concentrations of food plants. Day roosts are typically caves and abandoned mines. Lesser long-nosed bats will also use night roosts for short periods to digest meals. Night roosts may include day roosts as well as other caves, mines, rock crevices, trees, shrubs, and occasionally abandoned buildings.

There are no confirmed reports of individuals on the Forest. The closest confirmed lesser-long nosed roost is a cave on tribal lands south of Casa Grande (Bill Burger, personal communications) about 65 miles away from Tonto National Forest. Thus, no data are available for lesser long-nosed bat occurrences on the forest. Therefore, the following analysis by alternative is based on

availability of suitable habitat using PNVNT (i.e., desert communities) to determine where suitable habitat is present. This metric overestimates amount of suitable habitat as suitable roosts, as well as agaves and columnar cacti, are not present in all areas of desert communities.

Alternative A—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,958.58 miles of roads and no trails would be open to the public for motorized travel if Alternative A was implemented. Currently, there are approximately 581.57 miles of open roads and motorized trails (with a road density of 0.58 miles per square mile) within potential habitat for the lesser long-nosed bat on the Forest. The current level of impact is expected to continue if Alternative A is implemented.

Areas Designated for Motor Vehicle Use

Cross-country motorized travel would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, approximately 1,316.76 acres of desert community habitat is impacted by cross-country motorized travel. Motorized use within or adjacent to potential habitat for the lesser long-nosed bat has the potential to influence behavior, survival, reproduction and distribution of lesser long-nosed bat, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Big Game Retrieval

Cross-country motorized travel for big game retrieval would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, approximately 1,316.76 acres of desert community habitat is impacted by motorized big game retrieval. Motorized use within or adjacent to potential habitat for the lesser long-nosed bat has the potential to influence behavior, survival, reproduction and distribution of lesser long-nosed bat, as well as to alter habitat. The number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 703,618 acres; few of these trips are anticipated to occur in lesser long-nosed bat habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motorized vehicles would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, approximately 1,316.76 acres of desert community habitat is impacted by dispersed camping using motor vehicles. Motorized use within or adjacent to potential habitat for the lesser long-nosed bat has the potential to influence behavior, survival, reproduction and distribution of lesser long-nosed bat, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue within the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 1,345,997.76 acres. Currently,

approximately 71,843.67 acres of desert community habitat is impacted by cross-country motorized travel for fuelwood gathering. Motorized use within or adjacent to potential habitat for the lesser long-nosed bat has the potential to influence behavior, survival, reproduction and distribution of lesser long-nosed bat, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Alternative B—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 2,559.57 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be approximately 246.49 miles of open roads and motorized trails (with a road density of 0.29 miles per square mile) within potential habitat for the lesser long-nosed bat on the Forest under this alternative. This would be a reduction in the amount of roads and motorized trails open to the public in potential habitat for the lesser long-nosed bat, and would benefit the species by reducing impacts to foraging habitat, such as crushing of potential food plants and compaction of the soil.

Areas Designated for Motor Vehicle Use

Cross-country motorized use would be eliminated forestwide if Alternative B was implemented. No cross-country motorized use within potential habitat for the lesser long-nosed bat on the forest would be allowed under Alternative B. The level of impact to potential habitat for the lesser long-nosed bat would be the same as current conditions.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be eliminated forestwide if Alternative B was implemented. No potential habitat for the lesser long-nosed bat would be affected by motorized big game retrieval. The level of impact to potential habitat for the lesser long-nosed bat would be the same as current conditions.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to 414 designated sites, impacting approximately 65.45 acres if this alternative was implemented. Approximately 10.65 acres of desert community habitat would be impacted by dispersed camping using motor vehicles under this alternative. This would be a major reduction in dispersed camping within potential habitat for the lesser long-nosed bat on the forest, and would benefit the species by reducing impacts to foraging habitat, such as crushing of potential food plants and compaction of the soil.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 132,568.44 acres. Approximately 7,057.36 acres of desert community habitat would be impacted by fuelwood gathering using motor vehicles under this alternative. This would be a major reduction in cross-country motorized travel for fuelwood gathering within potential habitat for the lesser long-nosed bat on the Forest, and would benefit the species by reducing impacts to foraging habitat, such as crushing of potential food plants and compaction of the soil.

Alternative C—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 3,569.52 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be approximately 396.36 miles of open roads and motorized trails (with a road density of 0.42 miles per square mile) within potential habitat for the lesser long-nosed bat on the forest under this alternative. This would be a reduction in the amount of roads and motorized trails open to the public within potential habitat for the lesser long-nosed bat on the forest, and would benefit the species by reducing impacts to foraging habitat, such as crushing of potential food plants and compaction of the soil.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. Approximately 1,403.92 acres of desert community habitat would be impacted by motorized cross-country travel under this alternative. This would be a slight increase in authorized cross-country motorized use within potential habitat for the lesser long-nosed bat on the forest. The level of impact to potential habitat for lesser long-nosed bat would be nearly the same as current conditions.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 1,293,178.12 acres if this alternative is implemented. Approximately 32,665.11 acres of desert community habitat would be impacted by motorized big game retrieval under this alternative. This would be a major increase in authorized motorized big game retrieval within potential habitat for the lesser long-nosed bat on the Forest, and could result in additional impacts to the species by increasing impacts to foraging habitat, such as crushing of potential food plants and compaction of the soil. However, the number of retrieval trips across the forest is estimated to be 209 total trips in and out on an annual basis, spread over 1,293,178 acres; few of these trips are anticipated to occur in lesser long-nosed bat habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 100 feet of roads and motorized trails, impacting approximately 91,391.29 acres if this alternative is implemented. Approximately 10,191.79 acres of desert community habitat would be impacted by dispersed camping using motor vehicles under this alternative. This would be a major increase in dispersed camping using motor vehicles within potential habitat for the lesser long-nosed bat on the forest, and could result in additional impacts to the species by increasing impacts to foraging habitat, such as crushing of potential food plants and compaction of the soil.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 161,784.64 acres. Approximately 8,566.65 acres of desert community habitat would be impacted by fuelwood gathering using motor vehicles under this alternative. This is a major reduction in

cross-country motorized travel for fuelwood gathering within potential habitat for the lesser long-nosed bat on the Forest, and would benefit the species by reducing impacts to foraging habitat, such as crushing of potential food plants and compaction of the soil.

Alternative D—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 3,569.52 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be approximately 396.36 miles of open roads and motorized trails (with a road density of 0.42 miles per square mile) within potential habitat for the lesser long-nosed bat on the forest under this alternative. This would be a reduction in the amount of roads and motorized trails open to the public within potential habitat for the lesser long-nosed bat on the Forest, and would benefit the species by reducing impacts to foraging habitat, such as crushing of potential food plants and compaction of the soil.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. Approximately 1,403.92 acres of desert community habitat would be impacted by motorized cross-country travel under this alternative. This would be a slight increase in authorized cross-country motorized use within potential habitat for the lesser long-nosed bat on the forest. The level of impact to potential habitat for lesser long-nosed bat would be nearly the same as current conditions.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 1,293,178.12 acres if this alternative is implemented. Approximately 32,665.11 acres of desert community habitat would be impacted by motorized big game retrieval under this alternative. This would be a major increase in authorized motorized big game retrieval within potential habitat for the lesser long-nosed bat on the forest, and could result in additional impacts to the species by increasing impacts to foraging habitat, such as crushing of potential food plants and compaction of the soil. However, the number of retrieval trips across the forest is estimated to be 209 total trips in and out on an annual basis, spread over 1,293,178 acres; few of these trips are anticipated to occur in lesser long-nosed bat habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 100 feet of roads and motorized trails, impacting approximately 91,391.29 acres if this alternative is implemented. Approximately 10,191.79 acres of desert community habitat would be impacted by dispersed camping using motor vehicles under this alternative. This would be a major increase in dispersed camping using motor vehicles within potential habitat for the lesser long-nosed bat on the forest, and could result in additional impacts to the species by increasing impacts to foraging habitat, such as crushing of potential food plants and compaction of the soil.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 161,784.64 acres. Approximately 8,566.65 acres of desert community habitat would be impacted by fuelwood gathering using motor vehicles under this alternative. This is a major reduction in cross-country motorized travel for fuelwood gathering within potential habitat for the lesser long-nosed bat on the forest, and would benefit the species by reducing impacts to foraging habitat, such as crushing of potential food plants and compaction of the soil.

Ocelot

The ocelot is found in Desert scrub communities in Arizona. The universal habitat component is presence of dense cover of at least 75 percent canopy cover up to 95 percent cover. Prey for the ocelot includes rabbits, small rodents, and birds. No desert shrub habitat with dense canopy cover occurs on the Tonto National Forest. However, ocelots incidentally occur in the forest.

Alternative A—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,958.58 miles of roads and no trails would be open to the public for motorized travel if this alternative was implemented. Currently, there are no open roads or motorized trails within ocelot habitat on the Forest. Current condition would continue if Alternative A was implemented, so no new effects would occur.

Areas Designated for Motor Vehicle Use

Cross-country motorized travel would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, no suitable habitat for the ocelot is impacted by cross-country motorized travel. Therefore, no effects from motorized cross-country travel are anticipated under Alternative A.

Motor Vehicle Use for Big Game Retrieval

Cross-country motorized travel for big game retrieval would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, no suitable habitat for the ocelot is impacted by motorized big game retrieval. Therefore, no effects from motorized travel for big game retrieval are anticipated under Alternative A.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motorized vehicles would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, no suitable habitat for the ocelot is impacted by dispersed camping using motorized vehicles. Therefore, no effects from dispersed camping using motorized vehicles are anticipated under Alternative A.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue within the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 1,345,997.76 acres. Currently, 7.72 acres of habitat where an ocelot was previously found is impacted by cross-country motorized travel for fuelwood gathering. Motorized use within or adjacent to ocelot habitat has the potential to influence behavior, survival, reproduction and distribution of the ocelot, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Alternative B—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 2,559.57 miles of roads and trails would be open to the public for motorized travel if Alternative B was implemented. There would be no open roads or motorized trails under this alternative in ocelot habitat on the Forest. The level of impact would be the same as current conditions.

Areas Designated for Motor Vehicle Use

Cross-country motorized use would be eliminated forestwide if Alternative B was implemented. No ocelot habitat would be affected by cross-country motorized use. The level of impact to ocelot habitat would be the same as current conditions.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be eliminated forestwide if Alternative B was implemented. No ocelot habitat would be affected by motorized big game retrieval. The level of impact to ocelot habitat would be the same as current conditions.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to 414 designated sites, impacting approximately 65.45 acres if Alternative B was implemented. No suitable habitat for the ocelot would be impacted by dispersed camping using motorized vehicles under this alternative. The level of impact would be the same as current conditions.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 132,568.44 acres under Alternative B. There would be 6.94 acres in the area where an ocelot was previously observed on the forest impacted by fuelwood gathering using motor vehicles. This would be a slight reduction in fuelwood gathering within this area.

Alternative C—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 3,569.52 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be no open roads or motorized trails within ocelot habitat on the Forest under Alternative C. The level of impact would be the same as current conditions.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. No suitable habitat for the ocelot would be impacted by motorized cross-country travel under Alternative C. The level of impact would be the same as current conditions.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 1,293,178.12 acres if Alternative C is implemented. There would be 5.13 acres in the area where an ocelot was previously observed on the Forest impacted by motorized big game retrieval. This would be an increase in motorized big game retrieval within this area. However, the number of retrieval trips across the Forest is estimated to be 209 total trips in and out on an annual basis, spread over 1,293,178 acres; few if any of these trips are anticipated to occur in the area where an ocelot was previously observed on the Forest.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 100 feet of roads and motorized trails, impacting approximately 91,391.29 acres if Alternative C is implemented. There would be 2.90 acres in the area where an ocelot was previously observed on the Forest impacted by dispersed camping using motor vehicles. This would be an increase in dispersed camping using motor vehicles within this area.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 161,784.64 acres. There would be 6.94 acres in the area where an ocelot was previously observed on the Forest impacted by fuelwood gathering using motor vehicles. This would be a slight reduction in fuelwood gathering within this area.

Alternative D—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,859.34 miles of roads and trails would be open to the public for motorized travel if Alternative D was implemented. There would be no open roads or motorized trails within

suitable habitat for the ocelot on the Forest. The level of impact would be the same as current conditions.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if Alternative D is implemented. No suitable habitat for the ocelot would be impacted by motorized cross-country travel under this alternative. The level of impact would be the same as current conditions.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 2,068,208.36 acres if Alternative D is implemented. There would be 7.72 acres in the area where an ocelot was previously observed on the Forest impacted by motorized big game retrieval. This would be an increase in fuelwood gathering within this area. However, the number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 2,068,208 acres; few if any of these trips are anticipated to occur in the area where an ocelot was previously observed on the Forest.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 300 feet of roads and motorized trails, impacting approximately 336,037.85 acres if Alternative D is implemented. There would be 6.94 acres in the area where an ocelot was previously observed on the Forest impacted by dispersed camping using motor vehicles. This would be an increase in dispersed camping using motor vehicles within this area.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue unrestricted in areas currently permitted for fuelwood gathering, impacting approximately 1,345,997.76 acres. There would be 7.72 acres in the area where an ocelot was previously observed on the Forest impacted by motorized travel for fuelwood gathering. Because there is no change from Alternative A, the current level of impact is expected to continue if Alternative D is implemented.

Southwestern Willow Flycatcher and Critical Habitat

The southwestern willow flycatcher is found in cottonwood/willow and tamarisk vegetation communities along rivers and streams at elevations below 8,500 feet. Nesting southwestern willow flycatchers prefer dense riparian thickets in areas where perennial flow, surface water, or saturated soil is present from April through September. In most riverine situations, associated channels are wide and shallow with a well-defined floodplain and a broad valley. Streams are slightly entrenched with well-defined meanders and riffle/pool bed features. Quiet water dominates, as in backwaters, pools, beaver ponds, or non-riffle stream stretches.

Vegetative species composition and structure varies across the range of the southwestern willow flycatcher. The variation ranges from homogeneous patches of one or several species with a single canopy layer to heterogeneous patches of numerous species with existing under, mid, and

over stories. Canopy covers are consistently high (greater than 90 percent) throughout the range (Spencer et al. 1996). In the Verde Valley, nesting willow flycatchers occur in tamarisk and mixed riparian habitats. Patch width of breeding sites in both tamarisk and mixed riparian habitat types tend to be more linear, varying from 460 feet to 1,640 feet in maximum width (Sferra *et al.*, 1995). Overstory canopies average between 50 and 55 feet tall (Spencer *et al.*, 1996). Patch size varies from 5 to 121 acres in mixed riparian and tamarisk (Spencer *et al.*, 1996).

The southwestern willow flycatcher is found in all ranger districts, and breeds in Cave Creek, Globe, Payson, and Tonto Basin ranger districts. Critical habitat for the southwestern willow flycatcher is designated in Cave Creek, Globe, Payson, and Tonto Basin ranger districts.

Alternative A—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Use of roads and motorized trails can increase access near riparian zones, increase sedimentation into streams, cause damage to riparian vegetation, and increase the potential for spreading invasive plants. The presence and noise of vehicles within close proximity to nesting sites could cause aural and visual disturbance to nesting flycatchers. Currently, there are approximately 47.96 miles of open roads and motorized trails (with a road density of 2.56 miles per square mile) within southwestern willow flycatcher occupied habitat on the Forest. There are approximately 47.44 miles of open roads and motorized trails (with a road density of 2.45 miles per square mile) within southwestern willow flycatcher critical habitat on the Forest. Current conditions would continue if this alternative was implemented, so no new effects are anticipated.

Areas Designated for Motor Vehicle Use

Cross-country motorized travel would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Unrestricted cross-country motorized travel can increase access near riparian zones, increase sedimentation into streams, cause damage to riparian vegetation, and increase the potential for spreading invasive plants. The presence and noise of vehicles within close proximity to nesting sites could cause aural and visual disturbance to nesting flycatchers. Currently, approximately 320.32 acres of southwestern willow flycatcher occupied habitat and approximately 219.60 acres of southwestern willow flycatcher critical habitat on the Forest are impacted by cross-country motorized travel. Motorized use within or adjacent to southwestern willow flycatcher occupied habitat has the potential to influence behavior, survival, reproduction and distribution of southwestern willow flycatcher, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Big Game Retrieval

Cross-country motorized travel for big game retrieval would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Cross-country motorized travel for big game retrieval can increase access near riparian zones, increase sedimentation into streams, cause damage to riparian vegetation, and increase the potential for spreading invasive plants. The presence and noise of vehicles within close proximity to nesting sites could cause aural and visual disturbance to nesting flycatchers. Currently, approximately 320.32 acres of southwestern willow flycatcher occupied habitat and approximately 219.60 acres of southwestern willow flycatcher critical

habitat on the Forest are impacted by cross-country motorized travel for big game retrieval. Motorized use within or adjacent to southwestern willow flycatcher habitat has the potential to influence behavior, survival, reproduction and distribution of southwestern willow flycatcher, as well as to alter habitat. However, effects from noise and human disturbance are expected to be minimal to non-existent because the season of use would not overlap the time of year this species is present on the Tonto NF. In addition, any effects to habitat are expected to be minimal because Arizona Game and Fish Department regulations state that hunters cannot drive through riparian areas in a manner that causes damage to the habitat. Furthermore, the number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 703,618 acres; few of these trips are anticipated to occur in flycatcher habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motorized vehicles would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Dispersed camping using motorized vehicles can increase access near riparian zones, increase sedimentation into streams, cause damage to riparian vegetation, and increase the potential for spreading invasive plants. The presence and noise of vehicles within close proximity to nesting sites could cause aural and visual disturbance to nesting flycatchers. Currently, approximately 320.32 acres of southwestern willow flycatcher occupied habitat and approximately 219.60 acres of southwestern willow flycatcher critical habitat on the Forest are impacted by dispersed camping using motor vehicles. Motorized use within or adjacent to southwestern willow flycatcher habitat has the potential to influence behavior, survival, reproduction and distribution of southwestern willow flycatcher, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue within the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 1,345,997.76 acres. Cross-country motorized travel for fuelwood gathering can increase access near riparian zones, increase sedimentation into streams, cause damage to riparian vegetation, and increase the potential for spreading invasive plants. The presence and noise of vehicles within close proximity to nesting sites could cause aural and visual disturbance to nesting flycatchers. Currently, approximately 1,186.66 acres of southwestern willow flycatcher occupied habitat is impacted by cross-country motorized travel for fuelwood gathering; no southwestern willow flycatcher critical habitat on the Forest is currently impacted. Motorized use within or adjacent to southwestern willow flycatcher habitat has the potential to influence behavior, survival, reproduction and distribution of southwestern willow flycatcher, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Alternative B—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 2,559.57 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be approximately 19.38 miles of open roads and motorized trails (with a road density of 1.03 miles per square mile) within southwestern willow flycatcher occupied habitat and approximately 15.09 miles of open roads and motorized

trails (with a road density of 0.78 miles per square mile) within southwestern willow flycatcher critical habitat on the Forest under Alternative B. This would be a decrease in the amount of roads and motorized trails open to the public in southwestern willow flycatcher habitat and critical habitat, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, and reducing the spread of invasive plants.

Areas Designated for Motor Vehicle Use

Cross-country motorized use would be eliminated Forest-wide if Alternative B was implemented. No cross-country motorized use within southwestern willow flycatcher habitat or critical habitat on the Forest would be allowed under Alternative B. This would be a reduction in authorized cross-country motorized use within southwestern willow flycatcher habitat and critical habitat on the Forest, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, and reducing the spread of invasive plants.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be eliminated Forest-wide if Alternative B was implemented. No cross-country motorized use within southwestern willow flycatcher habitat or critical habitat on the Forest would be allowed under Alternative B. This would be a reduction in motorized big game retrieval within southwestern willow flycatcher habitat and critical habitat on the Forest, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, and reducing the spread of invasive plants.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to 414 designated sites, impacting approximately 65.45 acres if this alternative was implemented. There would be approximately 3.61 acres of southwestern willow flycatcher occupied habitat impacted by dispersed camping using motor vehicles under Alternative B; no critical habitat would be impacted. This would be a decrease in dispersed camping within southwestern willow flycatcher occupied habitat and critical habitat on the Forest, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, and reducing the spread of invasive plants.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 132,568.44 acres. There would be approximately 165.58 acres of southwestern willow flycatcher occupied habitat impacted by fuelwood gathering using motor vehicles under Alternative B. This would be a decrease in cross-country motorized travel for fuelwood gathering within southwestern willow flycatcher occupied habitat on the Forest, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, and reducing the spread of invasive plants. No critical habitat would be impacted, which is the same as current conditions.

Alternative C—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 3,569.52 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be approximately 30.87 miles of open roads and motorized trails (with a road density of 1.65 miles per square mile) within southwestern willow flycatcher occupied habitat and approximately 28.15 miles of open roads and motorized trails (with a road density of 1.46 miles per square mile) within southwestern willow flycatcher critical habitat on the Forest under Alternative C. This would be a decrease in the amount of roads and motorized trails open to the public in southwestern willow flycatcher occupied habitat and critical habitat, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, and reducing the spread of invasive plants.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this Alternative C is implemented. There would be approximately 879.35 acres of southwestern willow flycatcher occupied habitat impacted by motorized cross-country travel under Alternative C; no critical habitat would be impacted. This would be a decrease in authorized cross-country motorized use within southwestern willow flycatcher occupied habitat and critical habitat on the Forest, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, and reducing the spread of invasive plants.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 1,293,178.12 acres if this alternative is implemented. There would be approximately 355.96 acres of southwestern willow flycatcher occupied habitat impacted by motorized big game retrieval under Alternative C. This would be a slight increase in authorized motorized big game retrieval within southwestern willow flycatcher occupied habitat on the Forest, and could increase access near riparian zones, increase sedimentation into streams, cause additional damage to riparian vegetation, and increase the potential for spreading invasive plants. Approximately 15.22 acres of southwestern willow flycatcher critical habitat on the Forest would be impacted by motorized big game retrieval. This would be a major decrease in authorized motorized big game retrieval in southwestern willow flycatcher critical habitat and could reduce impacts within critical habitat. Effects from noise and human disturbance are expected to be minimal to non-existent because the season of use would not overlap the time of year this species is present on the Tonto NF. In addition, any effects to habitat are expected to be minimal because Arizona Game and Fish Department regulations state that hunters cannot drive through riparian areas in a manner that causes damage to the habitat. Furthermore, the number of retrieval trips across the Forest is estimated to be 209 total trips in and out on an annual basis, spread over 1,293,178 acres; few of these trips are anticipated to occur in flycatcher habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 100 feet of roads and motorized trails, impacting approximately 91,391.29 acres if this alternative is implemented. There would be approximately 476.07 acres of southwestern willow flycatcher occupied habitat and approximately 323.54 acres of southwestern willow flycatcher critical habitat impacted by dispersed camping using motor vehicles under Alternative C. This would be an increase in dispersed camping using motor vehicles within southwestern willow flycatcher occupied habitat and critical habitat on the Forest, and could result in impacts by increasing access near riparian zones, increasing sedimentation into streams, causing additional damage to riparian vegetation, and increasing the potential for spreading invasive plants.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 161,784.64 acres. There would be approximately 321.51 acres of southwestern willow flycatcher occupied habitat impacted by fuelwood gathering using motor vehicles under Alternative C. This would be a decrease in cross-country motorized travel for fuelwood gathering within southwestern willow flycatcher occupied habitat, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, and reducing the spread of invasive plants. No critical habitat would be impacted, which would be the same as current conditions.

Alternative D—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,859.34 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be approximately 45.00 miles of open roads and motorized trails (with a road density of 2.40 miles per square mile) within southwestern willow flycatcher occupied habitat and approximately 45.91 miles of open roads and motorized trails (with a road density of 2.37 miles per square mile) impacted within southwestern willow flycatcher critical habitat on the Forest under Alternative D. This would be a slight decrease in the amount of roads and motorized trails open to the public in southwestern willow flycatcher occupied habitat and critical habitat, and could benefit the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, and reducing the spread of invasive plants.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. There would be approximately 879.35 acres of southwestern willow flycatcher occupied habitat and approximately 405.36 acres of southwestern willow flycatcher critical habitat on the Forest impacted by motorized cross-country travel under Alternative D. This would be an increase in authorized cross-country motorized use within southwestern willow flycatcher occupied habitat and critical habitat on the Forest, and could result in impacts by increasing access near riparian zones, increasing sedimentation into streams, causing additional damage to riparian vegetation, and increasing the potential for spreading invasive plants.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 2,068,208.36 acres if Alternative D is implemented. There would be approximately 10,075.19 acres of southwestern willow flycatcher occupied habitat and approximately 8,241.80 acres of southwestern willow flycatcher critical habitat on the Forest impacted by motorized big game retrieval under Alternative D. This would be a major increase in authorized motorized big game retrieval within southwestern willow flycatcher occupied habitat and critical habitat on the Forest, and could result in impacts by increasing access near riparian zones, increasing sedimentation into streams, causing additional damage to riparian vegetation, and increasing the potential for spreading invasive plants. Effects from noise and human disturbance are expected to be minimal to non-existent because the season of use would not overlap the time of year this species is present on the Tonto National Forest. In addition, any effects to habitat are expected to be minimal because Arizona Game and Fish Department regulations state that hunters cannot drive through riparian areas in a manner that causes damage to the habitat. Furthermore, the number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 2,068,208 acres; few of these trips are anticipated to occur in flycatcher habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 300 feet of roads and motorized trails, impacting approximately 336,037.85 acres if this alternative is implemented. There would be approximately 1,783.47 acres of southwestern willow flycatcher occupied habitat and approximately 1,444.85 acres of southwestern willow flycatcher critical habitat on the Forest impacted by dispersed camping using motor vehicles under Alternative D. This would be a major increase in dispersed camping using motor vehicles within southwestern willow flycatcher occupied habitat and critical habitat on the Forest, and could result in impacts by increasing access near riparian zones, increasing sedimentation into streams, causing additional damage to riparian vegetation, and increasing the potential for spreading invasive plants.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue unrestricted in areas currently permitted for fuelwood gathering, impacting approximately 1,345,997.76 acres. There would be approximately 1,186.66 acres of southwestern willow flycatcher occupied habitat and no critical habitat impacted by cross-country motorized travel for fuelwood gathering under this alternative. Because there is no change from Alternative A, the current level of impact is expected to continue if Alternative D is implemented.

Mexican Spotted Owl and Critical Habitat

The Mexican spotted owl (MSO) occupies steep slopes with mixed conifer and ponderosa pine/Gambel oak vegetation types, usually characterized by high canopy closure, high stem density, multi-layered canopies within the stand, numerous snags, and downed woody material. This species is found at an elevation range of 4,100 to 9,000 feet.

MSOs are nocturnal predators that feed primarily on small mammals. They are “perch and pounce” predators that locate prey from an elevated perch by sight or sound, then pounce on the prey and capture it with their talons. They consume a variety of prey throughout their range, but

commonly eat small and medium sized rodents such as woodrats, peromyscid mice, and microtine voles. They also eat bats, birds, reptiles, and arthropods.

On the forest, the MSO is found in Globe, Mesa, Payson, Pleasant Valley, and Tonto Basin ranger districts. Critical habitat for the MSO is designated in all ranger districts. Portions of two recovery units occur within Tonto National Forest: the Upper Gila Mountain Recovery Unit and the Basin and Range-West Recovery Unit.

Alternative A—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,958.58 miles of roads and no trails would be open to the public for motorized travel if Alternative A was implemented. Currently, there are approximately 4.84 miles of open roads and motorized trails (with a road density of 2.24 miles per square mile) within MSO occupied habitat on the Forest. There are approximately 74.01 miles of open roads and motorized trails (with a road density of 1.04 miles per square mile) within PACs and approximately 14.73 miles of open roads and motorized trails (with a road density of 0.98 miles per square mile) within core areas on the Forest. Currently, approximately 1,077.98 miles of open roads and motorized trails (with a road density of 1.54 miles per square mile) are present within MSO critical habitat on the Forest. The current level of impact is expected to continue if Alternative A is implemented.

Areas Designated for Motor Vehicle Use

Cross-country motorized travel would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, approximately 1,257.20 acres of MSO occupied habitat, 28,752.97 acres of MSO PACs, 6,577.17 acres of MSO core areas, and 194,545.38 acres of MSO critical habitat are impacted by cross-country motorized travel. Motorized use within or adjacent to MSO habitat has the potential to influence behavior, survival, reproduction and distribution of MSO, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Big Game Retrieval

Cross-country motorized travel for big game retrieval would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, approximately 1,257.20 acres of MSO occupied habitat, 28,752.97 acres of PACs, 6,577.17 acres of core areas, and 194,545.38 acres of critical habitat are impacted by motorized big game retrieval. Motorized use within or adjacent to MSO habitat has the potential to influence behavior, survival, reproduction and distribution of MSO, as well as to alter habitat. The number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 703,618 acres; few of these trips are anticipated to occur in MSO habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motorized vehicles would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, 1,257.20 acres of MSO occupied habitat, 28,752.97 acres of PACs, 6,577.17 acres of core areas, and 194,545.38 acres of critical habitat are impacted by dispersed camping using motor vehicles. Motorized use within or adjacent to MSO habitat has the potential to influence behavior, survival, reproduction and distribution of MSO, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue within the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 1,345,997.76 acres. According to Forest data, no MSO occupied habitat or PACs are impacted by cross-country motorized travel for fuelwood gathering, while approximately 457.78 acres of core areas and 181,279.92 acres of critical habitat are impacted, though there appears to be an error within the data as PACs would have to be impacted if core areas are impacted (i.e., core areas are always delineated within PACs). Motorized use within or adjacent to MSO habitat has the potential to influence behavior, survival, reproduction and distribution of MSO, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Alternative B—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 2,559.57 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be approximately 0.90 miles of open roads and motorized trails (with a road density of 0.42 miles per square mile) within MSO occupied habitat, 7.48 miles of open roads and motorized trails (with a road density of 0.10 miles per square mile) within PACs, 1.53 miles of roads and motorized trails (with a road density of 0.10 miles per square mile) would be open to the public within core areas, and 512.18 miles of roads and motorized trails would be open to the public (with a road density of 0.73 miles per square mile) within MSO critical habitat on the Forest under Alternative B. This would be a decrease in the amount of roads and motorized trails open to the public in MSO occupied habitat, PACs, core areas, and critical habitat, and would be beneficial to the species by reducing the potential for noise disturbance from motorized vehicles.

Areas Designated for Motor Vehicle Use

Cross-country motorized use would be eliminated Forest-wide if this Alternative B was implemented. No cross-country motorized use within MSO occupied habitat, PACs, core areas, or critical habitat on the Forest would be allowed under Alternative B. This would be a reduction in authorized cross-country motorized use within MSO occupied habitat, PACs, core areas, and critical habitat on the Forest, and would benefit the species by reducing the potential for noise disturbance from motorized vehicles and disturbance due to human presence, as well as habitat degradation.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be eliminated Forest-wide if Alternative B was implemented. No cross-country motorized use MSO occupied habitat, PACs, core areas, or critical habitat on the Forest would be allowed under Alternative B. This would be a reduction in authorized cross-country motorized use within MSO occupied habitat, PACs, core areas, and critical habitat on the Forest, and would benefit the species by reducing the potential for noise disturbance from motorized vehicles and disturbance due to human presence, as well as habitat degradation.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to 414 designated sites, impacting approximately 65.45 acres if Alternative B was implemented. No currently occupied MSO occupied habitat would be impacted by dispersed camping using motor vehicles under this alternative; however, approximately 0.72 acres of PACs, 0.01 acres of core areas, and 10.64 acres of MSO critical habitat on the Forest would be impacted by dispersed camping using motor vehicles. This would be a major reduction in dispersed camping in MSO occupied habitat, PACs, core areas, and critical habitat, and would benefit the species by reducing impacts associated with noise disturbance from motor vehicles, reducing disturbance due to human presence, and reducing habitat degradation.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 132,568.44 acres. No MSO occupied habitat or PACs would be impacted by fuelwood gathering using motor vehicles under Alternative B; the level of impact would be the same as current conditions. No core areas and approximately 15,880.43 acres of critical habitat on the Forest would be impacted by cross-country motorized travel for fuelwood gathering; this would be a decrease in cross-country motorized travel for fuelwood gathering in these areas, and would benefit the species by reducing impacts associated with noise disturbance from motor vehicles, reducing disturbance due to human presence, and reducing habitat degradation. However, because of the large amount of critical habitat in which fuelwood gathering would be allowed, impacts to critical habitat could be substantial. Collection of downed wood for fuelwood could impact one of the primary constituent elements (PCE) of critical habitat related to maintenance of adequate prey species, specifically the PCE requiring high volumes of fallen trees and other woody debris. Therefore, while motorized travel for fuelwood gathering under Alternative B is expected to benefit the MSO by reducing potential impacts where the species is known to occur, this alternative is likely to adversely affect designated critical habitat in areas where the species is currently not known to occur.

Alternative C—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 3,569.52 miles of roads and trails would be open to the public on the Forest for motorized travel if Alternative C was implemented. There would be approximately 1.76 miles of open roads and motorized trails (with a road density of 0.81 miles per square mile) within MSO occupied habitat, 43.08 miles of open roads and motorized trails (with a road density of 0.60 miles per square mile) within MSO PACs, 7.01 miles of roads and motorized trails (with a road density of 0.47 miles per square mile) would be open to the public within MSO core areas,

and 768.47 miles of roads and motorized trails would be open to the public (with a road density of 1.10 miles per square mile) within MSO critical habitat on the Forest under Alternative C. This would be a decrease in the amount of roads and motorized trails open to the public in MSO occupied habitat, PACs, core areas, and critical habitat, and would benefit the species by reducing impacts associated with noise disturbance from motor vehicles, reducing disturbance due to human presence, and reducing habitat degradation.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres of the Forest in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. No MSO occupied habitat, PACs, core areas, or critical habitat would be impacted by motorized cross-country travel under Alternative C. This would be a decrease in authorized cross-country motorized use within MSO occupied habitat, PACs, core areas, and critical habitat on the Forest, and would benefit the species by reducing impacts associated with noise disturbance from motor vehicles, reducing disturbance due to human presence, and reducing habitat degradation.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 1,293,178.12 acres of the Forest if this alternative is implemented. Approximately 1,257.48 acres of MSO occupied habitat, 30,042.96 acres of MSO PACs, 6,728.28 acres of MSO core areas, and 294,865.76 acres of MSO critical habitat would be impacted by motorized big game retrieval under Alternative C. The level of impact to MSO occupied habitat would be the same as current conditions, while there would be an increase in motorized big game retrieval in critical habitat, and a slight increase in PACs and core areas. This could result in additional impacts to the MSO by increasing noise disturbance from motor vehicles, increasing disturbance due to human presence, and increasing habitat degradation. However, effects from noise and human disturbance are expected to be minimal because the hunting season would not overlap the breeding season for this species. Furthermore, the number of retrieval trips across the Forest is estimated to be 209 total trips in and out on an annual basis, spread over 1,293,178 acres; few of these trips are anticipated to occur in MSO habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 100 feet of roads and motorized trails, impacting approximately 91,391.29 acres if this alternative is implemented. Approximately 35.71 acres of MSO occupied habitat, 660.40 acres of MSO PACs, 128.06 acres of MSO core areas, and 13,990.52 acres of MSO critical habitat on the Forest would be impacted by dispersed camping using motor vehicles under Alternative C. This would be a major decrease in dispersed camping using motor vehicles within MSO occupied habitat, PACs, core areas, and critical habitat on the Forest, and would benefit the species by reducing impacts associated with noise disturbance from motor vehicles, reducing disturbance due to human presence, and reducing habitat degradation.

Motor Vehicle Use for Fuelwood Gathering

Motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 161,784.64 acres. No MSO occupied habitat, PACs, or core areas would be impacted by fuelwood gathering using motor vehicles under Alternative C; the level of impact would be the same as current conditions. There would be 20,951.29 acres of critical habitat on the Forest impacted by motorized travel for fuelwood gathering. This would be a decrease in motorized travel for fuelwood gathering in these areas, and would benefit the species by reducing impacts associated with noise disturbance from motor vehicles, reducing disturbance due to human presence, and reducing habitat degradation.

Alternative D—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Under Alternative D, 4,859.34 miles of roads and trails would be open to the public for motorized travel. There would be approximately 4.25 miles of open roads and motorized trails (with a road density of 1.97 miles per square mile) within MSO occupied habitat, approximately 71.28 miles of open roads and motorized trails (with a road density of 1.00 miles per square mile) within MSO PACs, approximately 14.48 miles of open roads and motorized trails (with a road density of 0.96 miles per square mile) within MSO core areas, and approximately 1,036.82 miles of open roads and motorized trails (with a road density of 1.48 miles per square mile) within MSO critical habitat on the Forest under Alternative D. This would be a slight reduction in the amount of roads and motorized trails open to the public in MSO occupied habitat, PACs, core areas, and critical habitat, and would benefit the species by reducing impacts associated with noise disturbance from motor vehicles, reducing disturbance due to human presence, and reducing habitat degradation.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. No MSO occupied habitat, PACs, core areas, or critical habitat would be impacted by motorized cross-country travel under Alternative D. This would be a decrease in authorized cross-country motorized use within MSO occupied habitat, PACs, core areas, and critical habitat on the Forest, and would benefit the species by reducing impacts associated with noise disturbance from motor vehicles, reducing disturbance due to human presence, and reducing habitat degradation.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 2,068,208.36 acres if this alternative is implemented. Approximately 1,257.20 acres of MSO occupied habitat would be impacted by motorized big game retrieval under Alternative D; the level of impact would be the same as current conditions (i.e., under Alternative A). There would be approximately 32,686.17 acres of MSO PACs, 7,169.20 acres of core areas, and 324,398.42 acres of critical habitat on the Forest impacted by motorized big game retrieval. This would be an increase in motorized big game retrieval in MSO PACs, core areas, and critical habitat, and could result in additional impacts to the species by increasing noise disturbance from motor vehicles, increasing disturbance due to human presence, and increasing

habitat degradation. However, effects from noise and human disturbance are expected to be minimal to non-existent because the hunting season would not overlap the breeding season for this species. Furthermore, the number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 2,068,208 acres; few of these trips are anticipated to occur in MSO habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 300 feet of roads and motorized trails, impacting approximately 336,037.85 acres if this alternative is implemented. There would be approximately 312.49 acres of MSO occupied habitat, 4,460.83 acres of PACs, 969.91 acres of core areas, and 59,516.06 acres of critical habitat impacted by dispersed camping using motor vehicles under Alternative D. This would be a decrease in dispersed camping using motor vehicles within MSO occupied habitat, PACs, core areas, and critical habitat on the Forest, and would benefit the species by reducing impacts associated with noise disturbance from motor vehicles, reducing disturbance due to human presence, and reducing habitat degradation.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue unrestricted in areas currently permitted for fuelwood gathering, impacting approximately 1,345,997.76 acres. No MSO occupied habitat or PACs would be impacted by cross-country motorized travel for fuelwood gathering under this alternative. There would be 457.78 acres of MSO core areas and 181,279.92 acres of MSO critical habitat on the Forest impacted by cross-country motorized travel for fuelwood gathering. Because there is no change from Alternative A, the current level of impact is expected to continue if Alternative D is implemented.

Yuma Clapper Rail

The Yuma clapper rail lives and nests in freshwater marshes where moist to wet soil and dense vegetation, predominately bulrush and cattails, at least 40 centimeters (15.7 inches) in height, occurs (Todd 1986; Eddleman and Conway, 1998). This species is found at elevations below 4,500 feet.

Tonto National Forest is at the fringe of the Yuma clapper rail's range. Within the forest, habitat for this species is found in the Cave Creek (Verde River south of Needle Rock), Mesa (Goldfield), and Tonto Basin (Tonto Creek at Roosevelt Lake) ranger districts. No specific data are available for Yuma clapper rail occurrences on the Tonto National Forest. Therefore, the following analysis by alternative is based on data for potential habitat. A total of 16.56 acres of Yuma clapper rail potential habitat is present on the forest.

Alternative A—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,958.58 miles of roads and no trails would be open to the public for motorized travel if this alternative was implemented. Currently, there are approximately 14.87 miles of open roads and motorized trails (with a road density of 574.69 miles per square mile) within Yuma clapper rail potential habitat on the Forest. The current level of impact is expected to continue if Alternative A is implemented.

Areas Designated for Motor Vehicle Use

Cross-country motorized travel would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, no Yuma clapper rail potential habitat is impacted by cross-country motorized travel. Motorized use within or adjacent to Yuma clapper rail potential habitat has the potential to influence behavior, survival, reproduction and distribution of Yuma clapper rail, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Big Game Retrieval

Cross-country motorized travel for big game retrieval would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, no Yuma clapper rail potential habitat is impacted by motorized big game retrieval. Motorized use within or adjacent to Yuma clapper rail potential habitat has the potential to influence behavior, survival, reproduction and distribution of Yuma clapper rail, as well as to alter habitat. The number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 703,618 acres; none of these trips are anticipated to occur in Yuma clapper rail habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motorized vehicles would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, no Yuma clapper rail potential habitat is impacted by dispersed camping using motor vehicles. Motorized use within or adjacent to Yuma clapper rail potential habitat has the potential to influence behavior, survival, reproduction and distribution of Yuma clapper rail, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue within the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 1,345,997.76 acres. Currently, no Yuma clapper rail potential habitat is impacted by cross-country motorized travel for fuelwood gathering. Motorized use within or adjacent to Yuma clapper rail potential habitat has the potential to influence behavior, survival, reproduction and distribution of Yuma clapper rail, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Alternative B—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 2,559.57 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be approximately 9.39 miles of open roads and motorized trails (with a road density of 362.90 miles per square mile) within Yuma clapper rail potential habitat on the Forest under this alternative. This would be a reduction in the amount of roads and motorized trails open to the public in Yuma clapper rail potential habitat and

would be beneficial to the species by reducing access near riparian zones, reducing sedimentation into streams, and reducing the spread of invasive plants.

Areas Designated for Motor Vehicle Use

Cross-country motorized use would be eliminated forestwide if Alternative B was implemented. No Yuma clapper rail habitat would be affected by cross-country motorized use. The level of impact to Yuma clapper rail habitat would be the same as current conditions.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be eliminated forestwide if Alternative B was implemented. No Yuma clapper rail habitat would be affected by motorized big game retrieval. The level of impact to Yuma clapper rail habitat would be the same as current conditions.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to 414 designated sites, impacting approximately 65.45 acres if this alternative was implemented. No Yuma clapper rail potential habitat would be impacted by dispersed camping using motor vehicles under this alternative. The level of impact would be the same as current conditions.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 132,568.44 acres. No Yuma clapper rail potential habitat would be impacted by fuelwood gathering using motor vehicles under this alternative. The level of impact would be the same as current conditions.

Alternative C—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 3,569.52 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be approximately 11.53 miles of open roads and motorized trails (with a road density of 445.60 miles per square mile) within Yuma clapper rail potential habitat on the Forest under this alternative. This would be a reduction in the amount of roads and motorized trails open to the public in Yuma clapper rail potential habitat and would be beneficial to the species by reducing access near riparian zones, reducing sedimentation into streams, and reducing the spread of invasive plants.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. No Yuma clapper rail potential habitat would be impacted by motorized cross-country travel under this alternative. The level of impact would be the same as current conditions.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 1,293,178.12 acres if this alternative is implemented. No Yuma clapper rail potential habitat would be impacted by motorized big game retrieval under this alternative. The number of retrieval trips across the Forest is estimated to be 209 total trips in and out on an annual basis, spread over 1,293,178 acres; none of these trips are anticipated to occur in Yuma clapper rail habitat. The level of impact would be the same as current conditions.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 100 feet of roads and motorized trails, impacting approximately 91,391.29 acres if this alternative is implemented. Approximately 45.37 acres of Yuma clapper rail potential habitat would be impacted by dispersed camping using motor vehicles under this alternative. This would be an increase in dispersed camping using motor vehicles within Yuma clapper rail potential habitat on the Forest and could result in additional impacts to the species by increasing access near riparian zones, increasing sedimentation into streams, increasing damage to riparian vegetation by vehicles, and increasing the spread of invasive plants.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 161,784.64 acres. No Yuma clapper rail potential habitat would be impacted by fuelwood gathering using motor vehicles under this alternative. The level of impact would be the same as current conditions.

Alternative D—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,859.34 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be approximately 9.06 miles of open roads and motorized trails (with a road density of 350.14 miles per square mile) within Yuma clapper rail potential habitat on the Forest under this alternative. This would be a reduction in the amount of roads and motorized trails open to the public in Yuma clapper rail potential habitat and would be beneficial to the species by reducing access near riparian zones, reducing sedimentation into streams, and reducing the spread of invasive plants.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if Alternative D is implemented. No Yuma clapper rail potential habitat would be impacted by motorized cross-country travel under this alternative. The level of impact would be the same as current conditions.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 2,068,208.36 acres if Alternative D is implemented. There would be 1,997.81 acres of Yuma clapper rail potential habitat impacted by motorized big game retrieval under this alternative. This would be a major increase in authorized motorized big game retrieval within Yuma clapper rail potential habitat on the Forest and could result in additional impacts to the species by increasing access near riparian zones, increasing sedimentation into streams, increasing damage to riparian vegetation by vehicles, and increasing the spread of invasive plants. However, effects from noise and human disturbance are expected to be minimal to non-existent because the season of use would not overlap the breeding season. In addition, any effects to habitat are expected to be minimal because Arizona Game and Fish Department regulations state that hunters cannot drive through riparian areas in a manner that causes damage to the habitat. Furthermore, the number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 2,068,208 acres; few of these trips are anticipated to occur in Yuma clapper rail habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 300 feet of roads and motorized trails, impacting approximately 336,037.85 acres if this alternative is implemented. Approximately 199.72 acres of Yuma clapper rail potential habitat would be impacted by dispersed camping using motor vehicles under this alternative. This would be an increase in dispersed camping using motor vehicles within Yuma clapper rail potential habitat on the Forest and could result in additional impacts to the species by increasing access near riparian zones, increasing sedimentation into streams, increasing damage to riparian vegetation by vehicles, and increasing the spread of invasive plants.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue unrestricted in areas currently permitted for fuelwood gathering, impacting approximately 1,345,997.76 acres. No Yuma clapper rail Arizona Game and Fish Department this alternative. Because there is no change from Alternative A, the current level of impact is expected to continue if this alternative is implemented.

Western Yellow-billed Cuckoo

The western yellow-billed cuckoo is associated with large tracts of undisturbed low-elevation riparian deciduous forests consisting of mature trees (typically cottonwood) with a vegetative understory component of shrubs and smaller young trees, especially where mesquite bosques occur in the uplands.

On Tonto National Forest, the western yellow-billed cuckoo is found in the Cave Creek, Mesa, Globe, and Tonto Basin ranger districts along the Verde and Lower Salt rivers and Tonto and Pinto creeks. A proposed rule for western yellow-billed cuckoo proposed critical habitat is currently being prepared by the US Fish and Wildlife Service (USFWS). According to USFWS (S. Sferra, pers. comm., 2014), probable locations for proposed critical habitat include:

- Verde River upstream from Horseshoe Reservoir to just north of Isler Flat.

- Verde River downstream from Bartlett Dam to the town of Rio Verde but may stop near Needlerock.
- Pinto Creek north of Highway 60. It starts at the boundary of Gila and Pinal counties and extends down to near Roosevelt Lake where the riparian vegetation ends.
- Salt River inflow to Roosevelt Lake upstream to where it intersects with Highway 288. There is a sharp left turn on the highway there.
- Pinal Creek reach that starts north of Horseshoe ben wash and extends downstream to where the vegetation ends.
- Tonto Creek from Quartz ledge canyon downstream to inflow of Roosevelt Lake.

Alternative A—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,958.58 miles of roads and no trails would be open to the public for motorized travel if this alternative was implemented. Currently, there are approximately 14.32 miles of open roads and motorized trails (with a road density of 2.46 miles per square mile) within western yellow-billed cuckoo occupied habitat on the Forest. Critical habitat will most likely be in the same areas as occupied habitat, and the number of roads and road density within critical habitat, once proposed, would be similar. The current level of impact is expected to continue if Alternative A is implemented.

Areas Designated for Motor Vehicle Use

Cross-country motorized travel would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, 232.03 acres of western yellow-billed cuckoo occupied habitat is impacted by cross-country motorized travel. Critical habitat will most likely be in the same areas as occupied habitat, and potential effects to critical habitat, once proposed, from cross-country motorized travel would be similar. Motorized use within or adjacent to western yellow-billed cuckoo habitat has the potential to influence behavior, survival, reproduction and distribution of western yellow-billed cuckoo, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Big Game Retrieval

Cross-country motorized travel for big game retrieval would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, 232.03 acres of western yellow-billed cuckoo occupied habitat is impacted by motorized big game retrieval. Critical habitat will most likely be in the same areas as occupied habitat, and potential effects to critical habitat, once proposed, from motorized big game retrieval would be similar. Motorized use within or adjacent to western yellow-billed cuckoo habitat has the potential to influence behavior, survival, reproduction and distribution of western yellow-billed cuckoo, as well as to alter habitat. However, effects from noise and human disturbance are expected to be minimal to non-existent because the season of use would not overlap the breeding season. In addition, any effects to habitat are expected to be minimal because Arizona Game and Fish Department regulations state that hunters cannot drive through riparian areas in a manner that causes damage to the habitat. Furthermore, the number of

retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 703,618 acres; few of these trips are anticipated to occur in western yellow-billed cuckoo habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motorized vehicles would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, 232.03 acres of western yellow-billed cuckoo occupied habitat is impacted by dispersed camping using motor vehicles. Critical habitat will most likely be in the same areas as occupied habitat, and potential effects to critical habitat, once proposed, from dispersed camping using motor vehicles would be similar. Motorized use within or adjacent to western yellow-billed cuckoo habitat has the potential to influence behavior, survival, reproduction and distribution of western yellow-billed cuckoo, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue within the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 1,345,997.76 acres. Currently, 602.43 acres of western yellow-billed cuckoo occupied habitat is impacted by cross-country motorized travel for fuelwood gathering. Critical habitat will most likely be in the same areas as occupied habitat, and potential effects to critical habitat, once proposed, from dispersed camping using motor vehicles would be similar. Motorized use within or adjacent to western yellow-billed cuckoo habitat has the potential to influence behavior, survival, reproduction and distribution of western yellow-billed cuckoo, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Alternative B—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 2,559.57 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be approximately 6.62 miles of open roads and motorized trails (with a road density of 1.14 miles per square mile) within western yellow-billed cuckoo occupied habitat on the Forest under Alternative B. This would be a reduction in the amount of roads and motorized trails open to the public in western yellow-billed cuckoo occupied habitat and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, and reducing activities within line of site of cuckoos which may cause flushing, premature fledging, or site abandonment. Critical habitat will most likely be in the same areas as occupied habitat, and the number of roads and road density within critical habitat, once proposed, would be similar.

Areas Designated for Motor Vehicle Use

Cross-country motorized use would be eliminated forestwide if Alternative B was implemented. No cross-country motorized use within western yellow-billed cuckoo occupied habitat on the Forest would be allowed under Alternative B. This would be a reduction in authorized cross-country motorized use within western yellow-billed cuckoo occupied habitat on the Forest, and

would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, and reducing activities within line of site of cuckoos which may cause flushing, premature fledging, or site abandonment.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be eliminated forestwide if Alternative B was implemented. No cross-country motorized use within western yellow-billed cuckoo occupied habitat on the Forest would be allowed under Alternative B. This would be a reduction in motorized big game retrieval within western yellow-billed cuckoo habitat on the Forest, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, and reducing activities within line of site of cuckoos which may cause flushing, premature fledging, or site abandonment.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to 414 designated sites, impacting approximately 65.45 acres if Alternative B was implemented. Approximately 0.18 acres of western yellow-billed cuckoo occupied habitat would be impacted by dispersed camping using motor vehicles under this alternative. This would be a major reduction in dispersed camping within western yellow-billed cuckoo occupied habitat on the Forest and would be beneficial to the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, and reducing activities within line of site of cuckoos which may cause flushing, premature fledging, or site abandonment. Critical habitat will most likely be in the same areas as occupied habitat, and potential effects to critical habitat, once proposed, from dispersed camping using motor vehicles would be similar.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 132,568.44 acres. Approximately 66.27 acres of western yellow-billed cuckoo occupied habitat would be impacted by fuelwood gathering using motor vehicles under Alternative B. This would be a major reduction in cross-country motorized travel for fuelwood gathering within western yellow-billed cuckoo occupied habitat on the Forest and would be beneficial to the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, and reducing activities within line of site of cuckoos which may cause flushing, premature fledging, or site abandonment. Critical habitat will most likely be in the same areas as occupied habitat, and potential effects to critical habitat, once proposed, from fuelwood gathering using motor vehicles would be similar.

Alternative C—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 3,569.52 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be approximately 10.55 miles of open roads and motorized trails (with a road density of 1.81 miles per square mile) within western yellow-billed cuckoo occupied habitat on the Forest under Alternative C. This would be a reduction in the amount of roads and motorized trails open to the public in western yellow-billed

cuckoo occupied habitat and would be beneficial to the species by reducing access near riparian zones, reducing sedimentation into streams, and reducing activities within line of site of cuckoos which may cause flushing, premature fledging, or site abandonment. Critical habitat will most likely be in the same areas as occupied habitat, and the number of roads and road density within critical habitat, once proposed, would be similar.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. Approximately 0.44 acres of western yellow-billed cuckoo occupied habitat would be impacted by motorized cross-country travel under Alternative C. This would be a major decrease in authorized cross-country motorized use within western yellow-billed cuckoo occupied habitat on the Forest and would be beneficial to the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, and reducing activities within line of site of cuckoos which may cause flushing, premature fledging, or site abandonment. Critical habitat will most likely be in the same areas as occupied habitat, and potential effects to critical habitat, once proposed, from cross-country motorized travel would be similar.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 1,293,178.12 acres if this alternative is implemented. Approximately 117.67 acres of western yellow-billed cuckoo occupied habitat would be impacted by motorized big game retrieval under Alternative C. This would be a reduction in authorized motorized big game retrieval within western yellow-billed cuckoo occupied habitat on the Forest and would be beneficial to the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, and reducing activities within line of site of cuckoos which may cause flushing, premature fledging, or site abandonment. Critical habitat will most likely be in the same areas as occupied habitat, and potential effects to critical habitat, once proposed, from motorized big game retrieval would be similar. However, effects from noise and human disturbance are expected to be minimal to non-existent because the season of use would not overlap the breeding season. In addition, any effects to habitat are expected to be minimal because Arizona Game and Fish Department regulations state that hunters cannot drive through riparian areas in a manner that causes damage to the habitat. Furthermore, the number of retrieval trips across the Forest is estimated to be 209 total trips in and out on an annual basis, spread over 1,293,178 acres; few of these trips are anticipated to occur in western yellow-billed cuckoo habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 100 feet of roads and motorized trails, impacting approximately 91,391.29 acres if this alternative is implemented. Approximately 133.51 acres of western yellow-billed cuckoo occupied habitat would be impacted by dispersed camping using motor vehicles under Alternative C. This would be a decrease in dispersed camping using motor vehicles within western yellow-billed cuckoo habitat on the Forest and would be beneficial to the species by reducing access near riparian zones, reducing

sedimentation into streams, reducing damage to riparian vegetation by vehicles, and reducing activities within line of site of cuckoos which may cause flushing, premature fledging, or site abandonment. Critical habitat will most likely be in the same areas as occupied habitat, and potential effects to critical habitat, once proposed, from dispersed camping using motor vehicles would be similar.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 161,784.64 acres. Approximately 188.48 acres of western yellow-billed cuckoo occupied habitat would be impacted by fuelwood gathering using motor vehicles under Alternative C. This would be a reduction in cross-country motorized travel for fuelwood gathering within western yellow-billed cuckoo occupied habitat and would be beneficial to the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, and reducing activities within line of site of cuckoos which may cause flushing, premature fledging, or site abandonment. Critical habitat will most likely be in the same areas as occupied habitat, and potential effects to critical habitat, once proposed, from fuelwood gathering using motor vehicles would be similar.

Alternative D—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,859.34 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be approximately 14.32 miles of open roads and motorized trails (with a road density of 2.46 miles per square mile) within western yellow-billed cuckoo occupied habitat on the Forest under Alternative D. The level of impact would be the same as current conditions. Critical habitat will most likely be in the same areas as occupied habitat, and the number of roads and road density within critical habitat, once proposed, would be similar.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. Approximately 0.44 acres of western yellow-billed cuckoo occupied habitat would be impacted by motorized cross-country travel under Alternative D. This would be a major reduction in authorized cross-country motorized use within western yellow-billed cuckoo occupied habitat on the Forest and would be beneficial to the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, and reducing activities within line of site of cuckoos which may cause flushing, premature fledging, or site abandonment. Critical habitat will most likely be in the same areas as occupied habitat, and potential effects to critical habitat, once proposed, from cross-country motorized travel would be similar.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 2,068,208.36 acres if this alternative is implemented. Approximately 2,872.82 acres of western yellow-billed cuckoo occupied habitat would be impacted by motorized big game retrieval under Alternative D. This would be a major increase in authorized motorized big game retrieval within western yellow-billed cuckoo occupied habitat on the Forest and could result in additional impacts to the species by increasing access near riparian zones, increasing sedimentation into streams, increasing damage to riparian vegetation by vehicles, and increasing activities within line of site of cuckoos which may cause flushing, premature fledging, or site abandonment. Critical habitat will most likely be in the same areas as occupied habitat, and potential effects to critical habitat, once proposed, from motorized big game retrieval would be similar. However, effects from noise and human disturbance are expected to be minimal to non-existent because the season of use would not overlap the breeding season. In addition, any effects to habitat are expected to be minimal because Arizona Game and Fish Department regulations state that hunters cannot drive through riparian areas in a manner that causes damage to the habitat. Furthermore, the number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 2,068,208 acres; few of these trips are anticipated to occur in western yellow-billed cuckoo habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 300 feet of roads and motorized trails, impacting approximately 336,037.85 acres if this alternative is implemented. Approximately 530.25 acres of western yellow-billed cuckoo occupied habitat would be impacted by dispersed camping using motor vehicles under Alternative D. This would be an increase in dispersed camping using motor vehicles within western yellow-billed cuckoo occupied habitat on the Forest and could result in additional impacts to the species by increasing access near riparian zones, increasing sedimentation into streams, increasing damage to riparian vegetation by vehicles, and increasing activities within line of site of cuckoos which may cause flushing, premature fledging, or site abandonment. Critical habitat will most likely be in the same areas as occupied habitat, and potential effects to critical habitat, once proposed, from dispersed camping using motor vehicles would be similar.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue unrestricted in areas currently permitted for fuelwood gathering, impacting approximately 1,345,997.76 acres. Approximately 602.43 acres of western yellow-billed cuckoo occupied habitat would be impacted by cross-country motorized travel for fuelwood gathering under Alternative D. Because there is no change from Alternative A, the current level of impact is expected to continue if this alternative is implemented. Critical habitat will most likely be in the same areas as occupied habitat, and potential effects to critical habitat, once proposed, from fuelwood gathering using motor vehicles would be similar.

Narrow-headed Gartersnake and Proposed Critical Habitat

The narrow-headed gartersnake is the most aquatic of gartersnakes, seldom found far from quiet, rocky pools in large streams and rivers. It is a riparian obligate species, found along and below the Mogollon Rim at elevations ranging from 2,200 to 8,000 feet. This species is strongly

associated with clear, rocky streams using predominately pool and riffle habitat that includes cobbles and boulders.

On the Tonto National Forest, the narrow-headed gartersnake has been found in the Cave Creek, Mesa, Globe, and Tonto Basin ranger districts. Critical habitat for the narrow-headed gartersnake is proposed on the forest.

Alternative A—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,958.58 miles of roads and no trails would be open to the public for motorized travel if this alternative was implemented. Currently, there are 1.46 miles of open roads and motorized trails (with a road density of 2.88 miles per square mile) within narrow-headed gartersnake occupied habitat and 79.01 miles of open roads and motorized trails (with a road density of 1.69 miles per square mile) within narrow-headed gartersnake proposed critical habitat on the Forest. The current level of impact is expected to continue if Alternative A is implemented.

Areas Designated for Motor Vehicle Use

Cross-country motorized travel would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, 105.19 acres of narrow-headed gartersnake occupied habitat and 10,079.43 acres of narrow-headed gartersnake proposed critical habitat are impacted by cross-country motorized travel. Motorized use within or adjacent to narrow-headed gartersnake habitat has the potential to influence behavior, survival, reproduction and distribution of narrow-headed gartersnake, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Big Game Retrieval

Cross-country motorized travel for big game retrieval would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, 105.19 acres of narrow-headed gartersnake occupied habitat and 10,079.43 acres of narrow-headed gartersnake proposed critical habitat on the Forest are impacted by motorized big game retrieval. Motorized use within or adjacent to narrow-headed gartersnake habitat has the potential to influence behavior, survival, reproduction and distribution of narrow-headed gartersnake, as well as to alter habitat. However, any effects to habitat are expected to be minimal because Arizona Game and Fish Department regulations state that hunters cannot drive through riparian areas in a manner that causes damage to the habitat. Furthermore, the number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 703,618 acres; few of these trips are anticipated to occur in narrow-headed gartersnake habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motorized vehicles would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, 105.19 acres of narrow-headed gartersnake occupied habitat and

10,079.43 acres of narrow-headed gartersnake proposed critical habitat on the Forest are impacted by dispersed camping using motor vehicles. Motorized use within or adjacent to narrow-headed gartersnake habitat has the potential to influence behavior, survival, reproduction and distribution of narrow-headed gartersnake, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue within the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 1,345,997.76 acres. Currently, 97.75 acres of narrow-headed gartersnake occupied habitat and 9,456.81 acres of narrow-headed gartersnake proposed critical habitat on the Forest are impacted by cross-country motorized travel for fuelwood gathering. Motorized use within or adjacent to narrow-headed gartersnake habitat has the potential to influence behavior, survival, reproduction and distribution of narrow-headed gartersnake, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Alternative B—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 2,559.57 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be 1.07 miles of open roads and motorized trails (with a road density of 2.11 miles per square mile) within narrow-headed gartersnake occupied habitat and 55.99 miles of open roads and motorized trails (with a road density of 1.20 miles per square mile) within narrow-headed gartersnake proposed critical habitat on the Forest under Alternative B. This would be a reduction in the amount of roads and motorized trails open to the public in narrow-headed gartersnake occupied habitat and critical habitat, and would be beneficial to the species by reducing access near riparian zones, reducing sedimentation into streams, reducing the potential spread of nonnative aquatic organisms and diseases, and reducing the potential for forest users to handle/collect garter snakes.

Areas Designated for Motor Vehicle Use

Cross-country motorized use would be eliminated Forest-wide if Alternative B was implemented. No cross-country motorized use within narrow-headed gartersnake occupied habitat or proposed critical habitat on the Forest would be allowed under Alternative B. This would be a reduction in authorized cross-country motorized use within narrow-headed gartersnake occupied habitat and proposed critical habitat on the Forest, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, reducing the potential spread of nonnative aquatic organisms and diseases, and reducing the potential for forest users to handle/collect garter snakes.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be eliminated Forest-wide if Alternative B was implemented. No cross-country motorized use within narrow-headed gartersnake occupied habitat or proposed critical habitat on the Forest would be allowed under Alternative B. This would be a reduction in motorized big game retrieval within narrow-headed gartersnake occupied habitat and proposed critical habitat on the Forest, and would benefit the species by reducing access near riparian

zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, reducing the potential spread of nonnative aquatic organisms and diseases, and reducing the potential for forest users to handle/collect garter snakes.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to 414 designated sites, impacting approximately 65.45 acres if Alternative B was implemented. No narrow-headed gartersnake occupied habitat and 0.76 acre of narrow-headed gartersnake proposed critical habitat on the Forest would be impacted by dispersed camping using motor vehicles under Alternative B. This would be a major reduction in dispersed camping within narrow-headed gartersnake occupied habitat and critical habitat, and would be beneficial to the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, reducing the potential spread of nonnative aquatic organisms and diseases, and reducing the potential for forest users to handle/collect garter snakes.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 132,568.44 acres. There would be 22.21 acres of narrow-headed gartersnake occupied habitat and 1,217.24 acres of narrow-headed gartersnake proposed critical habitat on the Forest impacted by fuelwood gathering using motor vehicles under Alternative B. This would be a reduction in cross-country motorized travel for fuelwood gathering within narrow-headed gartersnake occupied habitat and critical habitat, and would be beneficial to the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, reducing the potential spread of nonnative aquatic organisms and diseases, and reducing the potential for forest users to handle/collect garter snakes.

Alternative C—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 3,569.52 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be 1.46 miles of open roads and motorized trails (with a road density of 2.88 miles per square mile) within narrow-headed gartersnake occupied habitat and 67.06 miles of open roads and motorized trails (with a road density of 1.43 miles per square mile) within narrow-headed gartersnake proposed critical habitat on the Forest under Alternative C. This would be the same as current conditions.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. No narrow-headed gartersnake occupied habitat or critical habitat would be impacted by motorized cross-country travel under Alternative C. This would be a reduction in authorized motorized cross-country use within narrow-headed gartersnake occupied habitat on the Forest and would be beneficial to the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles,

reducing the potential spread of nonnative aquatic organisms and diseases, and reducing the potential for forest users to handle/collect garter snakes.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 1,293,178.12 acres if this alternative is implemented. There would be 106.37 acres of narrow-headed gartersnake occupied habitat and 9,544.93 acres of narrow-headed gartersnake proposed critical habitat on the Forest impacted by motorized big game retrieval under Alternative C. This would be a slight increase in authorized motorized big game retrieval within narrow-headed gartersnake occupied habitat and a slight decrease in authorized motorized big game retrieval in narrow-headed gartersnake proposed critical habitat on the Forest. Impacts would be nearly the same as current conditions. However, any effects to habitat are expected to be minimal because Arizona Game and Fish Department regulations state that hunters cannot drive through riparian areas in a manner that causes damage to the habitat. Furthermore, the number of retrieval trips across the Forest is estimated to be 209 total trips in and out on an annual basis, spread over 1,293,178 acres; few of these trips are anticipated to occur in narrow-headed gartersnake habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 100 feet of roads and motorized trails, impacting approximately 91,391.29 acres if this alternative is implemented. There would be 16.13 acres of narrow-headed gartersnake occupied habitat and 767.04 acres of narrow-headed gartersnake proposed critical habitat on the Forest impacted by dispersed camping using motor vehicles under Alternative C. This would be a reduction in dispersed camping using motor vehicles within narrow-headed gartersnake occupied habitat and critical habitat on the Forest, and would be beneficial to the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, reducing the potential spread of nonnative aquatic organisms and diseases, and reducing the potential for forest users to handle/collect garter snakes.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 161,784.64 acres. There would be 29.42 acres of narrow-headed gartersnake occupied habitat and 1,534.27 acres of narrow-headed gartersnake proposed critical habitat on the Forest impacted by fuelwood gathering using motor vehicles under Alternative C. This would be a reduction in cross-country motorized travel for fuelwood gathering within narrow-headed gartersnake occupied habitat and critical habitat on the Forest, and would be beneficial to the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, reducing the potential spread of nonnative aquatic organisms and diseases, and reducing the potential for forest users to handle/collect garter snakes.

Alternative D—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,859.34 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be 1.46 miles of open roads and motorized trails (with a road density of 2.88 miles per square mile) within narrow-headed gartersnake occupied habitat and 77.54 miles of open roads and motorized trails (with a road density of 1.66 miles per square mile) within narrow-headed gartersnake proposed critical habitat on the Forest under Alternative D. The level of impact to narrow-headed gartersnake occupied habitat would be the same as current conditions, while there would be a slight reduction in the amount of roads and motorized trails open to the public in the narrow-headed gartersnake proposed critical habitat.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. No narrow-headed gartersnake occupied habitat or critical habitat would be impacted by motorized cross-country travel under Alternative D. This would be a reduction in authorized motorized cross-country use within narrow-headed gartersnake occupied habitat on the Forest and would be beneficial to the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, reducing the potential spread of nonnative aquatic organisms and diseases, and reducing the potential for forest users to handle/collect garter snakes.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 2,068,208.36 acres if this alternative is implemented. Approximately 261.24 acres of narrow-headed gartersnake occupied habitat and 13,203.33 acres of narrow-headed gartersnake proposed critical habitat on the Forest would be impacted by motorized big game retrieval under Alternative D. This would be an increase in authorized motorized big game retrieval within narrow-headed gartersnake occupied habitat and critical habitat on the Forest and could result in additional impacts to the species by increasing access near riparian zones, increasing sedimentation into streams, increasing damage to riparian vegetation by vehicles, increasing the potential spread of nonnative aquatic organisms and diseases, and increasing the potential for forest users to handle/collect garter snakes. However, any effects to habitat are expected to be minimal because Arizona Game and Fish Department regulations state that hunters cannot drive through riparian areas in a manner that causes damage to the habitat. Furthermore, the number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 2,068,208 acres; few of these trips are anticipated to occur in narrow-headed gartersnake habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 300 feet of roads and motorized trails, impacting approximately 336,037.85 acres if this alternative is implemented. There would be 48.88 acres of narrow-headed gartersnake occupied habitat and 2,567.85 acres of narrow-headed gartersnake proposed critical habitat on the Forest impacted by dispersed camping

using motor vehicles under Alternative D. This would be a reduction in dispersed camping using motor vehicles within narrow-headed gartersnake occupied habitat and critical habitat on the Forest and would be beneficial to the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, reducing the potential spread of nonnative aquatic organisms and diseases, and reducing the potential for forest users to handle/collect garter snakes.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue unrestricted in areas currently permitted for fuelwood gathering, impacting approximately 1,345,997.76 acres. There would be 97.75 acres of narrow-headed gartersnake occupied habitat and 9,456.81 acres of narrow-headed gartersnake proposed critical habitat on the Forest impacted by cross-country motorized travel for fuelwood gathering under Alternative D. Because there is no change from Alternative A, the current level of impact is expected to continue if this alternative is implemented.

Northern Mexican Gartersnake and Proposed Critical Habitat

The northern Mexican gartersnake is a riparian obligate species that is usually found in or near streams and ponds in canyons up to 6,200 feet in elevation. This garter snake is most closely linked to shallow slow-moving or impounded waters, though it also occurs in other aquatic environments. The northern Mexican garter snake is also found in wetlands, cienegas, stock tanks, large river riparian woodlands, and streamside gallery forests. The elevation range for this species is 130–8,497 feet. The northern Mexican garter snake's diet consists of leopard frogs, toads, tadpoles, various native fishes and lizards and small rodents which are taken during occasional terrestrial forays. The northern Mexican gartersnake is found in all ranger districts on Tonto National Forest and is its proposed critical habitat.

Alternative A—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,958.58 miles of roads and no trails would be open to the public for motorized travel if this alternative was implemented. Currently, there are 1.31 miles of open roads and motorized trails (with a road density of 2.04 miles per square mile) within northern Mexican gartersnake occupied habitat and 22.39 miles of open roads and motorized trails (with a road density of 1.01 miles per square mile) within northern Mexican gartersnake proposed critical habitat on the Forest. The current level of impact is expected to continue if Alternative A is implemented.

Areas Designated for Motor Vehicle Use

Cross-country motorized travel would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, 62.95 acres of northern Mexican gartersnake occupied habitat and 1,716.52 acres of northern Mexican gartersnake proposed critical habitat on the Forest are impacted by cross-country motorized travel. Motorized use within or adjacent to northern Mexican gartersnake habitat has the potential to influence behavior, survival, reproduction and

distribution of northern Mexican gartersnake, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Big Game Retrieval

Cross-country motorized travel for big game retrieval would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, 62.95 acres of northern Mexican gartersnake occupied habitat and 1,716.52 acres of northern Mexican gartersnake proposed critical habitat on the Forest are impacted by motorized big game retrieval. Motorized use within or adjacent to northern Mexican gartersnake habitat has the potential to influence behavior, survival, reproduction and distribution of northern Mexican gartersnake, as well as to alter habitat. However, any effects to habitat are expected to be minimal because Arizona Game and Fish Department regulations state that hunters cannot drive through riparian areas in a manner that causes damage to the habitat. Furthermore, the number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 703,618 acres; few of these trips are anticipated to occur in northern Mexican gartersnake habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motorized vehicles would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, 62.95 acres of northern Mexican gartersnake occupied habitat and 1,716.52 acres of northern Mexican gartersnake proposed critical habitat on the Forest are impacted by dispersed camping using motor vehicles. Motorized use within or adjacent to northern Mexican gartersnake habitat has the potential to influence behavior, survival, reproduction and distribution of northern Mexican gartersnake, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue within the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 1,345,997.76 acres. Currently, 9.98 acres of northern Mexican gartersnake occupied habitat and 1,116.75 acres of northern Mexican gartersnake proposed critical habitat on the Forest are impacted by cross-country motorized travel for fuelwood gathering. Motorized use within or adjacent to northern Mexican gartersnake habitat has the potential to influence behavior, survival, reproduction and distribution of northern Mexican gartersnake, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Alternative B—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 2,559.57 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be 0.68 miles of open roads and motorized trails (with a road density of 1.06 miles per square mile) within northern Mexican gartersnake occupied habitat and 15.81 miles of open roads and motorized trails (with a road density of 0.72 miles per square mile) within northern Mexican gartersnake proposed critical

habitat on the Forest under Alternative B. This would be a reduction in the amount of roads and motorized trails open to the public in northern Mexican gartersnake occupied habitat and proposed critical habitat, and would be beneficial to the species by reducing access near riparian zones, reducing sedimentation into streams, reducing the potential spread of nonnative aquatic organisms and diseases, reducing the potential for forest users to handle/collect garter snakes, and reducing disturbance to foraging forays into the uplands.

Areas Designated for Motor Vehicle Use

Cross-country motorized use would be eliminated forestwide if Alternative B was implemented. No cross-country motorized use within northern Mexican gartersnake occupied habitat or proposed critical habitat on the Forest would be allowed under Alternative B. This would be a reduction in authorized cross-country motorized use within northern Mexican gartersnake occupied habitat and proposed critical habitat on the Forest, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, reducing the potential spread of nonnative aquatic organisms and diseases, reducing the potential for forest users to handle/collect garter snakes, and reducing disturbance to foraging forays into the uplands.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be eliminated forestwide if Alternative B was implemented. No cross-country motorized use within northern Mexican gartersnake occupied habitat or proposed critical habitat on the Forest would be allowed under Alternative B. This would be a reduction in motorized big game retrieval within northern Mexican gartersnake occupied habitat and proposed critical habitat on the Forest, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, reducing the potential spread of nonnative aquatic organisms and diseases, reducing the potential for forest users to handle/collect garter snakes, and reducing disturbance to foraging forays into the uplands.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to 414 designated sites, impacting 65.45 acres if this alternative was implemented. No northern Mexican gartersnake occupied habitat and 0.18 acres of northern Mexican gartersnake proposed critical habitat on the Forest would be impacted by dispersed camping using motor vehicles under Alternative B. This would be a reduction in dispersed camping within northern Mexican gartersnake occupied habitat and proposed critical habitat, and would be beneficial to the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, reducing the potential spread of nonnative aquatic organisms and diseases, reducing the potential for forest users to handle/collect garter snakes, and reducing disturbance to foraging forays into the uplands.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 132,568.44 acres. No northern Mexican gartersnake occupied habitat and 169.50 acres of

northern Mexican gartersnake proposed critical habitat on the Forest would be impacted by fuelwood gathering using motor vehicles under Alternative B. This would be a reduction in cross-country motorized travel for fuelwood gathering within northern Mexican gartersnake occupied habitat and proposed critical habitat, and would be beneficial to the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, reducing the potential spread of nonnative aquatic organisms and diseases, reducing the potential for forest users to handle/collect garter snakes, and reducing disturbance to foraging forays into the uplands.

Alternative C—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 3,569.52 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be 0.86 miles of open roads and motorized trails (with a road density of 2.04 miles per square mile) within northern Mexican gartersnake occupied habitat and 18.27 miles of open roads and motorized trails (with a road density of 0.83 miles per square mile) within northern Mexican gartersnake proposed critical habitat on the Forest under Alternative C. This would be a reduction in the amount of roads and motorized trails open to the public in northern Mexican gartersnake occupied habitat and critical habitat, and would be beneficial to the species by reducing access near riparian zones, reducing sedimentation into streams, reducing the potential spread of nonnative aquatic organisms and diseases, reducing the potential for forest users to handle/collect garter snakes, and reducing disturbance to foraging forays into the uplands.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. No northern Mexican gartersnake occupied habitat or critical habitat would be impacted by motorized cross-country travel under Alternative C. This would be a reduction in authorized cross-country motorized use within northern Mexican gartersnake occupied habitat on the Forest and would be beneficial to the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, reducing the potential spread of nonnative aquatic organisms and diseases, reducing the potential for forest users to handle/collect garter snakes, and reducing disturbance to foraging forays into the uplands.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting 1,293,178.12 acres if this alternative is implemented. There would be 9.98 acres of northern Mexican gartersnake occupied habitat and 1,505.01 acres of northern Mexican gartersnake proposed critical habitat on the Forest impacted by motorized big game retrieval under Alternative C. This would be a reduction in authorized motorized big game retrieval within northern Mexican gartersnake occupied habitat on the Forest and would be beneficial to the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, reducing the potential spread of nonnative aquatic organisms and diseases, reducing the potential for forest users to handle/collect garter snakes, and

reducing disturbance to foraging forays into the uplands. However, any effects to habitat are expected to be minimal because Arizona Game and Fish Department regulations state that hunters cannot drive through riparian areas in a manner that causes damage to the habitat. Furthermore, the number of retrieval trips across the Forest is estimated to be 209 total trips in and out on an annual basis, spread over 1,293,178 acres; few of these trips are anticipated to occur in northern Mexican gartersnake habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 100 feet of roads and motorized trails, impacting 91,391.29 acres if Alternative C is implemented. There would be 27.71 acres of northern Mexican gartersnake occupied habitat and 219.24 acres of northern Mexican gartersnake proposed critical habitat on the Forest impacted by dispersed camping using motor vehicles under Alternative C. This would be a decrease in dispersed camping using motor vehicles within northern Mexican gartersnake occupied habitat on the Forest and would be beneficial to the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, reducing the potential spread of nonnative aquatic organisms and diseases, reducing the potential for forest users to handle/collect garter snakes, and reducing disturbance to foraging forays into the uplands.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on 161,784.64 acres. No northern Mexican gartersnake occupied habitat and 174.36 acres of northern Mexican gartersnake proposed critical habitat on the Forest would be impacted by fuelwood gathering using motor vehicles under Alternative C. This would be a reduction in cross-country motorized travel for fuelwood gathering within northern Mexican gartersnake occupied habitat and critical habitat, and would be beneficial to the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, reducing the potential spread of nonnative aquatic organisms and diseases, reducing the potential for forest users to handle/collect garter snakes, and reducing disturbance to foraging forays into the uplands.

Alternative D—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

There would be 4,859.34 miles of roads and trails open to the public for motorized travel if this alternative was implemented. There would be 1.31 miles of open roads and motorized trails (with a road density of 2.04 miles per square mile) within northern Mexican gartersnake occupied habitat and 22.32 miles of open roads and motorized trails (with a road density of 1.01 miles per square mile) within northern Mexican gartersnake proposed critical habitat on the Forest under Alternative D. The level of impact to habitat would be the same as current conditions while there would be a slight decrease in the amount of roads and motorized trails open to the public in northern Mexican gartersnake proposed critical habitat.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. No northern Mexican gartersnake occupied habitat or proposed critical habitat would be impacted by motorized cross-country travel under Alternative D. This would be a reduction in authorized cross-country motorized use within northern Mexican gartersnake occupied habitat and proposed critical habitat on the Forest, and would be beneficial to the species by reducing access near riparian zones, reducing sedimentation into streams, reducing damage to riparian vegetation by vehicles, reducing the potential spread of nonnative aquatic organisms and diseases, reducing the potential for forest users to handle/collect garter snakes, and reducing disturbance to foraging forays into the uplands.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 2,068,208.36 acres if Alternative D is implemented. There would be 400.57 acres of northern Mexican gartersnake occupied habitat and 5,545.09 acres of northern Mexican gartersnake proposed critical habitat on the Forest impacted by motorized big game retrieval under Alternative D. This would be an increase in authorized motorized big game retrieval within northern Mexican gartersnake occupied habitat and proposed critical habitat on the Forest and could result in additional impacts to the species by increasing access near riparian zones, increasing sedimentation into streams, increasing damage to riparian vegetation by vehicles, increasing the potential spread of nonnative aquatic organisms and diseases, increasing the potential for forest users to handle/collect garter snakes, and increasing disturbance to foraging forays into the uplands. However, any effects to habitat are expected to be minimal because Arizona Game and Fish Department regulations state that hunters cannot drive through riparian areas in a manner that causes damage to the habitat. Furthermore, the number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 2,068,208 acres; few of these trips are anticipated to occur in northern Mexican gartersnake habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 300 feet of roads and motorized trails, impacting approximately 336,037.85 acres if this alternative is implemented. There would be 85.39 acres of northern Mexican gartersnake occupied habitat and 832.83 acres of northern Mexican gartersnake proposed critical habitat on the Forest impacted by dispersed camping using motor vehicles under Alternative D. This would be an increase in dispersed camping using motor vehicles within northern Mexican gartersnake occupied habitat and a decrease within proposed critical habitat on the Forest, and could result in additional impacts to the species by increasing access near riparian zones, increasing sedimentation into streams, increasing damage to riparian vegetation by vehicles, increasing the potential spread of nonnative aquatic organisms and diseases, increasing the potential for forest users to handle/collect garter snakes, and increasing disturbance to foraging forays into the uplands.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue unrestricted in areas currently permitted for fuelwood gathering, impacting approximately 1,345,997.76 acres. There would be 9.98 acres of northern Mexican gartersnake occupied habitat and 1,116.75 acres of northern Mexican gartersnake proposed critical habitat on the Forest impacted by cross-country motorized travel for fuelwood gathering under Alternative D. Because there is no change from Alternative A, the current level of impact is expected to continue if this alternative is implemented.

Chiricahua Leopard Frog and Critical Habitat

The Chiricahua leopard frog (CLF) is a habitat generalist, breeding in slack waters in a variety of natural and man-made aquatic systems, including found in streams, rivers, backwaters, ponds, and stock tanks that are mostly free from introduced fish, crayfish, and bullfrogs. Habitat heterogeneity is thought to be important in providing habitat for the frog's different life stages and seasonal requirements. The elevation range of the CLF is 3,300 to 8,900 feet.

On the Tonto National Forest, the CLF is found in the Payson and Pleasant Valley ranger districts. Historically, this species occurred on the Globe Ranger District, but it has been extirpated.

Critical habitat is designated in Payson and Pleasant Valley ranger districts. All critical habitat within the forest is within Recovery Unit 5. There are 2 management units consisting of Unit 24 (Crouch, Gentry, and Cherry Creeks, and Parallel Canyon) and Unit 25 (Ellison and Lewis Creeks).

Alternative A—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,958.58 miles of roads and no trails would be open to the public for motorized travel if this alternative was implemented. Currently, there are 6.80 miles of open roads and motorized trails (with a road density of 4.90 miles per square mile) within CLF occupied habitat and 3.44 miles of open roads and motorized trails (with a road density of 4.38 miles per square mile) within CLF critical habitat on the Forest. Current condition would continue if Alternative A was implemented, so no new effects would occur.

Areas Designated for Motor Vehicle Use

Cross-country motorized travel would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, 746.14 acres of CLF occupied habitat and 417.19 acres of CLF critical habitat on the Forest are impacted by cross-country motorized travel. Motorized use within or adjacent to CLF habitat has the potential to influence behavior, survival, reproduction and distribution of CLF, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Big Game Retrieval

Cross-country motorized travel for big game retrieval would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on

approximately 703,618.39 acres. Currently, 746.14 acres of CLF occupied habitat and 417.19 acres of CLF critical habitat on the Forest are impacted by motorized big game retrieval. Motorized use within or adjacent to CLF habitat has the potential to influence behavior, survival, reproduction and distribution of CLF, as well as to alter habitat. However, any effects to habitat are expected to be minimal because Arizona Game and Fish Department regulations state that hunters cannot drive through riparian areas in a manner that causes damage to the habitat. Furthermore, the number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 703,618 acres; few of these trips are anticipated to occur in CLF habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motorized vehicles would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, 746.14 acres of CLF occupied habitat and 417.19 acres of CLF critical habitat on the Forest are impacted by dispersed camping using motor vehicles. Motorized use within or adjacent to CLF habitat has the potential to influence behavior, survival, reproduction and distribution of CLF, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue within the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 1,345,997.76 acres. Currently, 134.64 acres of CLF occupied habitat and 110.41 acres of CLF critical habitat on the Forest are impacted by cross-country motorized travel for fuelwood gathering. Motorized use within or adjacent to CLF habitat has the potential to influence behavior, survival, reproduction and distribution of CLF, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Alternative B—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 2,559.57 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be 4.73 miles of open roads and motorized trails (with a road density of 3.41 miles per square mile) within CLF occupied habitat and 2.84 miles of open roads and motorized trails (with a road density of 3.62 miles per square mile) within CLF critical habitat on the Forest under Alternative B. This would be a reduction in the amount of roads and motorized trails open to the public in CLF occupied habitat and critical habitat, and would benefit the species by reducing access to sites, reducing erosion and sedimentation into stock tanks, reducing disturbance to dispersal habitat and dispersing frogs, reducing the potential spread of nonnative aquatic organisms and diseases, and reducing the potential for forest users to handle/collect frogs.

Areas Designated for Motor Vehicle Use

Cross-country motorized use would be eliminated Forest-wide if Alternative B was implemented. No cross-country motorized use within CLF habitat and critical habitat on the Forest would be

allowed under Alternative B. This would be a reduction in authorized cross-country motorized use within CLF occupied habitat and critical habitat on the Forest, and would benefit the species by reducing access to sites, reducing erosion and sedimentation into stock tanks, reducing disturbance to dispersal habitat and dispersing frogs, reducing damage to shoreline and aquatic habitat by vehicles, reducing the potential spread of nonnative aquatic organisms and diseases, and reducing the potential for forest users to handle/collect frogs.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be eliminated Forest-wide if Alternative B was implemented. No cross-country motorized use within CLF habitat and critical habitat on the Forest would be allowed under Alternative B. This would be a reduction in motorized big game retrieval within CLF occupied habitat and critical habitat on the Forest, and would benefit the species by reducing access to sites, reducing erosion and sedimentation into stock tanks, reducing disturbance to dispersal habitat and dispersing frogs, reducing damage to shoreline and aquatic habitat by vehicles, reducing the potential spread of nonnative aquatic organisms and diseases, and reducing the potential for forest users to handle/collect frogs.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to 414 designated sites, impacting approximately 65.45 acres if this alternative was implemented. There would be 0.16 acres of CLF occupied habitat and no CLF critical habitat impacted by dispersed camping using motor vehicles under Alternative B. This would be a reduction in dispersed camping within CLF occupied habitat and critical habitat, and would benefit the species by reducing access to sites, reducing erosion and sedimentation into stock tanks, reducing disturbance to dispersal habitat and dispersing frogs, reducing damage to shoreline and aquatic habitat by vehicles, reducing the potential spread of nonnative aquatic organisms and diseases, and reducing the potential for forest users to handle/collect frogs.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on 132,568.44 acres. There would be 33.90 acres of CLF occupied habitat and 32.88 acres of CLF critical habitat on the Forest impacted by fuelwood gathering using motor vehicles under Alternative B. This would be a reduction in cross-country motorized travel for fuelwood gathering within CLF occupied habitat and critical habitat, and would benefit the species by reducing access to sites, reducing erosion and sedimentation into stock tanks, reducing disturbance to dispersal habitat and dispersing frogs, reducing damage to shoreline and aquatic habitat by vehicles, reducing the potential spread of nonnative aquatic organisms and diseases, and reducing the potential for forest users to handle/collect frogs.

Alternative C—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 3,569.52 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be 5.37 miles of open roads and motorized trails (with a road density of 3.87 miles per square mile) within CLF occupied habitat

and 2.85 miles of open roads and motorized trails (with a road density of 3.63 miles per square mile) within CLF critical habitat on the Forest under Alternative C. This would be a reduction in the amount of roads and motorized trails open to the public in CLF occupied habitat and critical habitat, and would benefit the species by reducing access to sites, reducing erosion and sedimentation into stock tanks, reducing disturbance to dispersal habitat and dispersing frogs, reducing the potential spread of nonnative aquatic organisms and diseases, and reducing the potential for forest users to handle/collect frogs.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. No CLF occupied habitat or critical habitat would be impacted by motorized cross-country travel under Alternative C. This would be a decrease in authorized cross-country motorized use within CLF occupied habitat and critical habitat on the Forest, and would benefit the species by reducing access to sites, reducing erosion and sedimentation into stock tanks, reducing disturbance to dispersal habitat and dispersing frogs, reducing damage to shoreline and aquatic habitat by vehicles, reducing the potential spread of nonnative aquatic organisms and diseases, and reducing the potential for forest users to handle/collect frogs.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 1,293,178.12 acres if this alternative is implemented. There would be 740.44 acres of CLF occupied habitat and 417.19 acres of CLF critical habitat on the Forest impacted by motorized big game retrieval under Alternative C. This would be a slight decrease in authorized motorized big game retrieval within CLF occupied habitat and the same level of impact as current conditions within critical habitat on the Forest. However, any effects to habitat are expected to be minimal because Arizona Game and Fish Department regulations state that hunters cannot drive through riparian areas in a manner that causes damage to the habitat. Furthermore, the number of retrieval trips across the Forest is estimated to be 209 total trips in and out on an annual basis, spread over 1,293,178 acres; few of these trips are anticipated to occur in CLF habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 100 feet of roads and motorized trails, impacting approximately 91,391.29 acres if this alternative is implemented. There would be 60.54 acres of CLF occupied habitat and 54.53 acres of CLF critical habitat on the Forest impacted by dispersed camping using motor vehicles under Alternative C. This would be a decrease in dispersed camping using motor vehicles within CLF occupied habitat and critical habitat on the Forest, and would benefit the species by reducing access to sites, reducing erosion and sedimentation into stock tanks, reducing disturbance to dispersal habitat and dispersing frogs, reducing damage to shoreline and aquatic habitat by vehicles, reducing the potential spread of nonnative aquatic organisms and diseases, and reducing the potential for forest users to handle/collect frogs.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 161,784.64 acres. There would be 57.24 acres of CLF occupied habitat and 37.14 acres of CLF critical habitat on the Forest impacted by fuelwood gathering using motor vehicles under Alternative C. This would be a reduction in cross-country motorized travel for fuelwood gathering within CLF occupied habitat and critical habitat, and would benefit the species by reducing access to sites, reducing erosion and sedimentation into stock tanks, reducing disturbance to dispersal habitat and dispersing frogs, reducing damage to shoreline and aquatic habitat by vehicles, reducing the potential spread of nonnative aquatic organisms and diseases, and reducing the potential for forest users to handle/collect frogs.

Alternative D—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,859.34 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be 6.80 miles of open roads and motorized trails (with a road density of 4.90 miles per square mile) within CLF occupied habitat and 3.44 miles of open roads and motorized trails (with a road density of 4.38 miles per square mile) within CLF critical habitat on the Forest under Alternative D. The level of impact would be the same as current conditions.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. No CLF occupied habitat or critical habitat would be impacted by motorized cross-country travel under Alternative D. This would be a reduction in authorized cross-country motorized use within CLF occupied habitat and critical habitat on the Forest, and would benefit the species by reducing access to sites, reducing erosion and sedimentation into stock tanks, reducing disturbance to dispersal habitat and dispersing frogs, reducing damage to shoreline and aquatic habitat by vehicles, reducing the potential spread of nonnative aquatic organisms and diseases, and reducing the potential for forest users to handle/collect frogs.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 2,068,208.36 acres if this alternative is implemented. There would be 740.44 acres of CLF occupied habitat and 417.19 acres of CLF critical habitat on the Forest impacted by motorized big game retrieval under Alternative D. This would be a slight decrease in authorized motorized big game retrieval within CLF occupied habitat and the same level of impact as current conditions within critical habitat on the Forest. However, any effects to habitat are expected to be minimal because Arizona Game and Fish Department regulations state that hunters cannot drive through riparian areas in a manner that causes damage to the habitat. Furthermore, the number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 2,068,208 acres; few of these trips are anticipated to occur in CLF habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 300 feet of roads and motorized trails, impacting approximately 336,037.85 acres if Alternative D is implemented. There would be 303.80 acres of CLF occupied habitat and 153.40 acres of CLF critical habitat on the Forest impacted by dispersed camping using motor vehicles under Alternative D. This would be a reduction in dispersed camping using motor vehicles within CLF occupied habitat on the Forest, while it would be an increase of this activity in CLF critical habitat on the Forest. This could result in additional impacts to the species by increasing access to sites, increasing erosion and sedimentation into stock tanks, increasing disturbance to dispersal habitat and dispersing frogs, increasing damage to shoreline and aquatic habitat by vehicles, increasing the potential spread of nonnative aquatic organisms and diseases, and increasing the potential for forest users to handle/collect frogs

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue unrestricted in areas currently permitted for fuelwood gathering, impacting approximately 1,345,997.76 acres. There would be 134.64 acres of CLF occupied habitat and 110.41 acres of CLF critical habitat on the Forest impacted by cross-country motorized travel for fuelwood gathering under Alternative D. Because there is no change from Alternative A, the current level of impact is expected to continue if this alternative is implemented.

Gila Chub and Critical Habitat

The Gila chub inhabits pools, springs, backwaters, and streams at elevations from 2,000 to 5,500 feet.

The Gila chub has been extirpated from Tonto National Forest. Formerly, this species was found in Silver Creek in the Cave Creek Ranger District, and in Mineral Creek in the Globe and Tonto Basin ranger districts. Augmentations are planned for Silver Creek. Critical habitat for the Gila chub is designated on the forest in Cave Creek and Globe ranger districts.

Alternative A—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,958.58 miles of roads and no trails would be open to the public for motorized travel if this alternative was implemented. Currently, there are 0.42 miles of open roads and motorized trails (with a road density of 17.40 miles per square mile) within Gila chub occupied habitat and 0.68 miles of open roads and motorized trails (with a road density of 1.26 miles per square mile) within Gila chub critical habitat on the Forest. Current condition would continue if Alternative A was implemented, so no new effects would occur.

Areas Designated for Motor Vehicle Use

Cross-country motorized travel would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, no Gila chub occupied habitat or critical habitat is impacted by cross-country motorized travel. Motorized use within or adjacent to Gila chub habitat has the potential to

influence behavior, survival, reproduction and distribution of Gila chub, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Big Game Retrieval

Cross-country motorized travel for big game retrieval would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Based on the Forest assessment of where vehicles are expected to be driven compared to data for the species, no Gila chub occupied habitat or critical habitat is impacted by motorized big game retrieval. Motorized use within or adjacent to Gila chub habitat has the potential to influence behavior, survival, reproduction and distribution of Gila chub, as well as to alter habitat. The number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 703,618 acres; few of these trips are anticipated to occur in Gila chub habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motorized vehicles would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, no Gila chub occupied habitat or critical habitat is impacted by dispersed camping using motor vehicles. Motorized use within or adjacent to Gila chub habitat has the potential to influence behavior, survival, reproduction and distribution of Gila chub, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue within the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 1,345,997.76 acres. Currently, no Gila chub occupied habitat is impacted by cross-country motorized travel for fuelwood gathering, though 132.68 acres of Gila chub critical habitat is impacted on the Forest. Motorized use within or adjacent to Gila chub habitat has the potential to influence behavior, survival, reproduction and distribution of Gila chub, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Alternative B—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 2,559.57 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be approximately 0.05 of open roads and motorized trails (with a road density of 2.07 miles per square mile) within Gila chub occupied habitat and 0.68 miles of open roads and motorized trails (with a road density of 1.26 miles per square mile) would be impacted within Gila chub critical habitat on the Forest under Alternative B. This would be a reduction in the amount of roads and motorized trails open to the public in Gila chub occupied habitat, and the level of impact to critical habitat would be the same as current conditions. This would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Areas Designated for Motor Vehicle Use

Cross-country motorized use would be eliminated Forest-wide if Alternative B was implemented. No cross-country motorized use within Gila chub occupied habitat and critical habitat on the Forest would be allowed under Alternative B. This would be a reduction in authorized cross-country motorized use within Gila chub occupied habitat and critical habitat on the Forest, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be eliminated Forest-wide if Alternative B was implemented. No cross-country motorized use within Gila chub occupied habitat and critical habitat on the Forest would be allowed under Alternative B. This would be a reduction in motorized big game retrieval within Gila chub occupied habitat and critical habitat on the Forest, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to 414 designated sites, impacting approximately 65.45 acres if this alternative was implemented. No Gila chub occupied habitat or critical habitat would be impacted by dispersed camping using motor vehicles under Alternative B. The level of impact would be the same as current conditions.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 132,568.44 acres. No Gila chub occupied habitat and 12.05 acres of Gila chub critical habitat on the Forest would be impacted by fuelwood gathering using motor vehicles under Alternative B. The level of impact to occupied habitat would be the same as current conditions while there would be a reduction in cross-country motorized travel for fuelwood gathering within Gila chub critical habitat on the Forest.

Alternative C—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 3,569.52 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be 0.05 miles of open roads and motorized trails (with a road density of 2.07 miles per square mile) within Gila chub occupied habitat and 0.68 miles of open roads and motorized trails (with a road density of 1.26 miles per square mile) within Gila chub critical habitat on the Forest under Alternative C. The level of impact to critical habitat would be the same as current conditions, while this would be a reduction in the amount of open roads and motorized trails in Gila chub occupied habitat, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if Alternative C is implemented. No Gila chub occupied habitat or critical habitat would be impacted by motorized cross-country travel under this alternative. The level of impact would be the same as current conditions.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 1,293,178.12 acres if Alternative C is implemented. Based on the Forest assessment of where vehicles are expected to be driven compared to data for the species, no Gila chub occupied habitat and 12.44 acres of Gila chub critical habitat on the Forest would be impacted by motorized big game retrieval under this alternative. The level of impact to occupied habitat would be the same as current conditions, while this would be an increase in authorized motorized big game retrieval in Gila chub critical habitat. The number of retrieval trips across the Forest is estimated to be 209 total trips in and out on an annual basis, spread over 1,293,178 acres; few of these trips are anticipated to occur in Gila chub habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 100 feet of roads and motorized trails, impacting approximately 91,391.29 acres if this alternative is implemented. There would be 0.61 acres of Gila chub occupied habitat and 13.42 acres of Gila chub critical habitat on the Forest impacted by dispersed camping using motor vehicles under Alternative C. This would be an increase in dispersed camping using motor vehicles within Gila chub occupied habitat and critical habitat on the Forest and could result in additional impacts to the species by increasing access near riparian zones, increasing sedimentation into streams, and increasing the potential spread of nonnative aquatic organisms and diseases.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 161,784.64 acres. No Gila chub occupied habitat and 12.05 acres of Gila chub critical habitat on the Forest would be impacted by fuelwood gathering using motor vehicles under Alternative C. The level of impact to occupied habitat would be the same as current conditions, while this would be a reduction in fuelwood gathering using motor vehicles in Gila chub critical habitat.

Alternative D—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,859.34 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be 0.42 miles of open roads and motorized trails (with a road density of 17.40 miles per square mile) within Gila chub occupied habitat and 0.68 miles of open roads and motorized trails (with a road density of 1.26 miles per square mile) impacted within Gila chub critical habitat on the Forest under Alternative D. The level of impact would be the same as current conditions.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. No Gila chub occupied habitat or critical habitat would be impacted by motorized cross-country travel under Alternative D. The level of impact would be the same as current conditions.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 2,068,208.36 acres if this alternative is implemented. Based on the Forest assessment of where vehicles are expected to be driven compared to data for the species, there would be 15.45 acres of Gila chub occupied habitat and 346.05 acres of Gila chub critical habitat on the Forest impacted by motorized big game retrieval under Alternative D. This would be an increase in authorized motorized big game retrieval within Gila chub occupied habitat and critical habitat on the Forest, and could result in additional impacts to the species by increasing access near riparian zones, increasing sedimentation into streams, and increasing the potential spread of nonnative aquatic organisms and diseases. However, any effects to habitat are expected to be minimal because Arizona Game and Fish Department regulations state that hunters cannot drive through riparian areas in a manner that causes damage to the habitat. Furthermore, the number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 2,068,208 acres; few of these trips are anticipated to occur in Gila chub habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 300 feet of roads and motorized trails, impacting approximately 336,037.85 acres if Alternative D is implemented. There would be 7.13 acres of Gila chub occupied habitat and 44.81 acres of Gila chub critical habitat on the Forest impacted by dispersed camping using motor vehicles under Alternative D. This would be an increase in dispersed camping using motor vehicles within Gila chub occupied habitat and critical habitat on the Forest and could result in additional impacts to the species by increasing access near riparian zones, increasing sedimentation into streams, and increasing the potential spread of nonnative aquatic organisms and diseases.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue unrestricted in areas currently permitted for fuelwood gathering, impacting approximately 1,345,997.76 acres. No Gila chub occupied habitat and 132.68 acres of Gila chub critical habitat on the Forest would be impacted by cross-country motorized travel for fuelwood gathering under Alternative D. Because there is no change from Alternative A, the current level of impact is expected to continue if this alternative is implemented.

Loach Minnow and Critical Habitat

The loach minnow is a benthic species of small to large perennial streams with swift, shallow water over cobble and gravel. Recurrent flooding and a natural hydrograph are important. This species is found at elevations below 8,000 feet.

The loach minnow has been extirpated from Tonto National Forest. However, the Arizona Game and Fish Department stocked 1,500 plus fish in Fossil Creek in the late 2000s. Loach minnow critical habitat is designated on Cave Creek and Payson ranger districts.

Alternative A—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,958.58 miles of roads and no trails would be open to the public for motorized travel if this alternative was implemented. Currently, there are no open roads and motorized trails within loach minnow occupied habitat or critical habitat on the Forest. Current condition would continue if Alternative A was implemented, so no new effects would occur.

Areas Designated for Motor Vehicle Use

Cross-country motorized travel would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, no loach minnow occupied habitat or critical habitat is impacted by cross-country motorized travel. Motorized use within or adjacent to loach minnow habitat has the potential to influence behavior, survival, reproduction and distribution of loach minnow, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Big Game Retrieval

Cross-country motorized travel for big game retrieval would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Based on the Forest assessment of where vehicles are expected to be driven compared to data for the species, no loach minnow occupied habitat or critical habitat is impacted by motorized big game retrieval. Motorized use within or adjacent to loach minnow habitat has the potential to influence behavior, survival, reproduction and distribution of loach minnow, as well as to alter habitat. However, the number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 703,618 acres; few of these trips are anticipated to occur in loach minnow habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motorized vehicles would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, no loach minnow occupied habitat or critical habitat is impacted by dispersed camping using motor vehicles. Motorized use within or adjacent to loach minnow habitat has the potential to influence behavior, survival, reproduction and distribution of loach minnow, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue within the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 1,345,997.76 acres. Currently, no loach minnow occupied habitat or critical habitat is impacted by cross-country motorized travel for fuelwood gathering. Motorized use within or adjacent to loach minnow habitat has the potential to influence behavior, survival, reproduction and distribution of loach minnow, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Alternative B—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 2,559.57 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be no open roads and motorized trails within loach minnow occupied habitat or critical habitat on the Forest under Alternative B. The level of impact would be the same as current conditions.

Areas Designated for Motor Vehicle Use

Cross-country motorized use would be eliminated Forest-wide if Alternative B was implemented. No loach minnow occupied habitat or critical habitat would be affected by cross-country motorized use. The level of impact to loach minnow occupied habitat and critical habitat would be the same as current conditions.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be eliminated Forest-wide if Alternative B was implemented. No loach minnow occupied habitat or critical habitat would be affected by motorized big game retrieval. The level of impact to loach minnow habitat and critical habitat would be the same as current conditions.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to 414 designated sites, impacting approximately 65.45 acres if this alternative was implemented. No loach minnow occupied habitat or critical habitat would be impacted by dispersed camping using motor vehicles under Alternative B. The level of impact would be the same as current conditions.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 132,568.44 acres. No loach minnow occupied habitat or critical habitat would be impacted by fuelwood gathering using motor vehicles under Alternative B. The level of impact would be the same as current conditions.

Alternative C—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 3,569.52 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be no open roads and motorized trails within loach minnow occupied habitat or critical habitat on the Forest under Alternative C. The level of impact would be the same as current conditions.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. No loach minnow occupied habitat or critical habitat would be impacted by motorized cross-country travel under Alternative C. The level of impact would be the same as current conditions.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 1,293,178.12 acres if this alternative is implemented. Based on the Forest assessment of where vehicles are expected to be driven compared to data for the species, no loach minnow occupied habitat or critical habitat would be impacted by motorized big game retrieval under Alternative C. The number of retrieval trips across the Forest is estimated to be 209 total trips in and out on an annual basis, spread over 1,293,178 acres; none of these trips are anticipated to occur in loach minnow habitat. The level of impact would be the same as current conditions.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 100 feet of roads and motorized trails, impacting approximately 91,391.29 acres if this alternative is implemented. No loach minnow occupied habitat or critical habitat would be impacted by dispersed camping using motor vehicles under Alternative C. The level of impact would be the same as current conditions.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 161,784.64 acres. No loach minnow occupied habitat or critical habitat would be impacted by fuelwood gathering using motor vehicles under Alternative C. The level of impact would be the same as current conditions.

Alternative D—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,859.34 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be no open roads and motorized trails within loach minnow occupied habitat or critical habitat on the Forest under Alternative D. The level of impact would be the same as current conditions.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. No loach minnow occupied habitat or critical habitat would be impacted by motorized cross-country travel under Alternative D. The level of impact would be the same as current conditions.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 2,068,208.36 acres if this alternative is implemented. Based on the Forest analysis of data for the species and where vehicles are expected to be driven, no loach minnow occupied habitat or critical habitat would be impacted by motorized big game retrieval under Alternative D. The number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 2,068,208 acres; none of these trips are anticipated to occur in loach minnow occupied habitat. The level of impact would be the same as current conditions.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 300 feet of roads and motorized trails, impacting approximately 336,037.85 acres if Alternative D is implemented. No loach minnow occupied habitat or critical habitat would be impacted by dispersed camping using motor vehicles under Alternative D. The level of impact would be the same as current conditions.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue unrestricted in areas currently permitted for fuelwood gathering, impacting approximately 1,345,997.76 acres. No loach minnow occupied habitat or critical habitat would be impacted by cross-country motorized travel for fuelwood gathering under Alternative D. Because there is no change from Alternative A, the current level of impact is expected to continue if this alternative is implemented.

Colorado Pikeminnow

The Colorado pikeminnow inhabits warm, swift, turbid mainstem rivers, preferring eddies and pools. This species is found at elevations below 4,000 feet. On the Tonto National Forest, the Colorado pikeminnow is found on the Cave Creek, Globe, and Tonto Basin ranger districts.

Alternative A—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,958.58 miles of roads and no trails would be open to the public for motorized travel if this alternative was implemented. Currently, there are approximately 0.63 miles of open roads and motorized trails (with a road density of 0.20 miles per square mile) within Colorado pikeminnow occupied habitat on the Forest. Current condition would continue if Alternative A was implemented, so no new effects would occur.

Areas Designated for Motor Vehicle Use

Cross-country motorized travel would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, no Colorado pikeminnow occupied habitat is impacted by cross-country motorized travel. Motorized use within or adjacent to Colorado pikeminnow habitat has the potential to influence behavior, survival, reproduction and distribution of Colorado pikeminnow, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Big Game Retrieval

Cross-country motorized travel for big game retrieval would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Based on the Forest assessment of where vehicles are expected to be driven compared to data for the species, no Colorado pikeminnow occupied habitat is impacted by motorized big game retrieval. Motorized use within or adjacent to Colorado pikeminnow habitat has the potential to influence behavior, survival, reproduction and distribution of Colorado pikeminnow, as well as to alter habitat. However, the number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 703,618 acres; none of these trips are anticipated to occur in Colorado pikeminnow habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motorized vehicles would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, no Colorado pikeminnow occupied habitat is impacted by dispersed camping using motor vehicles. Motorized use within or adjacent to Colorado pikeminnow habitat has the potential to influence behavior, survival, reproduction and distribution of Colorado pikeminnow, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue within the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 1,345,997.76 acres. Currently, no Colorado pikeminnow occupied habitat is impacted by cross-country motorized travel for fuelwood gathering. Motorized use within or adjacent to Colorado pikeminnow habitat has the potential to influence behavior, survival, reproduction and distribution of Colorado pikeminnow, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Alternative B—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 2,559.57 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be no open roads and motorized trails within Colorado pikeminnow occupied habitat on the Forest under this alternative. This would be a reduction in the amount of roads and motorized trails open to the public in Colorado

pikeminnow occupied habitat and could benefit the species by reducing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Areas Designated for Motor Vehicle Use

Cross-country motorized use would be eliminated Forest-wide if Alternative B was implemented. No Colorado pikeminnow occupied habitat would be affected by cross-country motorized use. The level of impact to Colorado pikeminnow occupied habitat would be the same as current conditions.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be eliminated Forest-wide if Alternative B was implemented. No Colorado pikeminnow occupied habitat would be affected by motorized big game retrieval. The level of impact to Colorado pikeminnow occupied habitat would be the same as current conditions.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to 414 designated sites, impacting approximately 65.45 acres if this alternative was implemented. No Colorado pikeminnow occupied habitat would be impacted by dispersed camping using motor vehicles under this alternative. The level of impact would be the same as current conditions.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 132,568.44 acres. No Colorado pikeminnow occupied habitat would be impacted by fuelwood gathering using motor vehicles under this alternative. The level of impact would be the same as current conditions.

Alternative C—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 3,569.52 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be no open roads and motorized trails within Colorado pikeminnow occupied habitat on the Forest under this alternative. The level of impact would be the same as current conditions.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. No Colorado pikeminnow occupied habitat would be impacted by motorized cross-country travel under this alternative. The level of impact would be the same as current conditions.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 1,293,178.12 acres if this alternative is implemented. Based on the Forest assessment of where vehicles are expected to be driven compared to data for the species, no Colorado pikeminnow occupied habitat would be impacted by motorized big game retrieval under this alternative. The number of retrieval trips across the Forest is estimated to be 209 total trips in and out on an annual basis, spread over 1,293,178 acres; none of these trips are anticipated to occur in Colorado pikeminnow habitat. The level of impact would be the same as current conditions.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 100 feet of roads and motorized trails, impacting approximately 91,391.29 acres if this alternative is implemented. No Colorado pikeminnow occupied habitat would be impacted by dispersed camping using motor vehicles under this alternative. The level of impact would be the same as current conditions.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 161,784.64 acres. No Colorado pikeminnow occupied habitat would be impacted by fuelwood gathering using motor vehicles under this alternative. The level of impact would be the same as current conditions.

Alternative D—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,859.34 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be approximately 0.63 miles of open roads and motorized trails (with a road density of 0.20 miles per square mile) within Colorado pikeminnow occupied habitat on the Forest under this alternative. The level of impact would be the same as current conditions.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. No Colorado pikeminnow occupied habitat would be impacted by motorized cross-country travel under this alternative. The level of impact would be the same as current conditions.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 2,068,208.36 acres if this alternative is implemented. Approximately 1,157.17 acres of Colorado pikeminnow occupied habitat would be impacted by motorized big game retrieval under this alternative. This would be a major increase in authorized motorized big

game retrieval within Colorado pikeminnow occupied habitat on the Forest and could result in additional impacts to the species by increasing access near riparian zones, increasing sedimentation into streams, and increasing the potential spread of nonnative aquatic organisms and diseases. However, any effects to habitat are expected to be minimal because Arizona Game and Fish Department regulations state that hunters cannot drive through riparian areas in a manner that causes damage to the habitat. Furthermore, the number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 2,068,208 acres; few of these trips are anticipated to occur in Colorado pikeminnow habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 300 feet of roads and motorized trails, impacting approximately 336,037.85 acres if this alternative is implemented. Approximately 20.10 acres of Colorado pikeminnow occupied habitat would be impacted by dispersed camping using motor vehicles under this alternative. This would be an increase in dispersed camping using motor vehicles within Colorado pikeminnow occupied habitat on the Forest and could result in additional impacts to the species by increasing access near riparian zones, increasing sedimentation into streams, and increasing the potential spread of nonnative aquatic organisms and diseases.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue unrestricted in areas currently permitted for fuelwood gathering, impacting approximately 1,345,997.76 acres. No Colorado pikeminnow occupied habitat would be impacted by cross-country motorized travel for fuelwood gathering under this alternative. Because there is no change from Alternative A, the current level of impact is expected to continue if this alternative is implemented.

Desert Pupfish

The desert pupfish inhabits shallow springs, small streams, and marshes at elevations below 4,000 feet. This species tolerates saline and warm water. On the Tonto National Forest, the desert pupfish is found in the Mesa Ranger District.

Alternative A—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,958.58 miles of roads and no trails would be open to the public for motorized travel if this alternative was implemented. Currently, there are approximately 0.01 miles of open roads and motorized trails (with a road density of 0.30 miles per square mile) within desert pupfish occupied habitat on the Forest. Current condition would continue if Alternative A was implemented, so no new effects would occur.

Areas Designated for Motor Vehicle Use

Cross-country motorized travel would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. No desert pupfish occupied habitat is impacted by cross-country motorized travel. Motorized use within or adjacent to desert pupfish habitat has the potential to influence

behavior, survival, reproduction and distribution of desert pupfish, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Big Game Retrieval

Cross-country motorized travel for big game retrieval would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Based on the Forest assessment of where vehicles are expected to be driven compared to data for the species, no desert pupfish occupied habitat is impacted by motorized big game retrieval. Motorized use within or adjacent to desert pupfish habitat has the potential to influence behavior, survival, reproduction and distribution of desert pupfish, as well as to alter habitat. However, the number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 703,618 acres; none of these trips are anticipated to occur in desert pupfish habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motorized vehicles would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, no desert pupfish occupied habitat is impacted by dispersed camping using motor vehicles. Motorized use within or adjacent to desert pupfish habitat has the potential to influence behavior, survival, reproduction and distribution of desert pupfish, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue within the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 1,345,997.76 acres. Currently, no desert pupfish occupied habitat is impacted by cross-country motorized travel for fuelwood gathering. Motorized use within or adjacent to desert pupfish habitat has the potential to influence behavior, survival, reproduction and distribution of desert pupfish, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Alternative B—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 2,559.57 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be approximately 0.01 miles of open roads and motorized trails (with a road density of 0.30 miles per square mile) within desert pupfish occupied habitat on the Forest under Alternative B. The level of impact would be the same as current conditions.

Areas Designated for Motor Vehicle Use

Cross-country motorized use would be eliminated forestwide if Alternative B was implemented. No desert pupfish occupied habitat would be affected by cross-country motorized use. The level of impact to desert pupfish habitat would be the same as current conditions.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be eliminated forestwide if Alternative B was implemented. No desert pupfish occupied habitat would be affected by motorized big game retrieval. The level of impact to desert pupfish habitat would be the same as current conditions.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to 414 designated sites, impacting approximately 65.45 acres if this alternative was implemented. No desert pupfish occupied habitat would be impacted by dispersed camping using motor vehicles under this alternative. The level of impact would be the same as current conditions.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 132,568.44 acres. No desert pupfish occupied habitat would be impacted by fuelwood gathering using motor vehicles under this alternative. The level of impact would be the same as current conditions.

Alternative C—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 3,569.52 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be approximately 0.01 miles of open roads and motorized trails (with a road density of 0.30 miles per square mile) within desert pupfish occupied habitat on the Forest under this alternative. The level of impact would be the same as current conditions.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. No desert pupfish occupied habitat would be impacted by motorized cross-country travel under Alternative C. The level of impact would be the same as current conditions.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 1,293,178.12 acres if this alternative is implemented. Approximately 0.48 acres of desert pupfish occupied habitat would be impacted by motorized big game retrieval under this alternative. This would be an increase in authorized motorized big game retrieval within desert pupfish occupied habitat on the Forest, and could result in additional impacts to the species by increasing access near riparian zones, increasing sedimentation into streams, and increasing the potential spread of nonnative aquatic organisms and diseases. However, any effects to habitat are expected to be minimal because Arizona Game and Fish Department regulations

state that hunters cannot drive through riparian areas in a manner that causes damage to the habitat. Furthermore, the number of retrieval trips across the Forest is estimated to be 209 total trips in and out on an annual basis, spread over 1,293,178 acres; few of these trips are anticipated to occur in desert pupfish habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 100 feet of roads and motorized trails, impacting approximately 91,391.29 acres if this alternative is implemented. No desert pupfish occupied habitat would be impacted by dispersed camping using motor vehicles under this alternative. The level of impact would be the same as current conditions.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 161,784.64 acres. No desert pupfish occupied habitat would be impacted by fuelwood gathering using motor vehicles under this alternative. The level of impact would be the same as current conditions.

Alternative D—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,859.34 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be approximately 0.01 miles of open roads and motorized trails (with a road density of 0.30 miles per square mile) within desert pupfish occupied habitat on the Forest under this alternative. The level of impact would be the same as current conditions.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. No desert pupfish occupied habitat would be impacted by motorized cross-country travel under this alternative. The level of impact would be the same as current conditions.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 2,068,208.36 acres if Alternative D is implemented. Approximately 5.71 acres of desert pupfish occupied habitat would be impacted by motorized big game retrieval under this alternative. This would be an increase in authorized motorized big game retrieval within desert pupfish occupied habitat on the Forest and could result in additional impacts to the species by increasing access near riparian zones, increasing sedimentation into streams, and increasing the potential spread of nonnative aquatic organisms and diseases. However, any effects to habitat are expected to be minimal because Arizona Game and Fish Department regulations state that hunters cannot drive through riparian areas in a manner that causes damage to the

habitat. Furthermore, the number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 2,068,208 acres; few of these trips are anticipated to occur in desert pupfish habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 300 feet of roads and motorized trails, impacting approximately 336,037.85 acres if this alternative is implemented. Approximately 2.28 acres of desert pupfish occupied habitat would be impacted by dispersed camping using motor vehicles under this alternative. This would be an increase in dispersed camping using motor vehicles within desert pupfish occupied habitat on the Forest and could result in additional impacts to the species by increasing access near riparian zones, increasing sedimentation into streams, and increasing the potential spread of nonnative aquatic organisms and diseases.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue unrestricted in areas currently permitted for fuelwood gathering, impacting approximately 1,345,997.76 acres. No desert pupfish occupied habitat would be impacted by cross-country motorized travel for fuelwood gathering under this alternative. Because there is no change from Alternative A, the current level of impact is expected to continue if this alternative is implemented.

Spikedace and Critical Habitat

The spikedace inhabits medium to large perennial streams with moderate to swift velocity waters over cobble and gravel substrate. Recurrent flooding and a natural hydrograph are important to withstanding invasion of exotic species. This species is found at elevations below 6,000 feet.

The spikedace was extirpated on the Tonto National Forest. However, Arizona Game and Fish Department stocked 1,000 spikedace into Fossil Creek between 2007 and 2009. Critical habitat is designated on Tonto National Forest in Cave Creek, Payson, Pleasant Valley, and Tonto Basin ranger districts.

Alternative A—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,958.58 miles of roads and no trails would be open to the public for motorized travel if this alternative was implemented. Currently, there are no open roads and motorized trails within spikedace occupied habitat and 23.40 miles of open roads and motorized trails (with a road density of 1.91 miles per square mile) within spikedace critical habitat on the Forest. The current level of impact is expected to continue if Alternative A is implemented.

Areas Designated for Motor Vehicle Use

Cross-country motorized travel would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, 11.10 acres of spikedace occupied habitat and 842.27 acres of spikedace critical habitat on the Forest are impacted by cross-country motorized travel. Motorized use within or adjacent to spikedace habitat has the potential to influence behavior, survival,

reproduction and distribution of spokedace, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Big Game Retrieval

Cross-country motorized travel for big game retrieval would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, 11.10 acres of spokedace occupied habitat and 842.27 acres of spokedace critical habitat on the Forest are impacted by motorized big game retrieval. Motorized use within or adjacent to spokedace habitat has the potential to influence behavior, survival, reproduction and distribution of spokedace, as well as to alter habitat. However, any effects to habitat are expected to be minimal because Arizona Game and Fish Department regulations state that hunters cannot drive through riparian areas in a manner that causes damage to the habitat. Furthermore, the number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 703,618 acres; few of these trips are anticipated to occur in spokedace habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motorized vehicles would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, 11.10 acres of spokedace occupied habitat and 842.27 acres of spokedace critical habitat on the Forest are impacted by dispersed camping using motor vehicles. Motorized use within or adjacent to spokedace habitat has the potential to influence behavior, survival, reproduction and distribution of spokedace, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue within the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 1,345,997.76 acres. Currently, no spokedace occupied habitat and 1,066.02 acres of spokedace critical habitat on the Forest is impacted by cross-country motorized travel for fuelwood gathering. Motorized use within or adjacent to spokedace habitat has the potential to influence behavior, survival, reproduction and distribution of spokedace, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Alternative B—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 2,559.57 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be no open roads and motorized trails within spokedace occupied habitat and 9.32 miles of open roads and motorized trails (with a road density of 0.76 miles per square mile) within spokedace critical habitat on the Forest under Alternative B. The level of impact to occupied habitat would be the same as current conditions, while this would be a reduction in the amount of roads and motorized trails open to the public in spokedace critical habitat.

Areas Designated for Motor Vehicle Use

Cross-country motorized use would be eliminated forestwide if Alternative B was implemented. No cross-country motorized use within spikedece occupied habitat and critical habitat on the Forest would be allowed under Alternative B. This would be a reduction in authorized cross-country motorized use within spikedece occupied habitat and critical habitat on the Forest, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be eliminated forestwide if Alternative B was implemented. No cross-country motorized use within spikedece occupied habitat and critical habitat on the Forest would be allowed under Alternative B. This would be a reduction in motorized big game retrieval within spikedece occupied habitat and critical habitat on the Forest, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to 414 designated sites, impacting approximately 65.45 acres if this alternative was implemented. No spikedece occupied habitat or critical habitat would be impacted by dispersed camping using motor vehicles under this alternative. This would be a reduction in dispersed camping within spikedece occupied habitat and critical habitat, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 132,568.44 acres. No spikedece occupied habitat and 65.73 acres of spikedece critical habitat on the Forest would be impacted by fuelwood gathering using motor vehicles under this alternative. The level of impact to occupied habitat would be the same as current conditions, while this would be a reduction in motorized travel for fuelwood gathering within spikedece critical habitat.

Alternative C—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 3,569.52 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be no open roads and motorized trails within spikedece occupied habitat and 12.93 miles of open roads and motorized trails (with a road density of 1.06 miles per square mile) within spikedece critical habitat on the Forest under Alternative C. The level of impact to occupied habitat would be the same as current conditions, while this would be a reduction in the amount of roads and motorized trails open to the public in spikedece critical habitat.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. No spikedece occupied habitat or critical habitat would be impacted by motorized cross-country travel under Alternative C. This would be a reduction in authorized cross-country motorized use within spikedece occupied habitat and critical habitat, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 1,293,178.12 acres if this alternative is implemented. Based on the Forest assessment of where vehicles are expected to be driven compared to data for the species, no spikedece occupied habitat and 693.07 acres of spikedece critical habitat on the Forest would be impacted by motorized big game retrieval under Alternative C. This would be a reduction in authorized motorized big game retrieval within spikedece occupied habitat and critical habitat on the Forest, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases. Any effects to habitat are expected to be minimal because Arizona Game and Fish Department regulations state that hunters cannot drive through riparian areas in a manner that causes damage to the habitat. Furthermore, the number of retrieval trips across the Forest is estimated to be 209 total trips in and out on an annual basis, spread over 1,293,178 acres; few of these trips are anticipated to occur in spikedece habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 100 feet of roads and motorized trails, impacting approximately 91,391.29 acres if this alternative is implemented. No spikedece occupied habitat and 137.76 acres of spikedece critical habitat on the Forest would be impacted by dispersed camping using motor vehicles under Alternative C. This would be a reduction in dispersed camping using motor vehicles within spikedece occupied habitat and critical habitat on the Forest, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 161,784.64 acres. No spikedece occupied habitat and 80.52 acres of spikedece critical habitat on the Forest would be impacted by fuelwood gathering using motor vehicles under Alternative C. The level of impact to occupied habitat would be the same as current conditions, while this would be a major decrease in fuelwood gathering using motor vehicles in spikedece critical habitat.

Alternative D—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,859.34 miles of roads and trails would be open to the public for motorized travel if Alternative D was implemented. There would be no open roads and motorized trails within spikedeace occupied habitat and 22.43 miles of open roads and motorized trails (with a road density of 1.83 miles per square mile) would be impacted within spikedeace critical habitat on the Forest under Alternative D. The level of impact to occupied habitat would be the same as current conditions, while this would be a slight reduction in the amount of roads and motorized trails open to the public in spikedeace critical habitat.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if Alternative D is implemented. No spikedeace occupied habitat or critical habitat would be impacted by motorized cross-country travel under this alternative. The level of impact to occupied habitat would be the same as current conditions, while this would be a major reduction in authorized cross-country motorized use in spikedeace critical habitat.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 2,068,208.36 acres if this alternative is implemented. There would be 9.36 acres of spikedeace occupied habitat and 4,867.23 acres of spikedeace critical habitat on the Forest impacted by motorized big game retrieval under Alternative D. This would be a decrease in authorized motorized big game retrieval within spikedeace occupied habitat on the Forest, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases. This would be an increase in authorized motorized big game retrieval within spikedeace critical habitat on the Forest. Any effects to habitat are expected to be minimal because Arizona Game and Fish Department regulations state that hunters cannot drive through riparian areas in a manner that causes damage to the habitat. Furthermore, the number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 2,068,208 acres; few of these trips are anticipated to occur in spikedeace habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 300 feet of roads and motorized trails, impacting approximately 336,037.85 acres if this alternative is implemented. No spikedeace occupied habitat and 730.98 acres of spikedeace critical habitat on the Forest would be impacted by dispersed camping using motor vehicles under Alternative D. This would be a decrease in dispersed camping using motor vehicles within spikedeace occupied habitat and critical habitat on the Forest, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue unrestricted in areas currently permitted for fuelwood gathering, impacting approximately 1,345,997.76 acres. No spikedace occupied habitat and 1,066.02 acres of spikedace critical habitat on the Forest would be impacted by cross-country motorized travel for fuelwood gathering under Alternative D. Because there is no change from Alternative A, the current level of impact is expected to continue if this alternative is implemented.

Razorback Sucker and Critical Habitat

The razorback sucker inhabits riverine and lacustrine areas, generally not in fast moving water and may use backwaters. This species is found at elevations below 6,000 feet.

On Tonto National Forest, the razorback sucker is found in Cave Creek, Tonto Basin, and Globe ranger districts. In addition, Arizona Game and Fish Department stocked razorback suckers in Fossil Creek in the late 2000s.

Critical habitat is designated on Tonto National Forest in Cave Creek, Globe, Payson, and Tonto Basin ranger districts.

Alternative A—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,958.58 miles of roads and no trails would be open to the public for motorized travel if this alternative was implemented. Currently, there are approximately 1.33 miles of open roads and motorized trails (with a road density of 0.42 miles per square mile) within razorback sucker occupied habitat and 0.71 miles of open roads and motorized trails (with a road density of 0.16 miles per square mile) within razorback sucker critical habitat on the Forest. The current level of impact is expected to continue if Alternative A is implemented.

Areas Designated for Motor Vehicle Use

Cross-country motorized travel would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, 5.21 acres of razorback sucker occupied habitat and 5,982.79 acres of razorback sucker critical habitat on the Forest are impacted by cross-country motorized travel. Motorized use within or adjacent to razorback sucker habitat has the potential to influence behavior, survival, reproduction and distribution of razorback sucker, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Big Game Retrieval

Cross-country motorized travel for big game retrieval would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, 5.21 acres of razorback sucker occupied habitat and 5,982.79 acres of razorback sucker critical habitat on the Forest are impacted by motorized big game retrieval. Motorized use within or adjacent to razorback sucker habitat has the potential to influence behavior, survival, reproduction and distribution of razorback sucker, as well as to alter habitat. However, any effects to habitat are expected to be minimal because Arizona Game and

Fish Department regulations state that hunters cannot drive through riparian areas in a manner that causes damage to the habitat. Furthermore, the number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 703,618 acres; few of these trips are anticipated to occur in razorback sucker habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motorized vehicles would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, 5.21 acres of razorback sucker occupied habitat and 5,982.79 acres razorback sucker critical habitat on the Forest are impacted by dispersed camping using motor vehicles. Motorized use within or adjacent to razorback sucker habitat has the potential to influence behavior, survival, reproduction and distribution of razorback sucker, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue within the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 1,345,997.76 acres. Currently, 7.72 acres of razorback sucker occupied habitat and 101.84 acres of razorback sucker critical habitat on the Forest are impacted by cross-country motorized travel for fuelwood gathering. Motorized use within or adjacent to razorback sucker habitat has the potential to influence behavior, survival, reproduction and distribution of razorback sucker, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Alternative B—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 2,559.57 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be approximately 0.34 miles of open roads and motorized trails (with a road density of 0.11 miles per square mile) within razorback sucker occupied habitat and no roads and motorized trails would be open to the public within razorback sucker critical habitat on the Forest under Alternative B. This would be a reduction in the amount of roads and motorized trails open to the public in razorback sucker occupied habitat and critical habitat, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Areas Designated for Motor Vehicle Use

Cross-country motorized use would be eliminated forestwide if Alternative B was implemented. No cross-country motorized use within razorback sucker occupied habitat and critical habitat on the Forest would be allowed under Alternative B. This would be a reduction in authorized cross-country motorized use within razorback sucker occupied habitat and critical habitat on the Forest, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be eliminated forestwide if Alternative B was implemented. No cross-country motorized use within razorback sucker occupied habitat and critical habitat on the Forest would be allowed under Alternative B. This would be a reduction in motorized big game retrieval within razorback sucker occupied habitat and critical habitat on the Forest, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to 414 designated sites, impacting approximately 65.45 acres if this alternative was implemented. No razorback sucker occupied habitat or critical habitat would be impacted by dispersed camping using motor vehicles under this alternative. This would be a reduction in dispersed camping within razorback sucker occupied habitat and critical habitat on the Forest, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 132,568.44 acres. Approximately 6.91 acres of razorback sucker occupied habitat and 1.83 acres of razorback sucker critical habitat on the Forest would be impacted by fuelwood gathering using motor vehicles under Alternative B. This would be a reduction in cross-country motorized travel for fuelwood gathering within razorback sucker occupied habitat and critical habitat on the Forest, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Alternative C—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 3,569.52 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be 0.71 miles of open roads and motorized trails (with a road density of 0.22 miles per square mile) within razorback sucker occupied habitat and no open roads and motorized trails within razorback sucker critical habitat on the Forest under Alternative C. This would be a reduction in the amount of roads and motorized trails open to the public in razorback sucker occupied habitat and critical habitat, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. No razorback sucker occupied habitat or critical habitat would be impacted by motorized cross-country travel under Alternative C. This would be a decrease in

authorized cross-country motorized use within razorback sucker occupied habitat and critical habitat on the Forest, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 1,293,178.12 acres if this alternative is implemented. Approximately 10.40 acres of razorback sucker occupied habitat and 35.08 acres of razorback sucker critical habitat on the Forest would be impacted by motorized big game retrieval under Alternative C. This would be a major reduction in authorized motorized big game retrieval in razorback sucker critical habitat. However, this would be an increase in authorized motorized big game retrieval within razorback sucker occupied habitat on the Forest and could result in additional impacts to the species by increasing access near riparian zones, increasing sedimentation into streams, and increasing the potential spread of nonnative aquatic organisms and diseases. Any effects to habitat are expected to be minimal because Arizona Game and Fish Department regulations state that hunters cannot drive through riparian areas in a manner that causes damage to the habitat. Furthermore, the number of retrieval trips across the Forest is estimated to be 209 total trips in and out on an annual basis, spread over 1,293,178 acres; few of these trips are anticipated to occur in razorback sucker habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 100 feet of roads and motorized trails, impacting approximately 91,391.29 acres if this alternative is implemented. There would be 4.66 acres of razorback sucker occupied habitat and 1.08 acres of razorback sucker critical habitat on the Forest impacted by dispersed camping using motor vehicles under Alternative C. This would be a decrease in dispersed camping using motor vehicles within razorback sucker occupied habitat and critical habitat on the Forest, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 161,784.64 acres. Approximately 6.91 acres of razorback sucker occupied habitat and 1.83 acres of razorback sucker critical habitat on the Forest would be impacted by fuelwood gathering using motor vehicles under Alternative C. This would be a decrease in cross-country motorized travel for fuelwood gathering within razorback sucker occupied habitat and critical habitat on the Forest, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Alternative D—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,859.34 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be 1.33 miles of open roads and motorized trails (with a road density of 0.42 miles per square mile) within razorback sucker occupied habitat and 0.71 miles of open roads and motorized trails (with a road density of 0.16 miles per square mile) within razorback sucker critical habitat on the Forest under Alternative D. The level of impact would be the same as current conditions.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. No razorback sucker occupied habitat or critical habitat would be impacted by motorized cross-country travel under Alternative D. This would be a decrease in authorized cross-country motorized use within razorback sucker occupied habitat and critical habitat on the Forest, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 2,068,208.36 acres if this alternative is implemented. There would be 1,180.01 acres of razorback sucker occupied habitat and 1,311.57 acres of razorback sucker critical habitat on the Forest impacted by motorized big game retrieval under Alternative D. This would be a decrease in authorized motorized big game retrieval within razorback sucker critical habitat on the Forest, while it would be a major increase in authorized motorized big game retrieval within razorback sucker occupied habitat on the Forest, and could result in additional impacts to the species by increasing access near riparian zones, increasing sedimentation into streams, and increasing the potential spread of nonnative aquatic organisms and diseases. However, any effects to habitat are expected to be minimal because Arizona Game and Fish Department regulations state that hunters cannot drive through riparian areas in a manner that causes damage to the habitat. Furthermore, the number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 2,068,208 acres; few of these trips are anticipated to occur in razorback sucker habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 300 feet of roads and motorized trails, impacting approximately 336,037.85 acres if this alternative is implemented. There would be 37.34 acres of razorback sucker occupied habitat and 39.23 acres of razorback sucker critical habitat on the Forest impacted by dispersed camping using motor vehicles under Alternative D. This would be an increase in dispersed camping using motor vehicles within razorback sucker occupied habitat on the Forest and could result in additional impacts to the species by increasing access near riparian zones, increasing sedimentation into streams, and increasing the potential spread of nonnative aquatic organisms and diseases. This would be a

major decrease in dispersed camping using motor vehicles within razorback sucker critical habitat on the Forest.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue unrestricted in areas currently permitted for fuelwood gathering, impacting approximately 1,345,997.76 acres. There would be 7.72 acres of razorback sucker occupied habitat and 101.84 acres of razorback sucker critical habitat on the Forest impacted by cross-country motorized travel for fuelwood gathering under Alternative D. Because there is no change from Alternative A, the current level of impact is expected to continue if this alternative is implemented.

Gila Topminnow

The Gila topminnow inhabits slow moving low gradient streams, springs, and backwaters at elevations below 4,000 feet.

On Tonto National Forest, the Gila topminnow is found in Cave Creek, Globe, Mesa, and Tonto Basin ranger districts.

Alternative A—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,958.58 miles of roads and no trails would be open to the public for motorized travel if this alternative was implemented. Currently, there are approximately 0.39 miles of open roads and motorized trails (with a road density of 2.75 miles per square mile) within Gila topminnow occupied habitat on the Forest. The current level of impact is expected to continue if Alternative A is implemented.

Areas Designated for Motor Vehicle Use

Cross-country motorized travel would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, no Gila topminnow occupied habitat is impacted by cross-country motorized travel. Motorized use within or adjacent to Gila topminnow habitat has the potential to influence behavior, survival, reproduction and distribution of Gila topminnow, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Big Game Retrieval

Cross-country motorized travel for big game retrieval would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Based on the Forest assessment of where vehicles are expected to be driven compared to data for the species, no Gila topminnow occupied habitat is impacted by motorized big game retrieval. Motorized use within or adjacent to Gila topminnow habitat has the potential to influence behavior, survival, reproduction and distribution of Gila topminnow, as well as to alter habitat. However, any effects to habitat are expected to be minimal because Arizona Game and Fish Department regulations state that hunters cannot drive through riparian areas in a manner that causes damage to the habitat. Furthermore, the number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 703,618 acres;

few of these trips are anticipated to occur in Gila topminnow habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motorized vehicles would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, no Gila topminnow occupied habitat is impacted by dispersed camping using motor vehicles. Motorized use within or adjacent to Gila topminnow habitat has the potential to influence behavior, survival, reproduction and distribution of Gila topminnow, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue within the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 1,345,997.76 acres. Currently, 6.49 acres of Gila topminnow occupied habitat is impacted by cross-country motorized travel for fuelwood gathering. Motorized use within or adjacent to Gila topminnow habitat has the potential to influence behavior, survival, reproduction and distribution of Gila topminnow, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Alternative B—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 2,559.57 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be approximately 0.02 miles of open roads and motorized trails (with a road density of 0.14 miles per square mile) within Gila topminnow occupied habitat on the Forest under this alternative. This would be a reduction in the amount of roads and motorized trails open to the public in Gila topminnow occupied habitat, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Areas Designated for Motor Vehicle Use

Cross-country motorized use would be eliminated forestwide if Alternative B was implemented. No Gila topminnow occupied habitat would be affected by cross-country motorized use. The level of impact to Gila topminnow occupied habitat would be the same as current conditions.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be eliminated forestwide if Alternative B was implemented. No Gila topminnow occupied habitat would be affected by motorized big game retrieval. The level of impact to Gila topminnow occupied habitat would be the same as current conditions.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to 414 designated sites, impacting approximately 65.45 acres if this alternative was implemented. No Gila topminnow occupied

habitat would be impacted by dispersed camping using motor vehicles under this alternative. The level of impact would be the same as current conditions.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 132,568.44 acres. No Gila topminnow occupied habitat would be impacted by fuelwood gathering using motor vehicles under this alternative. This would be a reduction in cross-country motorized travel for fuelwood gathering within Gila topminnow occupied habitat on the Forest, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Alternative C—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 3,569.52 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be approximately 0.02 miles of open roads and motorized trails (with a road density of 0.14 miles per square mile) within Gila topminnow occupied habitat on the Forest under this alternative. This would be a reduction in the amount of roads and motorized trails open to the public in Gila topminnow occupied habitat, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. No Gila topminnow occupied habitat would be impacted by motorized cross-country travel under this alternative. The level of impact would be the same as current conditions.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 1,293,178.12 acres if this alternative is implemented. Approximately 32.45 acres of Gila topminnow occupied habitat would be impacted by motorized big game retrieval under this alternative. This would be an increase in authorized motorized big game retrieval within Gila topminnow occupied habitat on the Forest and could result in additional impacts to the species by increasing access near riparian zones, increasing sedimentation into streams, and increasing the potential spread of nonnative aquatic organisms and diseases. However, any effects to habitat are expected to be minimal because Arizona Game and Fish Department regulations state that hunters cannot drive through riparian areas in a manner that causes damage to the habitat. Furthermore, the number of retrieval trips across the Forest is estimated to be 209 total trips in and out on an annual basis, spread over 1,293,178 acres; few of these trips are anticipated to occur in Gila topminnow habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 100 feet of roads and motorized trails, impacting approximately 91,391.29 acres if this alternative is implemented. No Gila topminnow occupied habitat would be impacted by dispersed camping using motor vehicles under this alternative. The level of impact would be the same as current conditions.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 161,784.64 acres. No Gila topminnow occupied habitat would be impacted by fuelwood gathering using motor vehicles under this alternative. This would be a reduction in cross-country motorized travel for fuelwood gathering within Gila topminnow occupied habitat, and would benefit the species by reducing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Alternative D—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,859.34 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be approximately 0.35 miles of open roads and motorized trails (with a road density of 2.46 miles per square mile) within Gila topminnow occupied habitat on the Forest under Alternative D. This would be a slight reduction in the amount of roads and motorized trails open to the public in Gila topminnow occupied habitat, with impacts nearly the same as current conditions.

Areas Open to Motorized Cross-country Travel

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. No Gila topminnow occupied habitat would be impacted by motorized cross-country travel under Alternative D. The level of impact would be the same as current conditions.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 2,068,208.36 acres if this alternative is implemented. Approximately 58.42 acres of Gila topminnow occupied habitat would be impacted by motorized big game retrieval under Alternative D. This would be an increase in authorized motorized big game retrieval within Gila topminnow occupied habitat on the Forest, and could result in additional impacts to the species by increasing access near riparian zones, increasing sedimentation into streams, and increasing the potential spread of nonnative aquatic organisms and diseases. However, any effects to habitat are expected to be minimal because Arizona Game and Fish Department regulations state that hunters cannot drive through riparian areas in a manner that causes damage to the habitat. Furthermore, the number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 2,068,208 acres; few of these trips are anticipated to occur in Gila topminnow habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 300 feet of roads and motorized trails, impacting approximately 336,037.85 acres if this alternative is implemented. Approximately 8.05 acres of Gila topminnow occupied habitat would be impacted by dispersed camping using motor vehicles under Alternative D. This would be an increase in dispersed camping using motor vehicles within Gila topminnow occupied habitat on the Forest, and could result in additional impacts to the species by increasing access near riparian zones, increasing sedimentation into streams, and increasing the potential spread of nonnative aquatic organisms and diseases.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue unrestricted in areas currently permitted for fuelwood gathering, impacting approximately 1,345,997.76 acres. Approximately 6.49 acres of Gila topminnow occupied habitat would be impacted by cross-country motorized travel for fuelwood gathering under Alternative D. Because there is no change from Alternative A, the current level of impact is expected to continue if this alternative is implemented.

Arizona Cliffrose

The Arizona cliffrose is found in nutrient-deficient, calcareous limy-tuff soils derived from Tertiary lacustrine deposits at elevations of 2,100–2,700 feet. On Tonto National Forest, the Arizona cliffrose is found in the Cave Creek Ranger District near Horseshoe Lake.

Alternative A—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,958.58 miles of roads and no trails would be open to the public for motorized travel if this alternative was implemented. Currently, there are no open roads and motorized trails within Arizona cliffrose habitat on the Forest. Current condition would continue if Alternative A was implemented, so no new effects would occur.

Areas Designated for Motor Vehicle Use

Cross-country motorized travel would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, no Arizona cliffrose habitat is impacted by cross-country motorized travel. Motorized use within or adjacent to Arizona cliffrose habitat could crush individual plants or alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Big Game Retrieval

Cross-country motorized travel for big game retrieval would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, no Arizona cliffrose habitat is impacted by motorized big game retrieval. Motorized use within or adjacent to Arizona cliffrose habitat could crush individual plants or alter habitat. The number of retrieval trips across the Forest is estimated to be

550 total trips in and out on an annual basis, spread over 703,618 acres; few of these trips are anticipated to occur in Arizona cliffrose habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motorized vehicles would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, no Arizona cliffrose habitat is impacted by dispersed camping using motor vehicles. Motorized use within or adjacent to Arizona cliffrose habitat could crush individual plants or alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue within the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 1,345,997.76 acres. Currently, no Arizona cliffrose habitat is impacted by cross-country motorized travel for fuelwood gathering. Motorized use within or adjacent to Arizona cliffrose habitat could crush individual plants or alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Alternative B—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 2,559.57 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be no open roads and motorized trails within Arizona cliffrose habitat on the Forest under Alternative B. The level of impact would be the same as current conditions.

Areas Designated for Motor Vehicle Use

Cross-country motorized use would be eliminated forestwide if Alternative B was implemented. No Arizona cliffrose habitat would be affected by cross-country motorized use. The level of impact to Arizona cliffrose habitat would be the same as current conditions.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be eliminated forestwide if Alternative B was implemented. No Arizona cliffrose habitat would be affected by motorized big game retrieval. The level of impact to Arizona cliffrose habitat would be the same as current conditions.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to 414 designated sites, impacting approximately 65.45 acres if this alternative was implemented. No Arizona cliffrose habitat would be impacted by dispersed camping using motor vehicles under Alternative B. The level of impact would be the same as current conditions.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 132,568.44 acres. No Arizona cliffrose habitat would be impacted by fuelwood gathering using motor vehicles under Alternative B. The level of impact would be the same as current conditions.

Alternative C—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 3,569.52 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be no open roads and motorized trails within Arizona cliffrose habitat on the Forest under Alternative C. The level of impact would be the same as current conditions.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if Alternative C is implemented. No Arizona cliffrose habitat would be impacted by motorized cross-country travel under this alternative. The level of impact would be the same as current conditions.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 1,293,178.12 acres if this alternative is implemented. No Arizona cliffrose habitat would be impacted by motorized big game retrieval under Alternative C. The number of retrieval trips across the Forest is estimated to be 209 total trips in and out on an annual basis, spread over 1,293,178 acres; none of these trips are anticipated to occur in Arizona cliffrose habitat. The level of impact would be the same as current conditions.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 100 feet of roads and motorized trails, impacting approximately 91,391.29 acres if this alternative is implemented. No Arizona cliffrose habitat would be impacted by dispersed camping using motor vehicles under Alternative C. The level of impact would be the same as current conditions.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 161,784.64 acres. No Arizona cliffrose habitat would be impacted by fuelwood gathering using motor vehicles under Alternative C. The level of impact would be the same as current conditions.

Alternative D—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,859.34 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be no open roads and motorized trails within Arizona cliffrose habitat on the Forest under Alternative D. The level of impact would be the same as current conditions.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. No Arizona cliffrose habitat would be impacted by motorized cross-country travel under Alternative D. The level of impact would be the same as current conditions.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 2,068,208.36 acres if this alternative is implemented. Approximately 20.70 acres of Arizona cliffrose habitat would be impacted by motorized big game retrieval under Alternative D. This would be an increase in authorized motorized big game retrieval within Arizona cliffrose habitat on the Forest and could result in additional impacts to the species by increasing crushing of foliage or root system and increasing injury or mortality of individual plants or groups of plants. However, the number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 2,068,208 acres; few of these trips are anticipated to occur in Arizona cliffrose habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 300 feet of roads and motorized trails, impacting approximately 336,037.85 acres if this alternative is implemented. No Arizona cliffrose habitat would be impacted by dispersed camping using motor vehicles under Alternative D. The level of impact would be the same as current conditions.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue unrestricted in areas currently permitted for fuelwood gathering, impacting approximately 1,345,997.76 acres. No Arizona cliffrose habitat would be impacted by cross-country motorized travel for fuelwood gathering under Alternative D. Because there is no change from Alternative A, the current level of impact is expected to continue if this alternative is implemented.

Arizona Hedgehog Cactus

Arizona hedgehog cactus is typically associated with interior chaparral and madrean evergreen woodland communities. A few plants may extend into the transition zones with upper Sonoran desert and beyond into ponderosa pine type between approximately 3,300 to 5,700 feet. This species occurs on parent materials of igneous origin, primarily Schultze Granite and Apache Leap

Tuff (Dacite); plants occurring on Pinal schist and Pioneer formations are found in proximity to the preferred parent materials and where the formations are expressed as exposed bedrock.

The Arizona hedgehog cactus is found on Tonto National Forest in Globe and possibly Mesa ranger districts. This species has been documented from Queen Creek east of Superior to Pinto Valley and north of Superior, into the Superstition Wilderness; it is also found in the Pinal Mountains south of Globe and the Mescal Mountains south of Tonto National Forest.

Alternative A—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,958.58 miles of roads and no trails would be open to the public for motorized travel if this alternative was implemented. Currently, there are approximately 11.62 miles of open roads and motorized trails (with a road density of 5.74 miles per square mile) within Arizona hedgehog cactus occupied habitat on the Forest. The current level of impact is expected to continue if Alternative A is implemented.

Areas Designated for Motor Vehicle Use

Cross-country motorized travel would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, no Arizona hedgehog cactus occupied habitat is impacted by cross-country motorized travel. Motorized use within or adjacent to Arizona hedgehog cactus habitat could crush individual plants or alter habitat although this would be minimized due to the preferred rocky and steep habitat this subspecies is associated with. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Big Game Retrieval

Cross-country motorized travel for big game retrieval would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, no Arizona hedgehog cactus occupied habitat is impacted by motorized big game retrieval. Motorized use within or adjacent to Arizona hedgehog cactus habitat could crush individual plants or alter habitat. However, the number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 703,618 acres; none of these trips are anticipated to occur in Arizona hedgehog cactus habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motorized vehicles would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, no Arizona hedgehog cactus occupied habitat is impacted by dispersed camping using motor vehicles. Motorized use within or adjacent to Arizona hedgehog cactus habitat could crush individual plants or alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue within the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 1,345,997.76 acres. Currently, 762.76 acres of Arizona hedgehog cactus occupied habitat is impacted by cross-country motorized travel for fuelwood gathering. Motorized use within or adjacent to Arizona hedgehog cactus habitat could crush individual plants or alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Alternative B—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 2,559.57 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be approximately 10.18 miles of open roads and motorized trails (with a road density of 5.03 miles per square mile) within Arizona hedgehog cactus occupied habitat on the Forest under this alternative. This would be a slight reduction in the amount of roads and motorized trails open to the public in Arizona hedgehog cactus occupied habitat on the Forest, and the level of impact to Arizona hedgehog cactus occupied habitat would be nearly the same as current conditions.

Areas Designated for Motor Vehicle Use

Cross-country motorized use would be eliminated forestwide if Alternative B was implemented. No Arizona hedgehog cactus occupied habitat would be affected by cross-country motorized use. The level of impact to Arizona hedgehog cactus occupied habitat would be the same as current conditions.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be eliminated forestwide if Alternative B was implemented. No Arizona hedgehog cactus occupied habitat would be affected by motorized big game retrieval. The level of impact to Arizona hedgehog cactus habitat would be the same as current conditions.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to 414 designated sites, impacting approximately 65.45 acres if this alternative was implemented. No Arizona hedgehog cactus occupied habitat would be impacted by dispersed camping using motor vehicles under this alternative. The level of impact would be the same as current conditions.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 132,568.44 acres. Approximately 242.66 acres of Arizona hedgehog cactus occupied habitat would be impacted by fuelwood gathering using motor vehicles under this alternative. This would be a reduction in cross-country motorized travel for fuelwood gathering within Arizona hedgehog cactus occupied habitat on the Forest, and would benefit the species by reducing crushing of stems or root system and reducing injury or mortality of individual plants or groups of plants.

Alternative C—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 3,569.52 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be approximately 10.72 miles of open roads and motorized trails (with a road density of 5.30 miles per square mile) within Arizona hedgehog cactus occupied habitat on the Forest under this alternative. This would be a slight reduction in the amount of roads and motorized trails open to the public in Arizona hedgehog cactus occupied habitat and the level of impact would be nearly the same as current conditions.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. No Arizona hedgehog cactus occupied habitat would be impacted by motorized cross-country travel under this alternative. The level of impact would be the same as current conditions.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 1,293,178.12 acres if this alternative is implemented. Approximately 912.36 acres of Arizona hedgehog cactus occupied habitat would be impacted by motorized big game retrieval under this alternative. This would be a major increase in authorized motorized big game retrieval within Arizona hedgehog cactus occupied habitat on the Forest, and could result in additional impacts to the species by increasing crushing of stems or root system and increasing injury or mortality of individual plants or groups of plants. However, the number of retrieval trips across the Forest is estimated to be 209 total trips in and out on an annual basis, spread over 1,293,178 acres; few of these trips are anticipated to occur in Arizona hedgehog cactus habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 100 feet of roads and motorized trails, impacting approximately 91,391.29 acres if this alternative is implemented. Approximately 107.11 acres of Arizona hedgehog cactus occupied habitat would be impacted by dispersed camping using motor vehicles under this alternative. This would be a major increase in dispersed camping using motor vehicles within Arizona hedgehog cactus occupied habitat on the Forest, and could result in additional impacts to the species by increasing crushing of stems or root system and increasing injury or mortality of individual plants or groups of plants.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 161,784.64 acres. Approximately 249.58 acres of Arizona hedgehog cactus occupied habitat would be impacted by fuelwood gathering using motor vehicles under this alternative. This would be a reduction in cross-country motorized travel for fuelwood gathering within Arizona hedgehog cactus occupied habitat, and would benefit the species by reducing crushing of stems or root system and reducing injury or mortality of individual plants or groups of plants.

Alternative D—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,859.34 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be approximately 11.60 miles of open roads and motorized trails (with a road density of 5.73 miles per square mile) within Arizona hedgehog cactus occupied habitat on the Forest under this alternative. This would be a very slight reduction in the amount of roads and motorized trails open to the public in Arizona hedgehog cactus occupied habitat and the level of impact would be nearly the same as current conditions.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. No Arizona hedgehog cactus occupied habitat would be impacted by motorized cross-country travel under this alternative. The level of impact would be the same as current conditions.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 2,068,208.36 acres if Alternative D is implemented. Approximately 1,033.34 acres of Arizona hedgehog cactus occupied habitat would be impacted by motorized big game retrieval under this alternative. This would be a major increase in authorized motorized big game retrieval within Arizona hedgehog cactus occupied habitat on the Forest, and could result in additional impacts to the species by increasing crushing of stems or root system and increasing injury or mortality of individual plants or groups of plants. However, the number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 2,068,208 acres; few of these trips are anticipated to occur in Arizona hedgehog cactus habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 300 feet of roads and motorized trails, impacting approximately 336,037.85 acres if this alternative is implemented. Approximately 330.04 acres of Arizona hedgehog cactus occupied habitat would be impacted by dispersed camping using motor vehicles under this alternative. This would be an increase in dispersed camping using motor vehicles within Arizona hedgehog cactus occupied habitat on the Forest, and could result in additional impacts to the species by increasing crushing of stems or root system and increasing injury or mortality of individual plants or groups of plants.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue unrestricted in areas currently permitted for fuelwood gathering, impacting approximately 1,345,997.76 acres. Approximately 762.76 acres of Arizona hedgehog cactus occupied habitat would be impacted by cross-country motorized travel for fuelwood gathering under this alternative. Because there is no change from Alternative A, the current level of impact is expected to continue if this alternative is implemented.

Federal Candidate Species

Headwater Chub

The headwater chub can be found in medium-sized streams in large, deep pools often associated with cover such as undercut banks or deep places created by trees or rocks at elevations of 3,000–6,700 feet. The headwater chub on Tonto National Forest is on the Tonto Basin, Payson, and Pleasant Valley ranger districts.

Alternative A—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,958.58 miles of roads and no trails would be open to the public for motorized travel if this alternative was implemented. Currently, there are approximately 11.62 miles of open roads and motorized trails (with a road density of 5.74 miles per square mile) within Arizona hedgehog cactus occupied habitat on the Forest. The current level of impact is expected to continue if Alternative A is implemented.

Areas Designated for Motor Vehicle Use

Cross-country motorized travel would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, no Arizona hedgehog cactus occupied habitat is impacted by cross-country motorized travel. Motorized use within or adjacent to Arizona hedgehog cactus habitat could crush individual plants or alter habitat although this would be minimized due to the preferred rocky and steep habitat this subspecies is associated with. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Big Game Retrieval

Cross-country motorized travel for big game retrieval would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, no Arizona hedgehog cactus occupied habitat is impacted by motorized big game retrieval. Motorized use within or adjacent to Arizona hedgehog cactus habitat could crush individual plants or alter habitat. However, the number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 703,618 acres; none of these trips are anticipated to occur in Arizona hedgehog cactus habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motorized vehicles would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, no Arizona hedgehog cactus occupied habitat is impacted by dispersed camping using motor vehicles. Motorized use within or adjacent to Arizona hedgehog cactus habitat could crush individual plants or alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue within the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 1,345,997.76 acres. Currently, 762.76 acres of Arizona hedgehog cactus occupied habitat is impacted by cross-country motorized travel for fuelwood gathering. Motorized use within or adjacent to Arizona hedgehog cactus habitat could crush individual plants or alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Alternative B—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 2,559.57 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be approximately 10.18 miles of open roads and motorized trails (with a road density of 5.03 miles per square mile) within Arizona hedgehog cactus occupied habitat on the Forest under this alternative. This would be a slight reduction in the amount of roads and motorized trails open to the public in Arizona hedgehog cactus occupied habitat on the Forest, and the level of impact to Arizona hedgehog cactus occupied habitat would be nearly the same as current conditions.

Areas Designated for Motor Vehicle Use

Cross-country motorized use would be eliminated forestwide if Alternative B was implemented. No Arizona hedgehog cactus occupied habitat would be affected by cross-country motorized use. The level of impact to Arizona hedgehog cactus occupied habitat would be the same as current conditions.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be eliminated forestwide if Alternative B was implemented. No Arizona hedgehog cactus occupied habitat would be affected by motorized big game retrieval. The level of impact to Arizona hedgehog cactus habitat would be the same as current conditions.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to 414 designated sites, impacting approximately 65.45 acres if this alternative was implemented. No Arizona hedgehog cactus occupied habitat would be impacted by dispersed camping using motor vehicles under this alternative. The level of impact would be the same as current conditions.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 132,568.44 acres. Approximately 242.66 acres of Arizona hedgehog cactus occupied habitat would be impacted by fuelwood gathering using motor vehicles under this alternative. This would be a reduction in cross-country motorized travel for fuelwood gathering within Arizona hedgehog cactus occupied habitat on the Forest, and would benefit the species by reducing crushing of stems or root system and reducing injury or mortality of individual plants or groups of plants.

Alternative C—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 3,569.52 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be approximately 10.72 miles of open roads and motorized trails (with a road density of 5.30 miles per square mile) within Arizona hedgehog cactus occupied habitat on the Forest under this alternative. This would be a slight reduction in the amount of roads and motorized trails open to the public in Arizona hedgehog cactus occupied habitat and the level of impact would be nearly the same as current conditions.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. No Arizona hedgehog cactus occupied habitat would be impacted by motorized cross-country travel under this alternative. The level of impact would be the same as current conditions.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 1,293,178.12 acres if this alternative is implemented. Approximately 912.36 acres of Arizona hedgehog cactus occupied habitat would be impacted by motorized big game retrieval under this alternative. This would be a major increase in authorized motorized big game retrieval within Arizona hedgehog cactus occupied habitat on the Forest, and could result in additional impacts to the species by increasing crushing of stems or root system and increasing injury or mortality of individual plants or groups of plants. However, the number of retrieval trips across the Forest is estimated to be 209 total trips in and out on an annual basis, spread over 1,293,178 acres; few of these trips are anticipated to occur in Arizona hedgehog cactus habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 100 feet of roads and motorized trails, impacting approximately 91,391.29 acres if this alternative is implemented. Approximately 107.11 acres of Arizona hedgehog cactus occupied habitat would be impacted by dispersed camping using motor vehicles under this alternative. This would be a major increase in dispersed camping using motor vehicles within Arizona hedgehog cactus occupied habitat on the Forest, and could result in additional impacts to the species by increasing crushing of stems or root system and increasing injury or mortality of individual plants or groups of plants.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 161,784.64 acres. Approximately 249.58 acres of Arizona hedgehog cactus occupied habitat would be impacted by fuelwood gathering using motor vehicles under this alternative. This would be a reduction in cross-country motorized travel for fuelwood gathering within Arizona hedgehog cactus occupied habitat, and would benefit the species by reducing crushing of stems or root system and reducing injury or mortality of individual plants or groups of plants.

Alternative D—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,859.34 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be approximately 11.60 miles of open roads and motorized trails (with a road density of 5.73 miles per square mile) within Arizona hedgehog cactus occupied habitat on the Forest under this alternative. This would be a very slight reduction in the amount of roads and motorized trails open to the public in Arizona hedgehog cactus occupied habitat and the level of impact would be nearly the same as current conditions.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. No Arizona hedgehog cactus occupied habitat would be impacted by motorized cross-country travel under this alternative. The level of impact would be the same as current conditions.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 2,068,208.36 acres if Alternative D is implemented. Approximately 1,033.34 acres of Arizona hedgehog cactus occupied habitat would be impacted by motorized big game retrieval under this alternative. This would be a major increase in authorized motorized big game retrieval within Arizona hedgehog cactus occupied habitat on the Forest, and could result in additional impacts to the species by increasing crushing of stems or root system and increasing injury or mortality of individual plants or groups of plants. However, the number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 2,068,208 acres; few of these trips are anticipated to occur in Arizona hedgehog cactus habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 300 feet of roads and motorized trails, impacting approximately 336,037.85 acres if this alternative is implemented. Approximately 330.04 acres of Arizona hedgehog cactus occupied habitat would be impacted by dispersed camping using motor vehicles under this alternative. This would be an increase in dispersed camping using motor vehicles within Arizona hedgehog cactus occupied habitat on the Forest, and could result in additional impacts to the species by increasing crushing of stems or root system and increasing injury or mortality of individual plants or groups of plants.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue unrestricted in areas currently permitted for fuelwood gathering, impacting approximately 1,345,997.76 acres. Approximately 762.76 acres of Arizona hedgehog cactus occupied habitat would be impacted by cross-country motorized travel for fuelwood gathering under this alternative. Because there is no change from Alternative A, the current level of impact is expected to continue if this alternative is implemented.

Roundtail Chub

Roundtail Chub can be found in cool to warm waters of rivers and streams, often occupying the deepest pools and eddies of large streams at elevations of 1,000 to 7,500 feet. On the Tonto National Forest, the roundtail chub is on all ranger districts.

Alternative A—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,958.58 miles of roads and no trails would be open to the public for motorized travel if this alternative was implemented. Currently, there are approximately 26.98 miles of open roads and motorized trails (with a road density of 2.87 miles per square mile) within roundtail chub occupied habitat on the Forest. The current level of impact is expected to continue if Alternative A is implemented.

Areas Designated for Motor Vehicle Use

Cross-country motorized travel would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, 425.47 acres of roundtail chub occupied habitat is impacted by cross-country motorized travel. Motorized use within or adjacent to roundtail chub habitat has the potential to influence behavior, survival, reproduction and distribution of roundtail chub, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Big Game Retrieval

Cross-country motorized travel for big game retrieval would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, 425.47 acres of roundtail chub occupied habitat is impacted by motorized big game retrieval. Motorized use within or adjacent to roundtail chub habitat has the potential to influence behavior, survival, reproduction and distribution of roundtail chub, as well as to alter habitat. However, any effects to habitat are expected to be minimal because Arizona Game and Fish Department regulations state that hunters cannot drive through riparian areas in a manner that causes damage to the habitat. Furthermore, the number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 703,618 acres; few of these trips are anticipated to occur in roundtail chub habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motorized vehicles would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, 425.47 acres of roundtail chub occupied habitat is impacted by dispersed camping using motor vehicles. Motorized use within or adjacent to roundtail chub habitat has the potential to influence behavior, survival, reproduction and distribution of roundtail chub, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue within the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 1,345,997.76 acres. Currently, 461.26 acres of roundtail chub occupied habitat is impacted by cross-country motorized travel for fuelwood gathering. Motorized use within or adjacent to roundtail chub habitat has the potential to influence behavior, survival, reproduction and distribution of roundtail chub, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Alternative B—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 2,559.57 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be approximately 8.64 miles of open roads and motorized trails (with a road density of 0.92 miles per square mile) within roundtail chub occupied habitat on the Forest under this alternative. This would be a reduction in the amount of roads and motorized trails open to the public in roundtail chub occupied habitat and would be beneficial to the roundtail chub by decreasing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Areas Designated for Motor Vehicle Use

Cross-country motorized use would be eliminated forestwide if Alternative B was implemented. No roundtail chub occupied habitat would be affected by cross-country motorized use. This would be a reduction in authorized cross-country motorized use within roundtail chub occupied habitat, and would benefit the species by decreasing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be eliminated forestwide if Alternative B was implemented. No roundtail chub occupied habitat would be affected by motorized big game retrieval. This would be a reduction in motorized big game retrieval within roundtail chub occupied habitat, and would benefit the species by decreasing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to 414 designated sites, impacting approximately 65.45 acres if this alternative was implemented. Approximately 0.05 acres of roundtail chub occupied habitat would be impacted by dispersed camping using motor vehicles under this alternative. This would be a major reduction in dispersed camping within the Forest. This would be beneficial to the roundtail chub by decreasing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 132,568.44 acres. Approximately 61.78 acres of roundtail chub occupied habitat would be impacted by fuelwood gathering using motor vehicles under this alternative. This would be a major reduction in cross-country motorized travel for fuelwood gathering within the Forest. This would be beneficial to the roundtail chub by decreasing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Alternative C—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 3,569.52 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be approximately 12.19 miles of open roads and motorized trails (with a road density of 1.29 miles per square mile) within roundtail chub occupied habitat on the Forest under this alternative. This would be a reduction in the amount of roads and motorized trails open to the public in roundtail chub occupied habitat, and would be beneficial to the species by decreasing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. No roundtail chub occupied habitat would be impacted by motorized cross-country travel under this alternative. This would be a slight increase in authorized cross-country motorized use within roundtail chub occupied habitat on the Forest.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 1,293,178.12 acres if this alternative is implemented. Approximately 263.93 acres of roundtail chub occupied habitat would be impacted by motorized big game retrieval under this alternative. This would be a decrease in authorized motorized big game retrieval within roundtail chub occupied habitat on the Forest. This would be beneficial to the roundtail chub by decreasing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases. Any effects to habitat are expected to be minimal because Arizona Game and Fish Department regulations state that hunters cannot drive through riparian areas in a manner that causes damage to the habitat. Furthermore, the number of retrieval trips across the Forest is estimated to be 209 total trips in and out on an annual basis, spread over 1,293,178 acres; few of these trips are anticipated to occur in roundtail chub habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 100 feet of roads and motorized trails, impacting approximately 91,391.29 acres if this alternative is implemented. Approximately 51.85 acres of roundtail chub occupied habitat would be impacted by dispersed camping using motor vehicles under this alternative. This would be a decrease in dispersed camping using motor vehicles within roundtail chub occupied habitat on the Forest. This would be beneficial to the roundtail chub by decreasing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 161,784.64 acres. Approximately 76.78 acres of roundtail chub occupied habitat would be impacted by fuelwood gathering using motor vehicles under this alternative. This would be a major reduction in cross-country motorized travel for fuelwood gathering within roundtail chub occupied habitat on the Forest, and would benefit the species by decreasing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Alternative D—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,859.34 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be approximately 16.68 miles of open roads and motorized trails (with a road density of 1.77 miles per square mile) within roundtail chub occupied habitat on the Forest under this alternative. This would be a reduction in the amount of roads and motorized trails open to the public in roundtail chub occupied habitat, and would benefit the species by decreasing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. No roundtail chub occupied habitat would be impacted by motorized cross-country travel under this alternative.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 2,068,208.36 acres if this alternative is implemented. Approximately 1,929.91 acres of roundtail chub occupied habitat would be impacted by motorized big game retrieval under this alternative. This would be an increase in authorized motorized big game retrieval within roundtail chub occupied habitat on the Forest, and could result in additional impacts to the species by decreasing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases. However,

any effects to habitat are expected to be minimal because Arizona Game and Fish Department regulations state that hunters cannot drive through riparian areas in a manner that causes damage to the habitat. Furthermore, the number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 2,068,208 acres; few of these trips are anticipated to occur in roundtail chub habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 300 feet of roads and motorized trails, impacting approximately 336,037.85 acres if this alternative is implemented. Approximately 390.83 acres of roundtail chub occupied habitat would be impacted by dispersed camping using motor vehicles under this alternative. This would be a decrease in dispersed camping using motor vehicles within roundtail chub habitat on the Forest, and would benefit the species by decreasing access near riparian zones, reducing sedimentation into streams, and reducing the potential spread of nonnative aquatic organisms and diseases.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue unrestricted in areas currently permitted for fuelwood gathering, impacting approximately 1,345,997.76 acres. Approximately 461.26 acres of roundtail chub occupied habitat would be impacted by cross-country motorized travel for fuelwood gathering under this alternative. Because there is no change from Alternative A, the current level of impact is expected to continue if this alternative is implemented.

Morafka's Desert Tortoise

Morafka's desert tortoise inhabits rocky slopes and bajadas of Mojave and Sonoran desert scrub habitats at elevations ranging from 500 to 5,300 feet.

Morafka's desert tortoise occurs on Tonto National Forest in Cave Creek, Globe, and Tonto Basin ranger districts.

Alternative A—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,958.58 miles of roads and no trails would be open to the public for motorized travel if this alternative was implemented. Currently, there are approximately 47.49 miles of open roads and motorized trails (with a road density of 1.60 miles per square mile) within Morafka's desert tortoise occupied habitat on the Forest. Current condition would continue if Alternative A was implemented, so no new effects would occur.

Areas Designated for Motor Vehicle Use

Cross-country motorized travel would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, no Morafka's desert tortoise occupied habitat is impacted by cross-country motorized travel. Motorized use within or adjacent to Morafka's desert tortoise habitat has the potential to influence behavior, survival, reproduction and distribution of Morafka's desert

tortoise, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Big Game Retrieval

Cross-country motorized travel for big game retrieval would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, no Morafka's desert tortoise occupied habitat is impacted by motorized big game retrieval. Motorized use within or adjacent to Morafka's desert tortoise habitat has the potential to influence behavior, survival, reproduction and distribution of Morafka's desert tortoise, as well as to alter habitat. The number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 703,618 acres; none of these trips are anticipated to occur in Morafka's desert tortoise habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motorized vehicles would continue unrestricted within the Payson and Pleasant Valley ranger districts and in other ranger districts where authorized on approximately 703,618.39 acres. Currently, no Morafka's desert tortoise occupied habitat is impacted by dispersed camping using motor vehicles. Motorized use within or adjacent to Morafka's desert tortoise habitat has the potential to influence behavior, survival, reproduction and distribution of Morafka's desert tortoise, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue within the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 1,345,997.76 acres. Currently, 224.00 acres of Morafka's desert tortoise occupied habitat is impacted by cross-country motorized travel for fuelwood gathering. Motorized use within or adjacent to Morafka's desert tortoise habitat has the potential to influence behavior, survival, reproduction and distribution of Morafka's desert tortoise, as well as to alter habitat. The current level of impact is expected to continue if Alternative A is implemented.

Alternative B—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 2,559.57 miles of roads and trails would be open to the public for motorized travel if Alternative B was implemented. There would be approximately 23.35 miles of open roads and motorized trails (with a road density of 0.79 miles per square mile) within Morafka's desert tortoise occupied habitat on the Forest under this alternative. This would be a reduction in the amount of roads and motorized trails open to the public in Morafka's desert tortoise occupied habitat, and would benefit the species by reducing road densities through habitat, reducing barriers to movement, and allowing for increased movement.

Areas Designated for Motor Vehicle Use

Cross-country motorized use would be eliminated forestwide if Alternative B was implemented. No Morafka's desert tortoise occupied habitat would be affected by cross-country motorized use. The level of impact to Morafka's desert tortoise occupied habitat would be the same as current conditions.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be eliminated forestwide if Alternative B was implemented. No Morafka's desert tortoise occupied habitat would be affected by motorized big game retrieval. The level of impact to Morafka's desert tortoise occupied habitat would be the same as current conditions.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to 414 designated sites, impacting approximately 65.45 acres if Alternative B was implemented. Approximately 0.18 acres of Morafka's desert tortoise occupied habitat would be impacted by dispersed camping using motor vehicles under this alternative. This would be a slight increase in dispersed camping within Morafka's desert tortoise occupied habitat, with impacts nearly the same as current conditions.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 132,568.44 acres. Approximately 60.04 acres of Morafka's desert tortoise occupied habitat would be impacted by fuelwood gathering using motor vehicles under Alternative B. This would be a reduction in cross-country motorized travel for fuelwood gathering within Morafka's desert tortoise occupied habitat and would benefit the species by reducing the potential for tortoises to be injured or killed and reducing the potential for motorized vehicles to collapse burrows used by tortoises.

Alternative C—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 3,569.52 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be approximately 35.44 miles of open roads and motorized trails (with a road density of 1.20 miles per square mile) within Morafka's desert tortoise occupied habitat on the Forest under Alternative C. This would be a reduction in the amount of roads and motorized trails open to the public in Morafka's desert tortoise occupied habitat, and would benefit the species by reducing road densities through habitat, reducing barriers to movement, and allowing for increased movement.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. Approximately 150.96 acres of Morafka's desert tortoise occupied

habitat would be impacted by motorized cross-country travel under Alternative C. This would be an increase in authorized cross-country motorized use within Morafka's desert tortoise occupied habitat on the Forest and could result in additional impacts to the species by increasing the potential for tortoises to be injured or killed and increasing the potential for motorized vehicles to collapse burrows used by tortoises.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 1,293,178.12 acres if this alternative is implemented. Approximately 2,442.67 acres of Morafka's desert tortoise occupied habitat would be impacted by motorized big game retrieval under Alternative C. This would be a major increase in authorized motorized big game retrieval within Morafka's desert tortoise occupied habitat on the Forest and could result in additional impacts to the species by increasing the potential for tortoises to be injured or killed and increasing the potential for motorized vehicles to collapse burrows used by tortoises. However, the number of retrieval trips across the Forest is estimated to be 209 total trips in and out on an annual basis, spread over 1,293,178 acres; few of these trips are anticipated to occur in Morafka's desert tortoise habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 100 feet of roads and motorized trails, impacting approximately 91,391.29 acres if this alternative is implemented. Approximately 770.19 acres of Morafka's desert tortoise occupied habitat would be impacted by dispersed camping using motor vehicles under Alternative C. This would be an increase in dispersed camping using motor vehicles within Morafka's desert tortoise occupied habitat on the Forest and could result in additional impacts to the species by increasing the potential for tortoises to be injured or killed and increasing the potential for motorized vehicles to collapse burrows used by tortoises.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would be permitted within 300 feet of a road in the Globe, Payson, Pleasant Valley, and Tonto Basin ranger districts on approximately 161,784.64 acres. Approximately 105.67 acres of Morafka's desert tortoise occupied habitat would be impacted by fuelwood gathering using motor vehicles under Alternative C. This would be a reduction in cross-country motorized travel for fuelwood gathering within Morafka's desert tortoise occupied habitat and would benefit the species by reducing the potential for tortoises to be injured or killed and reducing the potential for motorized vehicles to collapse burrows used by tortoises.

Alternative D—Direct and Indirect Effects

Roads and Trails Open to Motorized Travel

Approximately 4,859.34 miles of roads and trails would be open to the public for motorized travel if this alternative was implemented. There would be approximately 45.11 miles of open roads and motorized trails (with a road density of 1.52 miles per square mile) within Morafka's desert tortoise occupied habitat on the Forest under Alternative D. This would be a slight

reduction in the amount of roads and motorized trails open to the public in Morafka's desert tortoise occupied habitat, with impacts nearly the same as current conditions.

Areas Designated for Motor Vehicle Use

Motorized cross-country travel would be restricted to 6,790.37 acres in designated areas at Bartlett Lake (Cave Creek Ranger District), Golf Course (Globe Ranger District), Roosevelt Lake (Tonto Basin Ranger District), and Sycamore (Mesa Ranger District) and tot lots if this alternative is implemented. Approximately 150.96 acres of Morafka's desert tortoise occupied habitat would be impacted by motorized cross-country travel under Alternative D. This would be an increase in authorized cross-country motorized use within Morafka's desert tortoise occupied habitat on the Forest and could result in additional impacts to the species by increasing the potential for tortoises to be injured or killed and increasing the potential for motorized vehicles to collapse burrows used by tortoises.

Motor Vehicle Use for Big Game Retrieval

Motorized big game retrieval would be allowed within 1 mile of roads and motorized trails, impacting approximately 2,068,208.36 acres if this alternative is implemented. Approximately 12,110.72 acres of Morafka's desert tortoise occupied habitat would be impacted by motorized big game retrieval under Alternative D. This would be a major increase in authorized motorized big game retrieval within Morafka's desert tortoise occupied habitat on the Forest and could result in additional impacts to the species by increasing the potential for tortoises to be injured or killed and increasing the potential for motorized vehicles to collapse burrows used by tortoises. However, the number of retrieval trips across the Forest is estimated to be 550 total trips in and out on an annual basis, spread over 2,068,208 acres; few of these trips are anticipated to occur in Morafka's desert tortoise habitat.

Motor Vehicle Use for Dispersed Camping

Dispersed camping using motor vehicles would be restricted to areas within 300 feet of roads and motorized trails, impacting approximately 336,037.85 acres if this alternative is implemented. Approximately 2,545.10 acres of Morafka's desert tortoise occupied habitat would be impacted by dispersed camping using motor vehicles under Alternative D. This would be a major increase in dispersed camping using motor vehicles within Morafka's desert tortoise occupied habitat on the Forest and could result in additional impacts to the species by increasing the potential for tortoises to be injured or killed and increasing the potential for motorized vehicles to collapse burrows used by tortoises.

Motor Vehicle Use for Fuelwood Gathering

Cross-country motorized travel for fuelwood gathering would continue unrestricted in areas currently permitted for fuelwood gathering, impacting approximately 1,345,997.76 acres. Approximately 224.01 acres of Morafka's desert tortoise occupied habitat would be impacted by cross-country motorized travel for fuelwood gathering under Alternative D. Because there is no change from Alternative A, the current level of impact is expected to continue if this alternative is implemented.

Forest Sensitive Species

Forest sensitive species are those species that are not federally-listed, but the Forest Service is concerned about viability of the species. The goal for forest sensitive species is to prevent the species from becoming threatened or endangered because of Forest Service actions. Table 57 identifies forest sensitive species on the Tonto National Forest.

Table 57: Species Considered Sensitive on the Tonto National Forest

Common Name	Scientific Name
Bat, Allen's lappet-browed	<i>Idionycteris phyllotis</i>
Bat, pale townsend's big-eared	<i>Corynorhinus townsendii pallescens</i>
Bat, spotted	<i>Euderma maculatum</i>
Bat, western red	<i>Lasiurus blossevillii</i>
Falcon, American peregrine	<i>Falco peregrinus anatum</i>
Flycatcher, sulphur-bellied	<i>Myiodynastes luteiventris</i>
Goshawk, northern	<i>Accipiter gentilis</i>
Junco, yellow-eyed	<i>Junco phaeonotus</i>
Lizard, Bezy's night	<i>Xantusia bezyi</i>
Frog, lowland leopard	<i>Rana yavapaiensis</i>
Frog, western barking	<i>Eleutherodactylus augusti cactorum</i>
Sucker, desert	<i>Catostomus clarki</i>
Sucker, Sonora	<i>Catostomus insignis</i>
Beetle, Parker's cilloepus riffle	<i>Cylloepus parkeri</i>
Caddisfly, a	<i>Wormaldia planae</i>
Mayfly, a	<i>Fallceon eatoni</i>
Midge, netwing	<i>Agathon arizonicus</i>
Springsnail, Fossil	<i>Pyrgulopsis simplex</i>
Agave, Hohokam	<i>Agave murpheyi</i>
Agave, Tonto basin	<i>Agave delamateri</i>
Breadroot, Verde	<i>Pediomelum verdiensis</i>
Buckwheat, Ripley wild	<i>Eriogonum ripleyi</i>
Bugbane, Arizona	<i>Cimicifuga arizonica</i>

Common Name	Scientific Name
Dock, blumer's	<i>Rumex orthoneurus</i>
Fleabane, Fish Creek	<i>Erigeron piscaticus</i>
Fleabane, Mogollon	<i>Erigeron anchana</i>
Groundsel, Toumey	<i>Packera neomexicana</i> var. <i>toumeyi</i> (= <i>Senecio</i> n. var. <i>t.</i>)
Mallow, Pima indian	<i>Abutilon parishii</i>
Milkwort, Hualapai	<i>Polygala rusbyi</i>
Phlox, Arizona	<i>Phlox amabilis</i>
Rockdaisy, Fish Creek	<i>Perityle saxicola</i>
Rockdaisy, Salt River	<i>Perityle gilensis</i> var. <i>salensis</i>
Root, Arizona alum	<i>Heuchera glomerulata</i>
Root, Eastwood alum	<i>Heuchera eastwoodiae</i>
Sage, Galiuro	<i>Salvia amissa</i>
Sandwort, Mt. Dellenbaugh	<i>Arenaria aberrans</i>
Sedge, Chihuahuan	<i>Carex chihuahuensis</i>
Sedge, Cochise	<i>Carex ultra</i> (= <i>C. spissa</i> var. <i>ultra</i>)
Snapdragon, mapleleaf false	<i>Mabrya acerifolia</i> (= <i>Maurandya a.</i>)
Vetch, horseshoe deer	<i>Lotus mearnsii</i> var. <i>equisolensis</i>
Woodfern, Aravaipa	<i>Thelypteris puberula</i> var. <i>sonorensis</i>

Direct and Indirect Effects for all Alternatives

For all of the action alternatives, along with the no action, there is likely to be either no impact to the species—in situations where the habitat would not be effected by the proposed activities—or there may be effects to individuals of the species, but is not likely to result in a trend toward federal listing or loss of viability¹¹⁰.

Management Indicator Species

The Forest Service is required to maintain viable populations of native and desired non-native species by evaluating a project's effects on selected management indicator species (MIS). Management indicator species are defined as: "Plant and animal species, communities, or special

¹¹⁰ For a more detailed account of the effects to each species and their habitat, see the Biological Evaluation Report in the project record.

habitats selected for emphasis in planning, and which are monitored during forest plan implementation in order to assess the effects of management activities on their populations and the populations of other species with similar habitat needs which they may represent” (FSM 2620.5).

In order to meet the National Forest Management Act requirement to maintain viable populations of native and desired non-native species, MIS were selected based on a variety of criteria. In general, MIS were selected to serve as barometers of management effects on other species with similar habitat requirements. The Tonto National Forest has 29 MIS, which consist mostly of birds, to represent 30 habitat features. This section is a Forest level analysis composed of a description of current habitat and population trends of each MIS population, an interpretation of changes in populations and habitat trends since implementation of the 1985 Tonto National Forest Plan (Forest Plan) in relation to potential affects to MIS from implementation of the designated system of roads and trails. A forestwide assessment entitled *Management Indicator Species Status Report* (Klein *et al.*, 2005) summarizes current knowledge of population and habitat trends for MIS on the Tonto National Forest.

Affected Environment

Because currently there is no geographically based vegetation data from the original 1985 Forest Plan, it is difficult to compare the project’s impact to the vegetation layer developed for implementation of the Forest Plan. Consequently, the most recent PNVN GIS layer was utilized to determine the project’s impact on MIS resources.

Table 58 includes all 29 MIS, the habitat features they represent, the relationship between the vegetation types used in the 1985 Forest Plan and PNVN, and the current habitat and population trends on the Tonto National Forest¹¹¹ (Klein *et al.*, 2005).

¹¹¹ For a more detailed account for each species, their habitat, distribution, and the habitat and population trend, see the Management Indicator Species report in the project record.

Table 58: Habitat Types and Trends for Management Indicator Species on the Tonto National Forest

Species	Indicator of	Related Vegetation Type in Current Forest Plan	Vegetation Type Used in Current Analysis	Acres of PNVT on Forest analyzed*	Acres of Vegetation Type on Forest	Habitat Trend	Population Trend
Elk (<i>Cervus elaphus</i>)	General forest conditions	Ponderosa pine, mixed conifer	Ponderosa Pine Forest (Mild), Mixed Conifer (with Aspen)	308,607	308,619	Static	Stable
Turkey (<i>Meleagris gallopavo</i>)	Vertical diversity – forest mix	Ponderosa pine, mixed conifer	Ponderosa Pine Forest (Mild), Mixed Conifer (with Aspen)	308,607	308,619	Static	Stable
Pygmy Nuthatch (<i>Sitta pygmaea</i>)	Old growth pine	Ponderosa pine, mixed conifer	Ponderosa Pine Forest (Mild), Mixed Conifer (with Aspen)	308,607	308,619	Static	Decrease
Violet-green Swallow (<i>Tachycineta thalassina</i>)	Cavity-nesting habitat	Ponderosa pine, mixed conifer	Ponderosa Pine Forest (Mild), Mixed Conifer (with Aspen)	308,607	308,619	Static	Decrease
Western Bluebird (<i>Sialia mexicana</i>)	Forest openings	Ponderosa pine, mixed conifer	Ponderosa Pine Forest (Mild), Mixed Conifer (with Aspen)	308,607	308,619	Static	Stable
Hairy Woodpecker (<i>Picoides villosus</i>)	Snags	Ponderosa pine, mixed conifer	Ponderosa Pine Forest (Mild), Mixed Conifer (with Aspen)	308,607	308,619	Static	Stable
Northern Goshawk (<i>Accipiter gentilis</i>)	Vertical diversity	Ponderosa pine, mixed conifer	Ponderosa Pine Forest (Mild), Mixed Conifer (with Aspen)	308,607	308,619	Static	Decrease
Abert's Squirrel (<i>Sciurus arizonensis</i>)	Successional stages of pine	Ponderosa pine, mixed conifer	Ponderosa Pine Forest (Mild), Mixed Conifer (with Aspen)	308,607	308,619	Static	Decrease
Ash-throated Flycatcher (<i>Myiarchus tyrannulus</i>)	Ground cover	Pinyon-juniper (PJ) and chaparral	PJ Chaparral, PJ Grassland, Madrean Encinal Woodland, Interior Chaparral	1,347,860	1,347,919	Static	Stable

Species	Indicator of	Related Vegetation Type in Current Forest Plan	Vegetation Type Used in Current Analysis	Acres of PNVT on Forest analyzed*	Acres of Vegetation Type on Forest	Habitat Trend	Population Trend
Gray Vireo (<i>Vireo vicinior</i>)	Tree density	Pinyon-juniper and chaparral	PJ Chaparral, PJ Grassland, Madrean Encinal Woodland, Interior Chaparral	1,347,860	1,347,919	Static	Decrease
Townsend's Solitaire (<i>Myadestes townsendi</i>)	Juniper berry production	Pinyon-juniper and chaparral	PJ Chaparral, PJ Grassland, Madrean Encinal Woodland, Interior Chaparral	1,347,860	1,347,919	Static	Stable
Juniper (Plain) Titmouse (<i>Bealophus ridgwayi</i>)	General woodland conditions	Pinyon-juniper and chaparral	PJ Chaparral, PJ Grassland, Madrean Encinal Woodland, Interior Chaparral	1,347,860	1,347,919	Static	Decrease
Northern (Common) Flicker (<i>Colaptes auratus</i>)	Snags	Pinyon-juniper and chaparral	PJ Chaparral, PJ Grassland, Madrean Encinal Woodland, Interior Chaparral	1,347,860	1,347,919	Static	Stable
Spotted Towhee (<i>Pipilo maculatus</i>)	Successional stages of pinyon-juniper	Pinyon-juniper and chaparral	PJ Chaparral, PJ Grassland, Madrean Encinal Woodland, Interior Chaparral	1,347,860	1,347,919	Static	Stable
Spotted Towhee (<i>Pipilo maculatus</i>)	Shrub density	Pinyon-juniper and chaparral	PJ Chaparral, PJ Grassland, Madrean Encinal Woodland, Interior Chaparral	1,347,860	1,347,919	Static	Stable
Black-chinned Sparrow (<i>Spizella atrogularis</i>)	Shrub diversity	Pinyon-juniper and chaparral	PJ Chaparral, PJ Grassland, Madrean Encinal Woodland, Interior Chaparral	1,347,860	1,347,919	Static	Stable
Savannah Sparrow (<i>Passerculus sandwichensis</i>)	Grass species diversity	Desert grassland	Semidesert Grassland	394,196	316,894	Upward/ static	Stable

Species	Indicator of	Related Vegetation Type in Current Forest Plan	Vegetation Type Used in Current Analysis	Acres of PNVT on Forest analyzed*	Acres of Vegetation Type on Forest	Habitat Trend	Population Trend
Horned Lark (<i>Eremophila alpestris</i>)	Vegetation aspect	Desert grassland	Semidesert Grassland	394,196	316,894	Upward/ static	Decrease
Black-throated Sparrow (<i>Amphispiza bilineata</i>)	Shrub diversity	Desert scrub	Desert Communities	725,991	727,127	Downward/ static	Stable
Canyon Towhee (<i>Pipilo fuscus</i>)	Ground cover	Desert scrub	Desert Communities	725,991	727,127	Downward/ static	Decrease
Bald Eagle (<i>Haliaeetus leucocephalus</i>)	General riparian	Low elevation riparian	Cottonwood Willow Riparian Forest	41,229	41,247	No change	Stable
Bell's Vireo (<i>Vireo bellii</i>)	Well-developed understory	Low elevation riparian	Cottonwood Willow Riparian Forest	41,229	41,247	No change	Decrease
Summer Tanager (<i>Piranga rubra</i>)	Tall, mature trees	Low elevation riparian	Cottonwood Willow Riparian Forest	41,229	41,247	No change	Decrease
Hooded Oriole (<i>Icterus cucullatus</i>)	Medium-sized Trees	Low elevation riparian	Cottonwood Willow Riparian Forest	41,229	41,247	No change	Stable
Hairy Woodpecker (<i>Picoides villosus</i>)	Snags, cavities	High elevation Riparian	Mixed Broadleaf Deciduous Riparian Forest	17,731	17,732	No change	Stable
Arizona Gray Squirrel (<i>Sciurus arizonensis</i>)	General riparian	High elevation Riparian	Mixed Broadleaf Deciduous Riparian Forest	17,731	17,732	No change	Stable
Warbling Vireo (<i>Vireo gilvus</i>)	Tall overstory	High elevation Riparian	Mixed Broadleaf Deciduous Riparian Forest	17,731	17,732	No change	Stable
Western Wood Pewee (<i>Contopus sordidulus</i>)	Medium overstory	High elevation Riparian	Mixed Broadleaf Deciduous Riparian Forest	17,731	17,732	No change	Decrease

Species	Indicator of	Related Vegetation Type in Current Forest Plan	Vegetation Type Used in Current Analysis	Acres of PNVT on Forest analyzed*	Acres of Vegetation Type on Forest	Habitat Trend	Population Trend
Common Black Hawk (<i>Buteogallus anthracinus</i>)	Riparian streamside	High elevation Riparian	Mixed Broadleaf Deciduous Riparian Forest	17,731	17,732	No change	Decrease
Macro-invertebrates	Water quality	Temporary riparian, marsh, littoral vegetation	Water	28,989	N/A†	N/A	N/A

*PNVT acres analyzed do not include private lands located within the Tonto NF boundary but do include designated roadless and wilderness areas.

^NA =If there is no data for a particular PNVT for either an element or an alternative then there is no action occurring within that area

Potential natural vegetation categories are coarse-scale groupings of ecosystem types that share similar geography, vegetation, and historic ecosystem disturbances such as fire, drought, and native herbivory. The potential natural vegetation type GIS layer is considered the best available layer to reflect both the current wildlife habitat conditions and the expected vegetation cover type for the life of this project. Although there may be areas that have burned to alter the potential natural vegetation layer, most of the potential natural vegetation layer accurately reflects the current vegetation conditions.

Environmental Effects

Methodology for Analysis

Analysis of project effects for MIS focuses on habitat changes within potential natural vegetation types (PNVT), which are MIS associated habitats. Achievement of the future expected habitat conditions would be indicated by the maintenance or increased occurrence and density of MIS across the forest.

Data Limitations and Inaccuracies

The PNVT analysis was originally conducted in 2010 as a basis for the preparation of an Environmental Assessment. During the continuing analyses there may have been assumptions made that are not fully documented and embedded in all analyses in the PNVT and species data layers. For instance in not all locations do the boundaries of the PNVT layer match the forest boundary data layer. Additionally during the analysis timeline riparian areas, water bodies, and perennial streams layers have been updated. As the acreage and boundaries of these vegetation types shifted, ecotones between adjacent upland vegetation types may not accurately reflect this realignment in all cases. As an example, data discrepancies of revised acres the ponderosa pine/mixed conifer PNVT was estimated to be 283,204 acres in 1985 for implementation of the Tonto National Forest Plan. During data analyses conducted for the 2005 Management Indicator Status Report the 1985 ponderosa pine/mixed conifer PNVT was revised to an estimated 423,241 acres and the 2005 ponderosa pine/mixed conifer PNVT acres estimated to be 421,138 acres, depicting a stable trend. During the 2010 revision of the PNVT data base, the ponderosa pine/mixed conifer PNVT was estimated at 308,607.67 acres. Analyses estimated acres of ponderosa pine/mixed conifer PNVT in Alternative A that would be designated open to motorized cross country travel is at 515,985.69 acres or 167 percent larger than the estimated forest wide ponderosa pine/mixed conifer PNVT acres. These data inconsistencies make direct comparison of habitat changes since implementation of the Forest Plan inseparable from enhancements in GIS and other data collection mechanisms.

For the purposes of determining effects to MIS resources from implementation of the Tonto National Forest Travel Management Plan it is assumed the 2005 revised MIS Status Report to be the most current knowledge of population and habitat trends for MIS resources. For comparison of alternatives it is assumed that the 2010 PNVT forest wide PNVT data to be most current. All alternatives are compared to the forest wide PNVT acre estimates. In instances where the acres analyzed for an alternative is greater than forest wide acres a reduction in acres proposed for each analysis factor and therefore percent of forest wide acres, is considered a have beneficial effect to MIS resources. As an example, forest wide acres of ponderosa pine/mixed conifer PNVT acres that would be open to motorized cross-country travel to be 308,606.67 acres while Alternative A analyses 515,985.69 (167 percent) acres as open to motorized cross-country travel.

Alternative C analyses 492,034.70 (159 percent) of forest wide acres as open to motorized cross-country travel. Alternative C is considered to have a greater beneficial effect to MIS resources than Alternative A due to acres and percent of forest wide acres decreases under Alternative C.

The data reviewed and utilized in this analysis is the best available data the Tonto National Forest currently has. GIS data and habitat modeling conducted for this analysis is a representation of what is actually occurring on the ground and as such, there is always the likelihood of error.

Direct and Indirect Effects—All Alternatives

Some level of impact is occurring to MIS resources wherever motorized vehicle travel is allowed. Factors such as habitats and species present, density of species, location of travel in relation to important habitats, time of year or even time of day, amount of vehicle travel, and a myriad of other factors could apply in determining what and to what extent impacts are occurring.

Vehicle use can affect MIS species through: 1) loss of habitat due to conversion of native vegetation to a particular road/trail surface (paved, gravel, dirt); 2) fragmentation of habitats due to a road and trail system development; 3) interruption in migratory patterns of MIS species to reach breeding habitat or winter range habitat; and 4) lack of habitat use by MIS species due to disturbance caused by vehicle use (Gucinski *et al.*, 2000).

Under any alternative the direct loss of habitat from the conversion of native vegetation to roads and trails would generally be considered minor. Currently, the Tonto National Forest has management jurisdiction for approximately 5,000 miles of system roads spread across the approximate 4,632 square miles of forest system lands. Currently road density is approximately 1.07 miles of forest road per square mile of forest system lands. While the totals of direct habitat loss are considered to be relatively low and overall watersheds and hydrologic regimes would be considered as substantially intact (Potyondy and Geier, 2011), MIS species may avoid using the undisturbed habitat adjacent to the road due to disturbance while the road is in use (Rowland *et al.*, 2005).

Each alternative includes permit zone(s), which are a discrete area where effects from OHV use could negatively impact resources, but complete exclusion to the area by OHV use would not be desirable. In a permit zone, cross-country travel is not allowed. Instead, motorized vehicle users are required to obtain a permit to access the area, which would have locked gates and barriers restricting non-permitted access. The potential effects to MIS species are assessed by the addition or decommissioning of roads within each specific PNVt within each permit zone in relation to the total miles of designated road within each permit zone in total with all designated roads. This would not have a singular unique effect due to the permit zone designation. Currently there is one permit zone on the Tonto National Forest.

Each alternative would allow for some degree of vehicle use for fuelwood gathering for personal use. The Tonto National Forest generates 400,000 to 500,000 cubic feet of available dead and down fuelwood annually. The forest allows for the harvest of dead standing juniper and cypress up to 18 inch diameter at the base and dead standing pine up to 12 inch diameter at 4.5 feet above the ground annually. It is expected that snags and dead and downed wood would be found mostly in the forested PNVts.

Available fuelwood is the result of both natural occurring events and Tonto National Forest management activities. Natural events or disturbances that result in the creation of fuelwood

include but are not limited to wildfire, insect outbreaks, droughts, and heavy snowfalls. These typically occur to varying degrees across the forest in an extremely random pattern. Areas affected can range from small scattered patches to large landscape scales. Resulting fuel loads are also extremely variable, ranging from high concentrations of mortality and breakage to very light and scattered accumulations.

Management activities that generate available fuelwood include prescribed fire, range improvement cuttings, timber stand improvement cuttings, and restoration activities. After these treatments are completed, slash and associated breakage becomes available for fuelwood gathering. Treatment areas range in size from 50 to 1,000 acres or more in size. Treatments are usually followed several years later by prescribed fire to reduce the increased fuel load to more manageable levels reducing the intensity of the prescribed fire making it easier to manage. Access to fuelwood gathering areas is currently provided by both system and non-system roads and often extends for great distances away from roads and trails.

Fuelwood gathering during the spring and summer is concentrated near system roads where concentrations of fuelwood can be seen from the vehicle. Available fuelwood in these areas can quickly become depleted requiring fuelwood gatherers to scout the surrounding terrain to find wood. As areas where disturbances have occurred are located, fuelwood gatherers begin to move off roads and trails to take advantage of these concentrations.

Under Alternatives A and D fuelwood gathering practice would continue, allowing personal use fuelwood gatherers to spread out across the permitted areas to obtain their wood. Alternatives B and C would restrict the use of motorized vehicles for fuelwood gathering to within 300 feet on both sides of designated roads and trails. This can lead to concentrated use in some areas, effectively removing all available dead and down and dead standing fuelwood. In areas further away from the roads and trails, concentrations of dead and down fuel would start to accumulate over time, increasing the risk of uncharacteristically intense fire behavior. Historically, forest system roadsides are mostly cleared of dead and down fuelwood each year by late August, five months into the nine month season, coinciding with the primary nesting season of neotropical birds. This analysis assumes that wood cutters will rarely physically haul wood over 100 feet from a vehicle and frequently use old skid trails or gaps in the forest to work their vehicles into the forest a considerable distance where they can load wood directly into their vehicles. While most of the wood cutters that receive a fuelwood permit would stay within 300 feet of designated routes, the more experienced cutters rarely cut near the road, and regularly venture beyond 300 feet. A conservative estimate of these wood cutters would be 30 percent of regular permit holders or approximately 300 individuals.

All alternatives would include some allowances for the use of motorized vehicle for dispersed camping. Use of motor vehicles off forest system roads to access campsites is a popular activity on the Tonto National Forest. In some instances, forest visitors park their vehicles at trailheads or roadside locations and hike to their camping spots. Others will drive cross-country to their desired camping spot, often with a recreational vehicle or camping trailer. Frequently-used dispersed campsites, where evidence of past use exists, are located along both forest system roads and unauthorized routes throughout the Tonto National Forest.

Currently, the distance traveled from existing roads to frequently-used dispersed campsites can vary depending on the terrain and proximity to water and shade trees. Based on knowledge from Forest Service law enforcement officers and Arizona Game and Fish Department Wildlife

Managers, most of these dispersed campsites are within 300 feet of an existing road, including sites on the four ranger districts where cross-country travel is currently prohibited. On the northern two ranger districts (Payson and Pleasant Valley), driving cross-country has been permitted regardless of the distance from an existing road. On the four southern ranger districts (Cave Creek, Globe, Mesa, and Tonto Basin), driving off road is prohibited unless posted open. Fuelwood gathered for campfires within the immediate areas of dispersed campsites may reduce logs and snags. Prolonged and persistent pedestrian and vehicle presence at dispersed campsite could reduce grass and shrub understory vegetation and prevent natural vegetation regeneration.

Each alternative would include some level of motorized vehicle use for big game retrieval. Within motorized big game retrieval corridors, hunters who have legally killed particular game species are allowed to travel off-road from a designated public route to retrieve their harvest. Several considerations determine where and how many acres are potentially impacted by motorized big game retrieval: 1) where hunters are allowed to hunt (game management units); 2) proposed and existing public roads; 3) the distance hunters would be allowed to drive cross-country to pick-up their harvest; and 4) elk, bear, mule deer and whitetail deer habitat within game management units where big game hunts are authorized. There are portions of seven game management units totaling 2,883,758 acres within the Tonto National Forest. Elk hunts are permitted in four game management units with open hunting seasons beginning in August with various specific hunts occurring through December. These game management units are comprised of 2,242,458 acres with elk habitat located primarily in the northern portions of the game management units. Mule deer and whitetail deer hunts occur in all seven game management units with archery hunts authorized in August and December and firearms seasons occurring in late October through portions of November and December. It is assumed that deer hunters would hunt in essentially all habitats within the game management units. Bear hunts are permitted in five game management units comprised of 2,844,394 acres with black bear habitat located primarily in the northern portions of the game management units. Bear hunts could occur in August through December of each year.

Arizona Game and Fish Department has estimated the number of annual, motorized harvests for these four big game animals under consideration for motorized big game retrieval for each action alternative. These estimates rely on the assumption that 30 percent of successful hunters would use their motor vehicle to retrieve their harvest. Arizona Game and Fish Department estimates the total number of trips annually would be 193 for elk and 15 for bear, 135 for mule deer and 206 for whitetail deer. The general hunting season for elk, bear, mule deer, and whitetail deer occurs from August to December. Consequently, motorized big game retrieval is not anticipated to measurably disturb breeding birds, which nesting occurs generally from April through August each year. It is also anticipated that a hunter would make one to two passes through a route to retrieve big game. One to two passes is not expected to destroy many annual plants. Webb (1983) found that after a single pass, annual plants on an OHV route remained intact, but most were destroyed after ten passes. It is expected that perennial plants are more robust and are likely to also sustain the one to two passes that a hunter would make to retrieve their harvest. The habitat will likely recover from one to two passes from a motorized vehicle.

Disturbance related to travel management is largely a result of human intrusion and modification of existing habitats. Disturbance may be in the form of noise, human presence, or anything that causes displacement, avoidance, stress or other behavioral responses such as chainsaw noise, gunshots that create a startle response, consistent intrusions that alter foraging patterns, temporary intrusions that cause avoidance. It can also include disturbance to habitat features or loss of

habitat for some species, such as occurs when rutting in wet meadows changes hydrology, compacts soils or injures or kills individual plants or animals. Roads and trails facilitate human access into wildlife habitats. People who use open routes, habitat adjacent to open routes, and cross-country travel areas could incidentally trample or dislodge nestlings or eggs of some breeding bird species that nest on the ground or shrubs. Alternatives that have more closed routes, fewer open routes, and smaller cross-country travel areas are expected to have less direct impact to MIS species. Open routes can lead to more fuelwood harvesting, which could decrease the amount of dead and downed wood affecting cavity nesting habitat and habitat for raptor prey species. Human presence, and human-created unfamiliar or proximate noise disturbance, may displace MIS species from preferred habitats. MIS species could be exposed to high levels of traffic noise, visual disturbance from passing vehicles, and the risk of collision with motorized vehicles. Traffic noise can reduce the distance over which acoustic signals such as song can be detected, an effect known as acoustic interference or masking (Parris and Schneider, 2008). Consequently, less motorized vehicle use means fewer direct impacts (disturbances and mortality) and indirect impacts (habitat degradation due to camping and wood gathering).

Indirect effects of motorized vehicle travel include such road use effects as habitat fragmentation, traffic causing vertebrate avoidance or road kill; and additional facilitation effects, such as over hunting, which can increase with road access (Gucinski *et al.*, 2000). Creating roads and trails (of any kind) diminishes habitat connectivity, increases the proportion of edge to interior habitat, and decreases patch size of habitats including OHV routes, represent a principal factor contributing to habitat fragmentation at various scales. Both paved roads and OHV routes—ranging from 4-lane paved highways to two-track routes less than 3 meters (3.3 yards) wide—that separate once-continuous habitat can disrupt the movement and dispersal of many wildlife species between and within habitats (Reed *et al.*, 1996; Forman *et al.*, 2003; Meffe and Carroll, 1997; Swihart and Slade, 1984; Brody and Pelton, 1989; Yanes *et al.*, 1995; Lovallo and Anderson, 1996; Clevenger, 1998; Forman and Alexander, 1998; Jackson and Griffen, 1998, all as cited in Ouren *et al.*, 2007).

The measurement of disturbance impacts to MIS species resulting from human intrusion is driven by the frequency and location of human activity. The presence of roads and trails does not necessarily correspond to the level of recreational human use. For this analysis, the action alternatives with fewer roads and trails open to motorized use would likely concentrate human disturbance impacts into smaller areas, which could increase disturbance impacts in those areas (especially in popular camping areas or on motorized trails) but would decrease disturbance impacts in other areas of the Tonto National Forest.

Designated motorized vehicle use corridors of 300 feet from roads for dispersed camping, big game retrieval, and personal use fuelwood gathering would increase the direct and indirect disturbance and habitat fragmentation effects of roads, as discussed above. Assuming a relatively constant number of forest users, fewer miles of designated corridors would mean more concentrated areas of camping, fuelwood gathering, and big game retrieval and a continued proliferation of dispersed campsites in those areas. More miles of designated corridors would mean campers; fuel wood gatherers and big game retrieval could be more widely dispersed. Therefore, the magnitude of impacts from motorized vehicle corridors would depend in part on the miles or acres of designated corridors under each alternative. Motorized vehicle corridors would have similar effects as open roads, motorized trails, and open areas including disturbance and intrusion into habitat, possibly reducing areas of secure habitat for some MIS species.

In general, those alternatives with more miles of open roads and motorized trails would create more opportunity for adverse impacts to MIS species from roads and road use. These impacts include human disturbance caused by noise and physical intrusion. Impacts to hunting may occur due to increased hunter access further into game habitat on open roads and trails. Harvest of down logs and snags by Forest visitors is anticipated to increase at higher road densities.

The effects on MIS species are primarily from indirect actions incidental to the route (camping, fuelwood gathering) because the effects (existing route prism) have already occurred. The exceptions are those from motorized big game retrieval and fuelwood gathering routes where new routes are created.

Cumulative Effects—All Alternatives

Past, present and reasonably foreseeable actions that are relevant to MIS resources are described below for all alternatives. The cumulative effects analysis area for MIS resources is the Forest boundary.

This cumulative effects analysis does not attempt to quantify the effects of past human actions by adding up all prior actions on an action-by-action basis. In order to understand the contribution of past actions to the cumulative effects of the proposed action and alternatives, this analysis relies on current environmental conditions as a proxy for the impacts of past and present actions. This is because existing conditions reflect the aggregate impact of all prior human actions and natural events that are difficult to quantify that have affected the environment and might contribute to cumulative effects. Existing conditions are a result of past and present impacts to wildlife resources.

This analysis focuses on the cumulative impact of those reasonably foreseeable actions that are relevant in assessing the impacts of designating a system of motorized use on MIS and their habitats. Although almost all forest and private or other governmental actions may have some relevancy, this analysis specifically considers those that are most relevant toward resulting in a cumulative impact to MIS and their habitats.

Projects on the Tonto National Forest's Schedule of Proposed Action for the period of April 2014 through June 2014 were considered for the cumulative effects analysis as reasonably foreseeable actions.

Reasonably foreseeable actions that could affect MIS resources are land exchanges, reauthorization of livestock grazing allotments, mining and exploratory drilling, fuels reduction projects, forest thinning, watershed/vegetation regeneration and habitat improvement, roadway material source pits, recreation management, special use permits (maintenance of existing structures, approval of group organization camps), personal use activities, and new road construction. While these activities can directly and indirectly affect MIS species as well as cause destruction or modification to MIS habitats, these actions are planned to minimize (and when possible, to eliminate) effects to MIS species and their habitat above current conditions and have mitigation measures and Best Management Practices designed to mitigate disturbances that may occur from project implementation.

Some projects may be considered cumulative actions because they may result in impacts to PNVNT and thus to MIS associated with a primary constituent element within a PNVNT, such as renewal of livestock grazing permits that would reduce herbaceous ground cover. Other projects

that may be considered as cumulative actions have not resulted or are not expected to result in a measureable impact to MIS resources as they have been designed to completely avoid or minimize impacts to MIS resources by including design criteria or mitigations such as timing restrictions.

Projects involving forest thinning and prescribed fire treatments likely contribute to effects to MIS resources. Although the effects of fuels reduction and thinning projects are mitigated to reduce the effects on MIS resources, they still result in modification of vegetation which can affect foraging, nesting, roosting, hiding and thermal cover, and daily and seasonal movements. Recently completed or ongoing planning for restoration and fuels management projects include: Salt River Allotments Vegetative Management project, Mesa vegetation regeneration and habitat improvement project, and the Haigler fuels analysis. Fuels reduction projects may have short-term impacts on wildlife from disturbance (during implementation) and habitat degradation (up to 3 years after treatment), but generally improve MIS resources over the long-term (from one to ten or more years after project implementation) by decreasing the potential for high-intensity wildfire (Strom and Fulé, 2007) and improving the productivity and biodiversity of vegetation on which MIS depend (Griffis *et al.*, 2001).

Unauthorized and unmanaged dispersed recreation, while not continuous across the Tonto NF like grazing or across large areas like fuels reduction and thinning projects, can result in adverse impacts to MIS resources. Roads, trails, dispersed camping areas, and the use of these by forest users could denude vegetation and compact soils; disturb vegetation to which some species may be attached; crush eggs and insects; and collapse burrows which can crush individuals; alter and fragment habitat; increase sedimentation into aquatic systems; visually and aurally disturb animals during critical periods such as breeding, and harass individuals through collection or handling.

Legal and illegal personal use activities, particularly fuelwood harvesting, affects wildlife and their habitat. The removal of dead and down wood can result in the loss of habitat for invertebrates, small mammals, and reptiles; all of which are important prey items for some MIS. The removal of snags not only can affect prey species like invertebrates and reptiles; it also results in the loss of bat roosting habitat and bird nesting and roosting habitat. Fuelwood harvesting could result in the removal of large, Gambel oak trees which are important for MIS species that nest in their natural cavities and could be tied to the presence of roads, and studies have shown there is an observable decrease in standing and downed large dead trees within near proximity to open roads (Wisdom and Bate, 2008).

All action alternatives would reduce adverse impacts to MIS resources forest-wide by reducing motorized cross-country travel outside of camping, wood gathering and motorized big game retrieval corridors. The miles of open roads will decrease in almost all PNVTs. Although all alternatives would reduce overall motorized vehicle disturbance, action alternatives may increase the intensity of effects to MIS resources within dispersed camping and wood gathering corridors.

Indicators of Ponderosa Pine Forest Mild and Mixed Conifer with Aspen

Ponderosa pine forest mild and mixed conifer with aspen vegetation types are indicators for elk, turkey, pygmy nuthatch, violet-green swallow, western bluebird, hairy woodpecker, northern goshawk, and Abert's squirrel.

Table 59 identifies the amount of habitat of Ponderosa Pine Forest Mild and Mixed Conifer with Aspen that is impacted by each of the five elements under each alternative¹¹².

Table 59: Total Acres of Ponderosa Pine Forest Mild and Mixed Conifer with Aspen Habitat Impacted under Each Alternative

Elements	Forestwide	Alternative A	Alternative B	Alternative C	Alternative D
Roads and trails open to public use (miles)	2,604.54	2,050.81 (79%)	995.16 (38%)	1,467.34 (56%)	1,982.48 (76%)
Road Density (miles per square mile)		4.4	2.2	3.1	4.2
Areas open to motorized cross-country travel (acres)	308,606.67	515,985.69 (167%)	0 (0%)	0 (0%)	0 (0%)
Big game retrieval using motorized vehicles (acres)	308,606.67	515,985.69 (167%)	0 (0%)	492,034.7 (159%)	520,641.51 (169%)
Access of dispersed camping using motorized vehicles (acres)	308,606.67	515,985.69 (167%)	25.22 (<1%)	27,661.82 (9%)	119,656.3 (39%)
Additional Information Pertaining to motor vehicle use (personal use fuelwood gathering) (acres)	308,606.67	242,457.33 (79%)	31,856.3 (10%)	38,031.43 (12%)	242,457.33 (79%)

EIK

The elk is an indicator species for general forest conditions in ponderosa pine/mixed conifer with aspen PNVT.

Alternative A—Direct and Indirect Effects

The effect of road construction and maintenance is the conversion of native habitat to non-vegetated road ways and is a linear loss of elk habitat to total miles of roadways within elk habitat. The primary effect of roads to elk is habitat fragmentation and reduction in forest cover to a level that it no longer functions effectively as elk habitat. Direct and indirect loss of elk habitat from road construction will vary across the landscape however a rough overall estimate of habitat loss of 5 acres per linear mile of road is often applied (Rowland *et al.*, 2005). Alternative A would designate 2,051 miles of roads and trail open to public use which could reduce elk habitat effectiveness by 10,255 acres.

¹¹² For percentages in the table that are greater than 100 percent, see the information in Data Limitations and Inaccuracies in this section for more information.

Alternative B—Direct and Indirect Effects

Under this alternative, impacts would be reduced due to the limited amount of roads within the PNV. Direct and indirect loss of elk habitat from road construction will vary across the landscape however a rough overall estimate of habitat loss of 5 acres per linear mile of road is often applied (Rowland et al 2005). Alternative B would designate 995 miles of roads and trail open to public use which could reduce elk habitat effectiveness by 3,980 acres, a 61 percent decrease in potential effects to elk habitat from Alternative A. Impacts such as OHV and motor vehicle use for big game retrieval (MBGR) use would not be allowed under this alternative thus this would have more beneficial effects on general forest conditions for the elk when compared to Alternative A. There would be impacts on habitat elements in localized areas (where camping and fire wood gathering occurs), but would be reduced due to the limited amount of roads within the PNV. Based on these effects, Alternative B improves elk habitat quality over Alternative A.

Alternative C—Direct and Indirect Effects

Under this alternative, impacts would be reduced due to limited amount of roads within the PNV. Direct and indirect loss of elk habitat from road construction will vary across the landscape however a rough overall estimate of habitat loss of 5 acres per linear mile of road is often applied (Rowland et al 2005). Alternative C would designate 1,467 miles of roads and trails open to public use which could reduce elk habitat effectiveness by 5,868 acres, a 43 percent decrease in potential effects to elk habitat from Alternative A and a 47 percent increase from Alternative B. There would be impacts on habitat elements in localized areas (where camping, fire wood gathering, MBGR, and OHV areas are designated), but would be reduced due to limited amount of roads within the PNV when compared to Alternative A but would have more of an effect on habitat when compared to Alternative B. Alternative C improves elk habitat quality over Alternative A but improves elk habitat quality less than Alternative B. Alternative C would have a beneficial effect to general forest conditions when compared to current baseline conditions.

Alternative D—Direct and Indirect Effects

Under this alternative, impacts would be reduced due to limited amount of roads within the PNV. Direct and indirect loss of elk habitat from road construction will vary across the landscape however a rough overall estimate of habitat loss of 5 acres per linear mile of road is often applied (Rowland et al 2005). Alternative D would designate 1,982 miles of roads and trails open to public use which could reduce elk habitat effectiveness by 7,928 acres, a 23 percent decrease in potential effects to elk habitat from Alternative A and a 100 percent increase from Alternative B and a 35 percent increase from Alternative C. There would be impacts on habitat elements in localized areas (where camping, fire wood gathering, MBGR, and OHV areas are designated), but would be reduced due to limited amount of roads within the PNV when compared to Alternative A but would have greater potential affect when compared to Alternative B and Alternative C. Alternative D improves elk habitat quality more than Alternative A and improves elk habitat quality to a lesser extent when compared to Alternative B and Alternative C. This Alternative would have a beneficial effect to general forest conditions when compared to current baseline conditions.

Turkey

The turkey is an indicator species for vertical diversity - forest mix within the ponderosa pine mild and mixed conifer with aspen PNVT.

Alternative A—Direct and Indirect Effects

The impact of roads and trails designated for public use on wildlife can be pervasive and long lasting and when the disruption from motorized vehicle travel is severe wildlife populations may be reduced below the natural carrying capacity of the land (Webb and Wilshire, 1883). The effect of road construction and maintenance is the conversion of native habitat to non-vegetated road ways and is a linear direct loss of ponderosa pine forest and mixed conifer with Aspen PNVT to total miles of roadways within turkey habitat. Both large snags and large downed trees are important elements to vertical diversity of ponderosa pine indicator habitat for the turkey. Under the No Action alternative, continued unrestricted off-road motorized travel and use of roads and motorized trails for dispersed camping, big game retrieval and fuelwood gathering would continue in the ponderosa pine forest mild and mixed conifer with aspen PNVT. The primary effect of roads to turkeys may be destruction of nesting, feeding and roosting habitat, creation of barriers to movement and in influencing patterns of population dispersal and habitat use provided by the vertical diversity of the ponderosa pine forest mild and mixed conifer with aspen type from the effects of motorized vehicle travel. Direct and indirect effects to turkey habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use. Alternative A would designate 2,605 miles of roads and trail open to public use which could affect turkey habitat.

Alternative B—Direct and Indirect Effects

Under this alternative direct and indirect effects to turkey populations and habitat from roads and travels designed for public use would be reduced by 61 percent when compared to Alternative A. Effects to turkey populations and habitat from OHV and MBGR use not be permitted and thus this would have beneficial effect on turkey populations and habitat above Alternative A. There would be impacts on habitat elements in localized areas where camping and fire wood gathering would be designated but would be reduced to less than 1 percent and 10 percent respectively of forest-wide acres within the ponderosa pine mild and mixed conifer with aspen as compared to 167 percent and 79 percent respectively of acres designated in Alternative A. Alternative B improves turkey habitat quality more than what would be expected with Alternative A.

Alternative C—Direct and Indirect Effects

Under this alternative direct and indirect effects to turkey populations and habitat from roads and travels designed for public use would be reduced by 28 percent when compared to Alternative A. Effects to turkey populations and habitat from motorized cross-country travel would not be permitted and thus this would have beneficial effect on turkey populations and habitat above Alternative A and similar effects as Alternative B. Alternative C would designate dispersed camping on approximately 9 percent of forest wide ponderosa pine forest mild and mixed conifer with aspen PNVT as compared to 167 percent in Alternative A and less than 1 percent in Alternative B. Alternative C would permit fuelwood gathering on 12 percent of forest wide ponderosa pine forest mild and mixed conifer with aspen PNVT compared to 79 percent in

Alternative A and 10 percent of Alternative C. Alternative C would improve turkey habitat quality more than Alternative A but less than Alternative B.

Alternative D—Direct and Indirect Effects

Under this alternative, direct and indirect effects to turkey populations and habitat from roads and trails designed for public use are similar to Alternative A with a road density of 4.2 miles of roads per square mile of ponderosa pine forest mild and mixed conifer with aspen PNVT. Effects to turkey populations and habitat from motorized cross-country travel would not be permitted and thus this would have a beneficial effect on turkey populations and habitat above Alternative A and similar affects as Alternative B and Alternative C. Alternative D would designate dispersed camping on approximately 39 percent of forest wide ponderosa pine forest mild and mixed conifer with aspen PNVT as compared to 167 percent in Alternative A and would designate greater areas for dispersed camping than Alternative B and Alternative C. Alternative D would be similar to Alternative A for permitted fuelwood gathering on 79 percent of forest wide ponderosa pine forest mild and mixed conifer with aspen PNVT compared to 10 percent in Alternative B and 12 percent in Alternative C. Alternative D would improve turkey habitat quality over Alternative A but less than what would be expected from Alternative B and Alternative C.

Pygmy Nuthatch

The pygmy nuthatch is an indicator species for old growth pine within the ponderosa pine mild and mixed conifer with aspen PNVT.

Alternative A—Direct and Indirect Effects

The direct effect of roads and trails designated for public use and associated road maintenance is the conversion of native habitat to non-vegetated road ways and is a linear direct loss of ponderosa pine forest and mixed conifer with Aspen PNVT to total miles of roadways within pygmy nuthatch habitat. Alternative A would designate 4.4 miles of road per square mile of ponderosa pine forest mild and mixed conifer with aspen PNVT, the highest permitted road density of all alternatives. However, Alternative A is not anticipated to have measurable effects to current old growth pine and conifer forest and therefore habitat quality for pygmy nuthatch populations. Alternative A would permit continued unrestricted off-road motorized travel and use of roads and motorized trails for dispersed camping, big game retrieval and fuelwood gathering throughout the ponderosa pine forest mild and mixed conifer with aspen PNVT. Primary effects to pygmy nuthatch from Alternative A would be effects of disturbance from noise from motor vehicle use, dispersed camping, fuel wood gathering, and motorized big game retrieval. Effects to pygmy nuthatch habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use. Alternative A would designate 2,051 miles of roads and trail open to public use which could have effects to pygmy nuthatch trend due to habitat degradation.

Alternative B—Direct and Indirect Effects

Under this alternative, direct and indirect effects of roads and trails open to motorized public use would be reduced to 2.2 miles of roads per square mile of ponderosa pine forest mild and mixed conifer with aspen PNVT a 50 percent reduction in road density from Alternative A. Alternative B is not anticipated to have measurable effects to current old growth pine and conifer forest and

therefore habitat quality for pygmy nuthatch populations. Alternative B would not designate motorized cross country travel, motorized big game retrieval and would limit dispersed camping to less than 1 percent of ponderosa pine forest mild and mixed conifer with aspen PNVT. Effects to pygmy nuthatch due to disturbance from noise from motor vehicle use would be reduced under this alternative and would have beneficial effects to pygmy nuthatch populations as compared to Alternative A. There would be impacts on habitat elements in localized areas (where camping and fire wood gathering is permitted), but would be reduced due to limited amount of roads within the PNVT. Alternative B increases pygmy nuthatch habitat quality over Alternative A.

Alternative C—Direct and Indirect Effects

Under this alternative, direct and indirect effects of roads and trails open to motorized public use would be reduced to 3.1 miles of roads per square mile of ponderosa pine forest mild and mixed conifer with aspen PNVT, a 30 percent reduction in road density from Alternative A and a 41 percent increase in road density compared to Alternative B. Alternative C is not anticipated to have measurable effects to current old growth pine and conifer forest and therefore habitat quality for pygmy nuthatch populations. Alternative C would not authorize motorized cross country travel, but would permit motorized big game retrieval similar to Alternative A and would limit dispersed camping to less than 9 percent of ponderosa pine forest mild and mixed conifer with aspen PNVT and would be similar to Alternative B in permitted fuelwood gathering. Effects to pygmy nuthatch due to disturbance from noise from motor vehicle use would be reduced under this alternative compared to Alternative A and would have increased direct effects from noise disturbance compared to Alternative B. Alternative C would increase pygmy nuthatch habitat quality over Alternative A but would be less effective at improving habitat quality than Alternative B.

Alternative D—Direct and Indirect Effects

Under this alternative, direct and indirect effects of roads and trails open to motorized public use would be similar to Alternative A designating 4.2 miles of roads per square mile of ponderosa pine forest mild and mixed conifer with aspen PNVT, a 90 percent increase in road density from Alternative B and a 35 percent increase in road density compared to Alternative C. Alternative D is not anticipated to have measurable effects to current old growth pine and conifer forest and therefore habitat quality for pygmy nuthatch populations. Alternative D would not authorize motorized cross country travel similar to Alternative A, but would permit motorized big game retrieval and fuelwood gathering similar to Alternative A and would limit dispersed camping to less than 39 percent of ponderosa pine forest mild and mixed conifer with aspen PNVT. Direct effects to pygmy nuthatch due to disturbance from noise from motor vehicle use would be reduced under this alternative compared to Alternative A only from designated dispersed camping and would increase effects compared to Alternative B and Alternative C. Alternative D would increase pygmy nuthatch habitat quality over Alternative A but would improve pygmy nuthatch habitat quality less than Alternative B and Alternative C.

Violet-green Swallow

The violet-green swallow is an indicator species for cavity nesting habitat within the ponderosa pine mild and mixed conifer with aspen PNVT.

Alternative A—Direct and Indirect Effects

The effects of roads and trails designated for public use and associated road maintenance is the conversion of native habitat to non-vegetated road ways and is a linear direct loss of ponderosa pine forest and mixed conifer with Aspen PNVT to total miles of roadways within violet-green swallow habitat which would affect cavity nesting habitat. Alternative A would designate 4.4 miles of road per square mile of ponderosa pine forest mild and mixed conifer with aspen PNVT, the highest permitted road density of all alternatives. However, roads and trails designated for public use in Alternative A is not anticipated to have measurable effects to current cavity nesting habitat and therefore habitat quality for violet-green swallow populations. Alternative A would permit continued unrestricted off-road motorized travel, use of roads and motorized trails for dispersed camping, on 167 percent of forest-wide ponderosa pine forest mild and mixed conifer with aspen PNVT and fuelwood gathering on 79 percent of forest-wide ponderosa pine forest mild and mixed conifer with aspen PNVT. These elements would have a direct effect to cavity nesting habitat from harvest of snags for fuelwood and campfires if removal occurred during the breeding season directly impacting nesting birds. Alternative A may lower snag density below Forest Plan objectives of 2 to 3 snags per acre, in localized areas but may not reduce snag density below Forest Plan objectives of 180 snags per 100 acres across the PNVT. Primary effects to violet-green swallow from Alternative A would be effects to cavity nesting habitat, disturbance from noise from motor vehicle use, dispersed camping, fuel wood gathering, and motorized big game retrieval. Direct and Indirect effects to violet-green swallow habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use. Alternative A would designate 2,051 miles of roads and trail open to public use which could have negatively affect pygmy nuthatch trend due to habitat loss or degradation.

Alternative B—Direct and Indirect Effects

Under this alternative, direct and indirect effects of roads and trails open to motorized public use would be reduced to 2.2 miles of roads per square mile of ponderosa pine forest mild and mixed conifer with aspen PNVT a 50 percent reduction in road density from Alternative A. Alternative B is not anticipated to have measurable effect to current cavity nesting habitat and therefore habitat quality for violet-green swallow populations. Alternative B would not designate motorized cross country travel, motorized big game retrieval and would limit dispersed camping to less than 1 percent of ponderosa pine forest mild and mixed conifer with aspen PNVT. Alternative B is not anticipated to reduce snag density below Forest Plan objectives of 2 to 3 snags per acre with the exception of limited campsites and fuelwood gathering areas, and would not reduce snag density below Forest Plan objectives of 180 snags per 100 acres across the PNVT. Effects to violet-green swallows due to disturbance from noise from motor vehicle use would be reduced under this alternative and would have beneficial effects to violet-green swallow populations as compared to Alternative A. There would be impacts on habitat elements in localized areas (where camping and fire wood gathering is permitted), but would be reduced due to limited amount of roads within the PNVT. Alternative B improves violet-green swallow habitat quality over Alternative A.

Alternative C—Direct and Indirect Effects

Under this alternative, effects of roads and trails open to motorized public use would be reduced to 3.1 miles of roads per square mile of ponderosa pine forest mild and mixed conifer with aspen PNVT, a 30 percent reduction in road density from Alternative A and a 41 percent increase in road density compared to Alternative B. Alternative C is not anticipated to have measurable

effects to cavity nesting habitat and therefore habitat quality for violet-green swallow populations. Alternative C is not anticipated to reduce snag density below Forest Plan objectives of 2 to 3 snags per acre with the exception of limited campsites and fuelwood gathering areas, and would not reduce snag density below Forest Plan objectives of 180 snags per 100 acres across the PNVT. Alternative C would not authorize motorized cross country travel, but would permit motorized big game retrieval similar to Alternative A and would limit dispersed camping to less than 9 percent of ponderosa pine forest mild and mixed conifer with aspen PNVT and would be similar to Alternative B in permitted fuelwood gathering. Effects to violet-green swallows due to disturbance from noise from motor vehicle use would be reduced under this alternative compared to Alternative A and would increase effects compared to Alternative B. Alternative C would improve violet-green swallow habitat quality over Alternative A but would be less than what would occur from Alternative B.

Alternative D—Direct and Indirect Effects

Under this alternative, effects of roads and trails open to motorized public use would be similar to Alternative A designating 4.2 miles of roads per square mile of ponderosa pine forest mild and mixed conifer with aspen PNVT, a 90 percent increase in road density from Alternative B and a 35 percent increase in road density compared to Alternative C. Alternative D is not anticipated to have measurable effects to current nesting habitat and therefore habitat quality for violet-green swallow populations. Alternative D would not authorize motorized cross country travel similar to Alternative A, but would permit motorized big game retrieval and fuelwood gathering similar to Alternative A and would limit dispersed camping to less than 39 percent of ponderosa pine forest mild and mixed conifer with aspen PNVT. Effects to violet-green swallow due to disturbance from noise from motor vehicle use would be reduced under this alternative compared to Alternative A only from designated dispersed camping and would increase effects compared to Alternative B and Alternative C. Alternative D would improve violet-green swallow habitat quality over Alternative A but would be less than what is expected from Alternative B and Alternative C.

Western Bluebird

The western blue bird is an indicator species for forest openings within the ponderosa pine mild and mixed conifer with aspen PNVT.

Alternative A—Direct and Indirect Effects

The effect of roads and trails designated for public use and associated road maintenance is the conversion of native habitat to non-vegetated road ways and is a linear direct loss of ponderosa pine forest and mixed conifer with Aspen PNVT to total miles of roadways within western blue bird habitat which would affect forest openings. Alternative A would designate 4.4 miles of road per square mile of ponderosa pine forest mild and mixed conifer with aspen PNVT, the highest permitted road density of all alternatives. However, roads and trails designated for public use in Alternative A is not anticipated to have measurable effects to forest openings from current baseline conditions and therefore habitat quality for western blue bird populations. Alternative A would permit continued unrestricted off-road motorized travel, use of roads and motorized trails for dispersed camping, on 167 percent of forest-wide ponderosa pine forest mild and mixed conifer with aspen PNVT and fuelwood gathering on 79 percent of forest-wide ponderosa pine forest mild and mixed conifer with aspen PNVT. Primary effects to western blue bird habitat

quality from Alternative A would be the effect of disturbance from noise from motor vehicle use, dispersed camping, fuel wood gathering, and motorized big game retrieval. Effects to western blue bird habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use, particularly dispersed camping which increase disturbance in forest opening adjacent to designed roads for motorized public use. Alternative A would designate 2,051 miles of roads and trail open to public use which could negatively affect western blue bird trend due to habitat loss or degradation.

Alternative B—Direct and Indirect Effects

Under this alternative, effects of roads and trails open to motorized public use would be reduced to 2.2 miles of roads per square mile of ponderosa pine forest mild and mixed conifer with aspen PNVT a 50 percent reduction in road density from Alternative A. Alternative B is not anticipated to have measurable effects to current forest openings and therefore habitat quality for western bluebird populations. Alternative B would not designate motorized cross country travel, motorized big game retrieval and would limit dispersed camping to less than 1 percent of ponderosa pine forest mild and mixed conifer with aspen PNVT. Effects to western bluebirds due to disturbance from noise from motor vehicle use and dispersed camping would be reduced under this alternative and would have beneficial effects to western bluebird habitat quality as compared to Alternative A. There would be impacts on habitat elements in localized areas (where motorized dispersed camping and fire wood gathering is permitted), but would be reduced due to limited amount of roads within the PNVT. Alternative B would improve western bluebird habitat quality more than Alternative A since road density in this PNVT is lower.

Alternative C—Direct and Indirect Effects

Under this alternative, effects of roads and trails open to motorized public use would be reduced to 3.1 miles of roads per square mile of ponderosa pine forest mild and mixed conifer with aspen PNVT, a 30 percent reduction in road density from Alternative A and a 41 percent increase in road density compared to Alternative B. Alternative C is not anticipated to have measurable effects to forest openings and therefore habitat quality for western bluebird populations. Alternative C would not authorize motorized cross country travel, but would permit motorized big game retrieval similar to Alternative A and would limit dispersed camping to less than 9 percent of ponderosa pine forest mild and mixed conifer with aspen PNVT and would be similar to Alternative B in permitted fuelwood gathering. Effects to western bluebird habitat quality due to disturbance from noise from motor vehicle use and dispersed camping would be reduced under this alternative compared to Alternative A and would increase effects compared to Alternative B. Alternative C would improve western bluebird habitat quality over Alternative A but would be less than what would occur from Alternative B.

Alternative D—Direct and Indirect Effects

Under this alternative, effects of roads and trails open to motorized public use would be similar to Alternative A designating 4.2 miles of roads per square mile of ponderosa pine forest mild and mixed conifer with aspen PNVT, a 90 percent increase in road density from Alternative B and a 35 percent increase in road density compared to Alternative C. Alternative D is not anticipated to have measurable effects to forest openings and therefore habitat quality for western bluebird populations. Alternative D would not authorize motorized cross country travel similar to Alternative A, Alternative B and Alternative C, but would permit motorized big game retrieval

and fuelwood gathering similar to Alternative A and would limit dispersed camping to less than 39 percent of ponderosa pine forest mild and mixed conifer with aspen PNV. Effects to western bluebird habitat quality due to disturbance from noise from motor vehicle use and dispersed camping would be reduced under this alternative compared to Alternative A and would increase effects to western bluebird habitat quality compared to Alternative B and Alternative C. Alternative D would improve western bluebird habitat quality over Alternative A but would be less than what would occur from Alternative B and Alternative C.

Hairy Woodpecker

The hairy woodpecker is an indicator species for snags within the ponderosa pine mild and mixed conifer with aspen PNV.

Alternative A—Direct and Indirect Effects

The effect of motorized public use of roadways and continued maintenance that would remove snags that may have posed a hazard to motorist using these roads and results in the conversion of native habitat to non-vegetated roadways and would include a linear direct loss of snags within ponderosa pine forest mild and mixed conifer with Aspen PNV in relation to total miles of roadways within the PNV. Large snags are important elements to cavity nesting birds associated with ponderosa pine indicator habitat for the hairy woodpecker. Alternative A would continue unrestricted off-road motorized travel and use of roads and motorized trails for dispersed camping, big game retrieval, and fuelwood gathering would continue in the ponderosa pine forest mild and mixed conifer with aspen PNV. The primary effect of Alternative A to hairy woodpecker habitat quality would be destruction of snag habitat due harvest of standing dead wood for campfire use and personal fuelwood gathering in proximity to roadways designated for motorized public use with the PNV. Alternative A may reduce snag density below Forest Plan objectives of 2 to 3 snags per acre within areas designated for motorized vehicle use but is not anticipated to reduce snag density below Forest Plan objectives of 180 snags per 100 acres across the PNV. Effects to hairy woodpecker habitat quality include disturbance from noise from motor vehicle use, dispersed camping, fuel wood gathering, and motorized big game retrieval. Effects to hairy woodpecker habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use, particularly dispersed camping and fuelwood gathering which increase disturbance to snag habitat adjacent to designed roads for motorized public use. Alternative A would designate 2,051 miles of roads and trails open to public use which could have direct and indirect effects to hairy woodpecker population trend. Direct and indirect effects to hairy woodpecker habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use. Alternative A would designate 2,605 miles of roads and trail open to public use which could affect hairy woodpecker habitat.

Alternative B—Direct and Indirect Effects

Under this alternative, effects of roads and trails open to motorized public use would be reduced to 2.2 miles of roads per square mile of ponderosa pine forest mild and mixed conifer with aspen PNV a 50 percent reduction in road density from Alternative A and would result in reduced removal of snags that may pose a hazard to roadways and camping sites. Alternative B is not anticipated to have measurable effects to current snag habitat and therefore habitat quality for hairy woodpecker populations. Alternative B may reduce snag density below Forest Plan objectives of 2 to 3 snags per acre within limited campsites and fuelwood gathering areas but is

not anticipated to reduce snag density below Forest Plan objectives of 180 snags per 100 acres across the PNVT. Alternative B would not designate motorized cross country travel, or motorized big game retrieval and would limit dispersed camping to less than 1 percent of ponderosa pine forest mild and mixed conifer with aspen PNVT. Effects to hairy woodpecker habitat quality would include destruction of snag habitat in proximity to dispersed camp sites and fuelwood gathering adjacent to designated roads. Effects to hairy woodpecker habitat due to disturbance from noise from motor vehicle use, motorized dispersed camping, and fuelwood gathering would be reduced under this alternative and would have beneficial effects to hairy woodpecker habitat quality as compared to Alternative A. There would be impacts on habitat elements in localized areas (where camping and fire wood gathering is permitted), but would be reduced due to limited amount of roads within the PNVT. Alternative B improves hairy woodpecker habitat quality more than what would occur with Alternative A.

Alternative C—Direct and Indirect Effects

Under this alternative, effects of roads and trails open to motorized public use would be reduced to 3.1 miles of roads per square mile of ponderosa pine forest mild and mixed conifer with aspen PNVT, a 30 percent reduction in road density from Alternative A and a 41 percent increase in road density compared to Alternative B. Alternative C is not anticipated to have measurable effects to snag habitat and therefore habitat quality for hairy woodpecker populations. Alternative C may reduce snag density below Forest Plan objectives of 2 to 3 snags per acre within limited campsites and fuelwood gathering areas but is not anticipated to reduce snag density below Forest Plan objectives of 180 snags per 100 acres across the PNVT. Alternative C would reduce the need for removal of snags that pose a hazard to roadways and camping areas. Alternative C would not authorize motorized cross country travel, but would permit motorized big game retrieval similar to Alternative A and would limit dispersed camping to less than 9 percent of ponderosa pine forest mild and mixed conifer with aspen PNVT and would be similar to Alternative B in permitted fuelwood gathering. Effects to hairy woodpecker habitat quality would include destruction of snag habitat in proximity to dispersed camp sites and fuelwood gathering adjacent to designated roads. Effects to hairy woodpecker habitat due to disturbance from noise from motor vehicle use, dispersed camping and fuelwood gathering would be reduced under this alternative compared to Alternative A, but would increase effects to hairy woodpecker habitat quality compared to Alternative B. Alternative C would improve hairy woodpecker habitat quality over Alternative A but is less than what would occur from Alternative B.

Alternative D—Direct and Indirect Effects

Under this alternative, effects of roads and trails open to motorized public use would be similar to Alternative A designating 4.2 miles of roads per square mile of ponderosa pine forest mild and mixed conifer with aspen PNVT, a 90 percent increase in road density from Alternative B and a 35 percent increase in road density compared to Alternative C and would increase need for removal of snags that pose a hazard to roadways and camping areas. Alternative D is not anticipated to have measurable direct effect to snag habitat and therefore habitat quality for hairy woodpecker populations. Alternative D may reduce snag density below Forest Plan objectives of 2 to 3 snags per acre within dispersed camping areas and fuelwood gathering areas but is not anticipated to reduce snag density below Forest Plan objectives of 180 snags per 100 acres across the PNVT. Alternative D would not authorize motorized cross country travel similar to Alternative A, Alternative B and Alternative C, but would permit motorized big game retrieval and fuelwood gathering similar to Alternative A and would limit dispersed camping to less than

39 percent of ponderosa pine forest mild and mixed conifer with aspen PNVT. Effects to hairy woodpecker habitat quality would include destruction of snag habitat in proximity to dispersed camp sites and fuelwood gathering adjacent to designated roads. Effects to hairy woodpecker habitat due to disturbance from noise from motor vehicle use, dispersed camping and fuelwood gathering would be reduced under this alternative compared to Alternative A, but would increase effects to hairy woodpecker habitat quality compared to Alternative B and Alternative C.

Northern Goshawk

The northern goshawk is an indicator species for vertical diversity within the ponderosa pine mild and mixed conifer with aspen.

Alternative A—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of ponderosa pine forest and mixed conifer with Aspen PNVT to total miles of roadways within northern goshawk habitat. Both large trees, variable understory and large downed trees are important elements to vertical diversity of ponderosa pine indicator habitat for the northern goshawk providing nesting, perching, and prey species habitat. Alternative A would continue to authorize unrestricted off-road motorized travel and use of roads and motorized trails for dispersed camping, big game retrieval, and fuelwood gathering in the ponderosa pine forest mild and mixed conifer with aspen PNVT. The primary effects of roads to northern goshawk habitat quality would be destruction of prey species habitat due harvest of down logs and wood for campfire use and personal fuelwood gathering in proximity to roadways designated for motorized public use with the PNVT. Effects to northern goshawk habitat quality include disturbance from noise from motor vehicle use, dispersed camping, fuel wood gathering, and motorized big game retrieval. Effects to hairy woodpecker habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative A would designate 2,051 miles of roads and trails open to public use which could have effects to northern goshawk population trends. Direct and indirect effects to northern goshawk habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use. Alternative A would designate 2,605 miles of roads and trail open to public use which could affect northern goshawk habitat quality.

Alternative B—Direct and Indirect Effects

Under this alternative, effects of roads and trails open to motorized public use would be reduced to 2.2 miles of roads per square mile of ponderosa pine forest mild and mixed conifer with aspen PNVT a 50 percent reduction in road density from Alternative A and would result in reduce effects forest vegetation structural diversity. Alternative B is not anticipated to have measurable effects to current forest structure therefore habitat quality for northern goshawk populations. Alternative B would not designate motorized cross country travel, or motorized big game retrieval and would limit dispersed camping to less than 1 percent of ponderosa pine forest mild and mixed conifer with aspen PNVT. Effects to northern goshawk habitat quality would include harvest of down logs and destruction of understory habitat for prey species in proximity to dispersed camp sites and fuelwood gathering adjacent to designated roads. Effects to northern goshawk habitat due to noise disturbance from motor vehicle use, motorized dispersed camping, and fuelwood gathering would be reduced under this alternative and would have beneficial effects

to northern goshawk habitat quality as compared to Alternative A. There would be impacts on habitat elements in localized areas (where motorized dispersed camping and fire wood gathering is permitted), but would be reduced due to limited amount of roads within the PNVT. Alternative B improves northern goshawk habitat quality over Alternative A.

Alternative C—Direct and Indirect Effects

Under this alternative, effects of roads and trails open to motorized public use would be reduced to 3.1 miles of roads per square mile of ponderosa pine forest mild and mixed conifer with aspen PNVT, a 30 percent reduction in road density from Alternative A and a 41 percent increase in road density compared to Alternative B. Alternative C is not anticipated to have measurable effects to current forest structure and therefore habitat quality for northern goshawk populations. Alternative C would result in reduce effects to forest vegetation structural diversity as compared to Alternative A. Alternative C would not authorize motorized cross country travel, but would permit motorized big game retrieval similar to Alternative A and would limit dispersed camping to less than 9 percent of ponderosa pine forest mild and mixed conifer with aspen PNVT and would be similar to Alternative B in permitted fuelwood gathering. Effects to northern goshawk habitat quality would include harvest of down logs and destruction of understory habitat for prey species in proximity to dispersed camp sites and fuelwood gathering adjacent to designated roads. Effects to northern goshawk habitat due to noise disturbance from motor vehicle use, dispersed camping and fuelwood gathering would be reduced under this alternative and would have beneficial effects to northern goshawk habitat quality as compared to Alternative A but would increase effects to northern goshawk habitat quality compared to Alternative B. There would be impacts on habitat elements in localized areas (where camping and fire wood gathering is permitted), but would be reduced due to limited amount of roads within the PNVT. Alternative C improves northern goshawk habitat quality over Alternative A, but less than what would be expected with Alternative B.

Alternative D—Direct and Indirect Effects

Under this alternative, effects of roads and trails open to motorized public use would be similar to Alternative A designating 4.2 miles of roads per square mile of ponderosa pine forest mild and mixed conifer with aspen PNVT, a 90 percent increase in road density from Alternative B and a 35 percent increase in road density compared to Alternative C. Alternative D is not anticipated to have measurable effects to current forest structure and therefore habitat quality for northern goshawk populations. Alternative D would result in reduce effects to forest vegetation structural diversity as compared to Alternative A. Alternative D would not authorize motorized cross country travel, but would permit motorized big game retrieval similar to Alternative A and would limit dispersed camping to 39 percent of ponderosa pine forest mild and mixed conifer with aspen PNVT and would be similar to Alternative B in permitted fuelwood gathering. Effects to northern goshawk habitat quality would include harvest of down logs and destruction of understory habitat for prey species in proximity to dispersed camp sites and fuelwood gathering adjacent to designated roads. Effects to northern goshawk habitat due to noise disturbance from motor vehicle use, dispersed camping and fuelwood gathering would be reduced under this alternative compared to Alternative A and would have beneficial effects to northern goshawk habitat quality as compared to Alternative A but would increase effects to northern goshawk habitat quality compared to Alternative B and Alternative C. There would be impacts on habitat elements in localized areas (where camping and fire wood gathering is permitted), but would be reduced due to limited amount of roads within the PNVT. Alternative D improves northern goshawk habitat

quality over Alternative A, but less than what would be expected with Alternative B and Alternative C.

Abert's Squirrel

The Abert's squirrel is an indicator species for successional stages of pine within the ponderosa pine mild and mixed conifer with aspen PNVT.

Alternative A—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of ponderosa pine forest and mixed conifer with Aspen PNVT to total miles of roadways within Abert's squirrel habitat. Diversity of forest structural stages include variable tree maturity and understory with litter that are important elements to vertical diversity of ponderosa pine indicator habitat for the Abert's squirrel providing nesting, and foraging habitat. Alternative A would continue to authorize unrestricted off-road motorized travel and use of roads and motorized trails for dispersed camping, big game retrieval, and fuelwood gathering in the ponderosa pine forest mild and mixed conifer with aspen PNVT. The primary indirect effect of roads to Abert's squirrel habitat quality would be destruction of understory and litter habitat due harvest of downlogs and wood for campfire use and personal fuelwood gathering and potential hunter harvest of Abert's squirrel throughout the PNVT in proximity to roadways designated roads and trails for motorized public use with the PNVT. Effects to Abert's squirrel habitat quality could include disturbance from noise from motor vehicle use, dispersed camping, fuel wood gathering, and motorized big game retrieval. Effects to Abert's squirrel habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative A would designate 2,051 miles of roads and trails open to public use which could have effects to Abert's squirrel population trends.

Alternative B—Direct and Indirect Effects

Under this alternative, effects of roads and trails open to motorized public use would be reduced to 2.2 miles of roads per square mile of ponderosa pine forest mild and mixed conifer with aspen PNVT a 50 percent reduction in road density from Alternative A and would result in reduce effects forest structural stages. Alternative B is not anticipated to have measurable effects to current forest structure therefore habitat quality for Abert's squirrel populations. Alternative B would not designate motorized cross country travel, or motorized big game retrieval and would limit dispersed camping to less than 1 percent of ponderosa pine forest mild and mixed conifer with aspen PNVT. Effects to Abert's squirrel habitat quality would include destruction of understory and litter habitat due harvest of downlogs and wood for campfire use and personal fuelwood in proximity to roadways designated roads and trails for motorized public use with the PNVT. Effects to Abert's squirrel habitat due to noise disturbance from motor vehicle use, dispersed camping and fuelwood gathering would be reduced under this alternative and would have beneficial effects to Abert's squirrel habitat quality as compared to Alternative A. There would be impacts on habitat elements in localized areas (where camping and fire wood gathering is permitted), but would be reduced due to limited amount of roads within the PNVT. Alternative B improves Abert's squirrel habitat quality over Alternative A.

Alternative C—Direct and Indirect Effects

Under this alternative, effects of roads and trails open to motorized public use would be reduced to 3.1 miles of roads per square mile of ponderosa pine forest mild and mixed conifer with aspen PNVT, a 30 percent reduction in road density from Alternative A and a 41 percent increase in road density compared to Alternative B. Alternative C is not anticipated to have measurable effects to current forest structural stages and therefore habitat quality for Abert's squirrel populations. Alternative C would result in reduced effects to forest vegetation structural diversity as compared to Alternative A. Alternative C would not authorize motorized cross country travel, but would permit motorized big game retrieval similar to Alternative A and would limit dispersed camping to less than 9 percent of ponderosa pine forest mild and mixed conifer with aspen PNVT and would be similar to Alternative B in permitted fuelwood gathering. Effects to Abert's squirrel habitat quality would be destruction of understory and litter habitat due harvest of downlogs and wood for campfire use and personal fuelwood gathering and potential hunter harvest of Abert's squirrel throughout the PNVT in proximity to roadways designated roads and trails for motorized public use with the PNVT. Effects to Abert's squirrel habitat due to noise disturbance from motor vehicle use, dispersed camping and fuelwood gathering would be reduced under this alternative and would have beneficial effects to Abert's squirrel habitat quality as compared to Alternative A but would increase effects to Abert's squirrel habitat quality compared to Alternative B. There would be impacts on habitat elements in localized areas (where camping and fire wood gathering is permitted), but would be reduced due to limited amount of roads within the PNVT. Alternative C improves Abert's squirrel habitat quality over Alternative A.

Alternative D—Direct and Indirect Effects

Under this alternative, effects of roads and trails open to motorized public use would be similar to Alternative A designating 4.2 miles of roads per square mile of ponderosa pine forest mild and mixed conifer with aspen PNVT, a 90 percent increase in road density from Alternative B and a 35 percent increase in road density compared to Alternative C. Alternative D is not anticipated to have measurable effects to current forest structural stages and therefore habitat quality for Abert's squirrel populations. Alternative D would result in reduce effects to forest vegetation structural diversity as compared to Alternative A. Alternative D would not authorize motorized cross country travel, but would permit motorized big game retrieval similar to Alternative A and would limit dispersed camping to 39 percent of ponderosa pine forest mild and mixed conifer with aspen PNVT and would be similar to Alternative B in permitted fuelwood gathering. Effects to Abert's squirrel habitat quality would include destruction of understory and litter habitat due harvest of downlogs and wood for campfire use and personal fuelwood gathering and potential hunter harvest of Abert's squirrel throughout the PNVT in proximity to roadways designated roads and trails for motorized public use with the PNVT. Effects to Abert's squirrel habitat due to noise disturbance from motor vehicle use, dispersed camping and fuelwood gathering would be reduced under this alternative and would have beneficial effects to Abert's squirrel habitat quality as compared to Alternative A but would increase effects to Abert's squirrel habitat quality compared to Alternative B and compared to Alternative C. There would be impacts on habitat elements in localized areas (where camping and fire wood gathering is permitted), but would be reduced due to limited amount of roads within the PNVT. Alternative D improves Abert's squirrel habitat quality over Alternative A, but would increase effects to Abert's squirrel habitat quality compared to Alternative B and Alternative C.

Cumulative Effects to Ponderosa Pine Forest Mild and Mixed Conifer with Aspen Species

The ponderosa pine forest mild and mixed conifer with aspen vegetation types provide habitat for elk, turkey, pygmy nuthatch, violet-green swallow, western bluebird, hairy woodpecker, northern goshawk, and Abert's squirrel.

Alternative A

Alternative A would potentially result in a long-term cumulative decrease in forest structural stages, snags, and large downed woody debris. This alternative would cumulatively contribute to a decrease in key habitat components such as snags and large woody debris, old growth forests, cavity nesting habitat, forest opening, and general forest conditions that are expected to be at risk from increased future demand for use of forest resources. Alternative A would continue wood and forest product harvesting, dispersed camping, motorized cross-country travel and unlimited motorized big game retrieval within the ponderosa pine forest mild and mixed conifer with aspen PNVT. Motorized use of roads and trails may result in cumulative effects to the PNVT when other Tonto National Forest activities such as land exchanges, reauthorization of livestock grazing allotments, mining and exploratory drilling, fuels reduction projects, forest thinning, watershed/vegetation regeneration and habitat improvement, roadway material source pits, recreation management, personal use activities, and new road construction. Use of roads and motorized trails, cross-country travel and dispersed camping could cause noise disturbance within all structural stages of the PNVT and could result in cumulative effects to habitat quality to MIS species. The cumulative effects of Tonto NF activities are expected to maintain designated roads at an approximate overall density of 4.4 miles of road per square mile of ponderosa pine forest mild and mixed conifer with aspen PNVT. Road densities in excess of 2.4 miles of roads per square mile of forest habitat may have a higher probability of impaired watershed function (Potyondy and Geier, 2010) and is not anticipated to have a measurable and detectible effect on habitat quality of the ponderosa pine forest mild and mixed conifer with aspen PNVT.

Alternative B

There would be no effects to forest structural stage diversity, snags, and large downed woody debris quantity and habitat quality in the ponderosa pine forest mild and mixed conifer with aspen PNVT. While this alternative may result in some improvement to habitat quality, it would be unlikely that these changes would impact reproductive success to the degree that forestwide population change would occur. Overall, this alternative is not expected to change forestwide habitat or population trends for ponderosa pine forest mild and mixed conifer with aspen PNVT. The effects of this alternative may combine with other activities to result in a beneficial cumulative effect to ponderosa pine forest mild and mixed conifer with aspen PNVT habitat quality over a much broader area. For example areas open to cross-country motorized travel would be permitted on 167 percent of the forest-wide PNVT, while Alternative would not permit motorized cross country travel. The cumulative effects of Alternative B in relation to Tonto NF activities are expected to maintain designated roads at an approximate overall density of 2.2 miles of road per square mile of ponderosa pine forest mild and mixed conifer with aspen PNVT. Road densities in excess of 1 mile to 2.4 miles of road per square miles of 2.4 miles of roads per square mile of forest habitat may have a higher probability of a functioning at risk watershed or a watershed in fair condition supported by Tonto NF Plan or analysis and data

(Potyondy and Geier, 2010) and is not anticipated to have a measurable and detectible effect on habitat quality of the ponderosa pine forest mild and mixed conifer with aspen PNVT.

Alternative C

This alternative is expected to result in an overall effect of decreasing impacts to the ponderosa pine forest mild and mixed conifer with aspen PNVT and decreasing disturbance to the species that use it for habitat compared to Alternative A but increase potential habitat quality effects when compared to Alternative B. This alternative may result in effects to the quality of this habitat by changing the patterns of habitat available (reduced fragmentation from road use) and potentially affecting the abundance of key habitat elements such as large snags or large downed trees. This alternative's reduction of roads to 3.1 miles of road per square miles of the ponderosa pine forest mild and mixed conifer with aspen PNVT and may have a higher probability of impaired watershed function (Potyondy and Geier, 2010) but is not anticipated to have a measurable and detectible effect on habitat quality of the ponderosa pine forest mild and mixed conifer with aspen PNVT. Alternative C would not change the amount or age class distribution of indicator habitat. Habitat quality could improve, given the elimination of cross-country travel and reductions in the amount of open roads, motorized trails, and MBGR, lessening disturbance to MIS. When combined with other Tonto NF activities the cumulative effects of Alternative C may combine with other activities to result in a beneficial cumulative effect to ponderosa pine forest mild and mixed conifer dependent MIS species over a much broader area. For example Alternative A would permit motorized cross-country travel, motorized big game retrieval, and fuelwood gathering on 167 percent of the forest-wide PNVT, while Alternative C would be similar to Alternative A for motorized big game retrieval it would reduce dispersed camping to 9 percent of PNVT acres and fuelwood gathering to 12 percent of PNVT acres. The cumulative effects of Alternative C are not anticipated to have a measurable and detectible effect on habitat quality or the species that use the ponderosa pine forest mild and mixed conifer with aspen PNVT for habitat.

Alternative D

Alternative D would not change the amount or vegetation structural stage of MIS habitat in the ponderosa pine forest mild and mixed conifer with aspen PNVT. Factors that would improve habitat quality include the elimination of cross-country travel and reductions in the amount of acres of dispersed camping lessening disturbance to MIS. Public use roadways would be similar to Alternative A, MBGR, and fuelwood gathering would also be similar to Alternative A providing little improvement in habitat quality compared to the No Action Alternative. Factors that moderate any improvement in habitat quality include maintaining an overall road density of 4.2 miles of open roads per square mile of PNVT, camping and MBGR corridors over a large amount of the PNVT. While this alternative may result in some improvements and some negative impacts to habitat quality, it would be unlikely that these changes would impact reproductive success to the degree that Forest-wide population change would occur. Overall, this alternative is not expected to change Forest-wide habitat or population trends for ponderosa pine forest mild and mixed conifer with aspen MIS species, but would provide fewer benefits and have greater impacts from disturbance compared to Alternative B and Alternative C. The effects of this alternative may combine with other activities to result in a beneficial cumulative effect to ponderosa pine dependent MIS species over a similar area as Alternative A. The cumulative effects of Alternative D are not anticipated to have a measurable and detectible effect on habitat

quality or the species that use the ponderosa pine forest mild and mixed conifer with aspen PNVT for habitat.

Indicators of Pinyon-Juniper Chaparral, Pinyon-Juniper Grassland, Madrean Encinal Woodland, and Interior Chaparral

The pinyon-juniper chaparral, pinyon-juniper grassland, madrean encinal woodland, and interior chaparral vegetation types are indicators for the ash-throated flycatcher, gray vireo, Townsend’s solitaire, juniper titmouse, northern flicker, spotted towhee, and black-chinned sparrow.

Table 60 identifies the amount of habitat that is impacted by each of the five elements under each alternative.

Table 60: Total acres of Pinyon-Juniper Chaparral, Pinyon-Juniper Grassland, Madrean Encinal Woodland, and Interior Chaparral Habitat Impacted under Each Alternative

Elements	Forestwide	Alternative A	Alternative B	Alternative C	Alternative D
Roads and trails open to public use (miles)	1,759.79	1,280.83 (73%)	739.36 (42%)	1013.46 (58%)	1,252.14 (71%)
Road Density (miles per square miles)		0.65	0.39	0.52	0.71
Areas open to motorized cross-country travel (acres)	1,347,859.62	351,083.81 (26%)	0 (0%)	0 (0%)	0 (0%)
Big game retrieval using motorized vehicles (acres)	1,347,859.62	351,083.81 (26%)	0 (0%)	507,178.04 (38%)	582,663.86 (43%)
Access of dispersed camping using motorized vehicles (acres)	1,347,859.62	351,083.81 (26%)	9.7 (<1%)	22,650.99 (2%)	84,377.37 (6%)
Additional Information Pertaining to motor vehicle use (personal use fuelwood gathering) (acres)	1,347,859.62	497,903.1 (37%)	40,955.79 (3%)	54,053.29 (4%)	497,903.1 (37%)

Ash-throated Flycatcher

The ash-throated is an indicator species for ground cover within Pinyon-Juniper Chaparral, Pinyon-Juniper Grassland, Madrean Encinal Woodland, and Interior Chaparral PNVT.

Alternative A—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of pinyon-juniper chaparral grassland, pinyon-juniper madrean encinal woodland and interior chaparral (P-J) PNVT total miles of roadways within ash-throated flycatcher habitat. Diversity of forest

structural stages includes variable tree maturity necessary for cavity nesting habitat and understory with litter that are important elements to ground cover diversity of P-J PNVT indicator habitat for the ash-throated flycatcher providing foraging habitat. Alternative A would designate 0.65 miles of roads per mile of P-J PNVT. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative A would continue to authorize unrestricted off-road motorized travel, motorized big game retrieval, dispersed camping and fuelwood harvest on 26 percent of PNVT acres. The primary effect of roads to ash-throated flycatcher habitat quality would be destruction of understory vegetation and ground cover from harvest of down logs and wood for campfire use, fuelwood gathering and dispersed camping throughout the PNVT in proximity to roadways designated roads and trails for motorized public use with the PNVT. Effects to ash-throated flycatcher habitat quality could include disturbance from noise from motor vehicle use, dispersed camping, fuel wood gathering, and motorized big game retrieval. Effects to ash-throated flycatcher habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative A would designate 1,281 miles of roads and trails open to public use which could have an effect to ash-throated flycatcher habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Alternative B—Direct and Indirect Effects

Under this alternative, effects of roads and trails open to motorized public use would be reduced to 0.39 miles of roads per square mile of P-J PNVT a 40 percent reduction in road density from Alternative A and would result in reduce effects P-J structural stages including ground cover. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative B is not anticipated to have measurable effects to current P-J structure therefore habitat quality for ash-throated flycatcher populations. Alternative B would not designate motorized cross country travel, or motorized big game retrieval and would limit dispersed camping to less than 1 percent of P-J PNVT and fuelwood gathering to 3 percent of P-J PNVT. Effects to ash-throated flycatcher habitat quality would include destruction of understory and litter habitat due harvest of downlogs and wood for campfire use and personal fuelwood in proximity to roadways designated roads and trails for motorized public use with the PNVT. Effects to ash-throated flycatcher habitat due to noise disturbance from motor vehicle use, dispersed camping and fuelwood gathering would be reduced under this alternative and would have beneficial effects to ash-throated flycatcher habitat quality as compared to Alternative A. There would be impacts on habitat elements in localized areas (where camping and fire wood gathering is permitted), but would be reduced due to limited amount of roads within the PNVT. Alternative B improves ash-throated flycatcher habitat quality over Alternative A, but is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Alternative C—Direct and Indirect Effects

Under this alternative, effects of roads and trails open to motorized public use would be reduced to 0.52 miles of roads per square mile of P-J PNVT a 20 percent reduction in road density from Alternative A and a 33 percent increase in road density from Alternative B. Alternative C would result in reduce effects to P-J structural stages including ground cover compared to Alternative A but would increase effects to ash-throated flycatcher habitat quality compared to Alternative B. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in

good condition (Potyondy and Geier, 2010). Alternative C is not anticipated to have measurable effects to current P-J structure therefore habitat quality for ash-throated flycatcher populations. Alternative C would not designate motorized cross country travel, and would limit dispersed camping to 2 percent of P-J PNVT and fuelwood gathering to 4 percent of P-J PNVT and motorized big game retrieval to 38 percent of P-J PNVT. Effects to ash-throated flycatcher habitat quality would include destruction of understory and litter habitat due harvest of downlogs and wood for campfire use and personal fuelwood in proximity to roadways designated roads and trails for motorized public use with the PNVT. Effects to ash-throated flycatcher habitat due to noise disturbance from motor vehicle use, dispersed camping and fuelwood gathering would be reduced under this alternative and would have beneficial effects to ash-throated flycatcher habitat quality as compared to Alternative A but would increase effects to ash-throated flycatcher habitat quality compared to Alternative B. There would be impacts on habitat elements in localized areas (where camping and fire wood gathering is permitted), but would be reduced due to limited amount of roads within the PNVT. Alternative C improves ash-throated flycatcher habitat quality over Alternative A, but increases habitat quality less than Alternative B. Alternative C is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Alternative D—Direct and Indirect Effects

Under this alternative, effects of roads and trails open to motorized public use would be increased to 0.71 miles of roads per square mile of P-J PNVT a 9 percent increase in road density from Alternative A and a 82 percent increase in road density from Alternative B and a 36 percent increase in road density from Alternative C. Alternative D would result in increased effects to ash-throated flycatcher habitat quality to P-J structural stages including ground cover compared to Alternative A, Alternative B and Alternative C. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative D is not anticipated to have measurable effects to current P-J structure therefore habitat quality for ash-throated flycatcher populations. Alternative D would not designate motorized cross country travel, and would increase motorized big game retrieval over all alternatives, be similar in designated areas for fuelwood gathering to Alternative A, would increase fuelwood gathering areas from Alternative B and Alternative C and would limit dispersed camping to 6 percent of P-J PNVT. Effects to ash-throated flycatcher habitat quality would include destruction of understory and litter habitat due harvest of downlogs and wood for campfire use and personal fuelwood in proximity to designated roads and trails for motorized public use with the PNVT. Effects to ash-throated flycatcher habitat due to noise disturbance from dispersed camping would be reduced compared to Alternative A, and increased compared to Alternative B and Alternative C. Effects to ash-throated flycatcher habitat from fuelwood gathering would be similar to Alternative A, greater than Alternative B and Alternative C. Effects from motorized big game retrieval would be greater than all other alternatives. There would be impacts on habitat elements in localized areas (where camping and fire wood gathering is permitted), but would be reduced due to limited amount of roads within the PNVT. Alternative D decreases ash-throated flycatcher habitat quality over Alternative A, Alternative B and Alternative C. Alternative D is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Gray Vireo

The Gray vireo is an indicator species for tree density within Pinyon-Juniper Chaparral, Pinyon-Juniper Grassland, Madrean Encinal Woodland, and Interior Chaparral PNVT.

Alternative A—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of pinyon-juniper chaparral grassland, pinyon-juniper madrean encinal woodland and interior chaparral (P-J) PNVT total miles of roadways within gray vireo habitat. Diversity of forest structural stages includes variable tree maturity and density that are important elements to ground cover diversity of P-J PNVT indicator habitat for the gray vireo. Alternative A would designate 0.65 miles of roads per mile of P-J PNVT. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative A would continue to authorize unrestricted off-road motorized travel, motorized big game retrieval, dispersed camping and fuelwood harvest on 26 percent of PNVT acres. There are no effects anticipated to green tree density in Alternative A. Effects to gray vireo habitat quality would be destruction of understory vegetation and ground cover that may limit tree germination and growth and reduce tree density in areas permitted for motorized vehicle use throughout the PNVT. Effects to gray vireo habitat quality could include disturbance from noise from motor vehicle use, dispersed camping, fuel wood gathering, and motorized big game retrieval. Effects to gray vireo habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative A would designate 1,281 miles of roads and trails open to public use which could have effects to gray vireo flycatcher habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Alternative B—Direct and Indirect Effects

Under this alternative, effects of roads and trails open to motorized public use would be reduced to 0.39 miles of roads per square mile of P-J PNVT a 40 percent reduction in road density from Alternative A and would result in reduce effects P-J structural stages including tree density. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative B is not anticipated to have measurable effects to current P-J structure therefore habitat quality for gray vireo populations. Alternative B would not designate motorized cross country travel, or motorized big game retrieval and would limit dispersed camping to less than 1 percent of P-J PNVT and fuelwood gathering to 3 percent of P-J PNVT. Effects to gray vireo habitat quality would include destruction of understory and litter habitat reducing tree germination, and ultimately tree density in proximity to roadways designated roads and trails for motorized public use with the PNVT. Effects to gray vireo habitat due to noise disturbance from motor vehicle use, dispersed camping and fuelwood gathering would be reduced under this alternative and would have beneficial effects to gray vireo habitat quality as compared to Alternative A. There would be impacts on habitat elements in localized areas (where camping and fire wood gathering is permitted), but would be reduced due to limited amount of roads within the PNVT. Alternative B improves gray vireo habitat quality over Alternative A, but is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Alternative C—Direct and Indirect Effects

Under this alternative, effects of roads and trails open to motorized public use would be reduced to 0.52 miles of roads per square mile of P-J PNVT a 20 percent reduction in road density from Alternative A and a 33 percent increase in road density from Alternative B. Alternative C would

result in reduce effects to P-J structural stages including tree density compared to Alternative A and would increase effects to gray vireo habitat quality compared to Alternative B. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative C is not anticipated to have measurable effects to current P-J structure therefore habitat quality for gray vireo flycatcher populations. Alternative C would not designate motorized cross country travel, and would limit dispersed camping to 2 percent of P-J PNVT and fuelwood gathering to 4 percent of P-J PNVT and motorized big game retrieval to 38 percent of P-J PNVT. Effects to gray vireo habitat quality would include destruction of understory and litter habitat reducing tree germination and ultimately tree density in proximity to roadways designated roads and trails for motorized public use with the PNVT. Effects to gray vireo habitat due to noise disturbance from motor vehicle use, dispersed camping and fuelwood gathering would be reduced under this alternative and would have beneficial effects to gray vireo habitat quality as compared to Alternative A but would have less of a positive effect on habitat quality compared to Alternative B. There would be impacts on habitat elements in localized areas (where camping and fire wood gathering is permitted), but would be reduced due to limited amount of roads within the PNVT. Alternative C improves gray vireo habitat quality over Alternative A, but less than what would be expected from Alternative B. Alternative C is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Alternative D—Direct and Indirect Effects

Under this alternative, effects of roads and trails open to motorized public use would be increased to 0.71 miles of roads per square mile of P-J PNVT a 9 percent increase in road density from Alternative A and a 82 percent increase in road density from Alternative B and a 36 percent increase in road density from Alternative C. Alternative D would result in increased effects to gray vireo habitat quality to P-J structural stages including tree density compared to Alternative A, Alternative B and Alternative C. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative D is not anticipated to have measurable effects to current P-J structure including tree density therefore habitat quality for gray vireo populations. Alternative D would not designate motorized cross country travel, and would increase motorized big game retrieval over all alternatives, be similar in designated areas for fuelwood gathering to Alternative A, would increase fuelwood gathering areas from Alternative B and Alternative C and would limit dispersed camping to 6 percent of P-J PNVT. Effects to gray vireo habitat quality would include destruction of understory and litter habitat reducing tree germination and ultimately tree density in proximity to designated roads and trails for motorized public use with the PNVT. Effects to gray vireo habitat due to noise disturbance from dispersed camping would be reduced compared to Alternative A, and increased compared to Alternative B and Alternative C. Effects to gray vireo habitat from fuelwood gathering would be similar to Alternative A, greater than Alternative B and Alternative C. Effects from motorized big game retrieval would be greater than all other alternatives. There would be impacts on habitat elements in localized areas (where camping and fire wood gathering is permitted), but would be reduced due to limited amount of roads within the PNVT. Alternative D decreases gray vireo habitat quality over Alternative A, Alternative B and Alternative C. Alternative D is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Townsend's Solitaire

The Townsend's solitaire is an indicator species for juniper berry production within Pinyon-Juniper Chaparral, Pinyon-Juniper Grassland, Madrean Encinal Woodland, and Interior Chaparral PNVT.

Alternative A—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of pinyon-juniper chaparral grassland, pinyon-juniper madrean encinal woodland and interior chaparral (P-J PNVT) total miles of roadways within Townsend's solitaire habitat. Diversity of forest structural stages includes variable tree maturity necessary for juniper berry production that is an important element to indicator habitat for the Townsend's solitaire in providing foraging habitat. Alternative A would designate 0.65 miles of roads per mile of P-J PNVT. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative A would continue to authorize unrestricted off-road motorized travel, motorized big game retrieval, dispersed camping and fuelwood harvest on 26 percent of PNVT acres. The primary effect of Alternative A to Townsend's solitaire habitat quality would be from effects to Townsend's solitaire habitat quality and would include disturbance from noise from motor vehicle use, dispersed camping, fuel wood gathering and motorized big game retrieval. Effects to Townsend's solitaire habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative A would designate 1,281 miles of roads and trails open to public use which could have effects to Townsend's solitaire habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Alternative B—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of pinyon-juniper chaparral grassland, pinyon-juniper madrean encinal woodland and interior chaparral (P-J PNVT) total miles of roadways within Townsend's solitaire habitat. Diversity of forest structural stages includes variable tree maturity necessary for juniper berry production that is an important element to indicator habitat for the Townsend's solitaire in providing foraging habitat. Alternative B would designate 0.39 miles of roads per mile of P-J PNVT, a 40 reduction in road density compared to Alternative A. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative B is not anticipated to have measurable effects to current P-J structure therefore habitat quality for Townsend's solitaire populations. Alternative B would not designate motorized cross country travel, or motorized big game retrieval and would limit dispersed camping to less than 1 percent of P-J PNVT and fuelwood gathering to 3 percent of P-J PNVT. The primary effect of Alternative B to Townsend's solitaire habitat quality would be from effects to Townsend's solitaire habitat quality and would include disturbance from noise from motor vehicle use, dispersed camping and fuel wood gathering. Effects to Townsend's solitaire habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative B would designate 739 miles of roads and trails open to public use which could have effects to Townsend's solitaire habitat, a reduction of 42 percent

from Alternative A but is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Alternative C—Direct and Indirect Effects

Under this alternative, effects of roads and trails open to motorized public use would be reduced to 0.52 miles of roads per square mile of P-J PNVT a 20 percent reduction in road density from Alternative A and a 33 percent increase in road density from Alternative B. Alternative C would result in reduce effects to P-J structural stages including juniper berry production compared to Alternative A but would increase effects to Townsend's solitaire habitat quality compared to Alternative B. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative C is not anticipated to have measurable effects to current P-J structure or juniper berry production therefore habitat quality for Townsend's solitaire populations. Alternative C would not designate motorized cross country travel, and would limit dispersed camping to 2 percent of P-J PNVT and fuelwood gathering to 4 percent of P-J PNVT and motorized big game retrieval to 38 percent of P-J PNVT. Effects to Townsend's solitaire habitat quality would include noise disturbance from motor vehicle use, dispersed camping and fuelwood gathering and would be reduced under this alternative and would have beneficial effects to Townsend's solitaire habitat quality as compared to Alternative A but would increase effects to Townsend's solitaire habitat quality from motorized big game retrieval when compared to Alternative A. Alternative C would increase effects to Townsend's solitaire habitat quality from effects of motor vehicle use, dispersed camping and fuelwood gathering compared to Alternative B. There would be impacts on habitat elements in localized areas (where camping, motorized big game retrieval and fire wood gathering is permitted), but would be reduced due to limited amount of roads within the PNVT. Alternative C improves Townsend's solitaire habitat quality over Alternative A, but less than what would occur with Alternative B. Alternative C is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Alternative D—Direct and Indirect Effects

Under this alternative, effects of roads and trails open to motorized public use would be increased to 0.71 miles of roads per square mile of P-J PNVT a 9 percent increase in road density from Alternative A and a 82 percent increase in road density from Alternative B and a 36 percent increase in road density from Alternative C. Alternative D would result in increased effects to Townsend's solitaire habitat quality to P-J structural stages including juniper berry production compared to Alternative A, Alternative B and Alternative C. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative D is not anticipated to have measurable effects to current P-J structure therefore habitat quality for Townsend's solitaire populations. Alternative D would not designate motorized cross country travel, and would increase motorized big game retrieval over all alternatives, be similar in designated areas for fuelwood gathering to Alternative A, and reduce dispersed camping to 6 percent of P-J PNVT. Effects to Townsend's solitaire habitat quality would include noise disturbance from dispersed camping, motorized big game retrieval, and dispersed camping. Alternative D effects to Townsend's solitaire habitat quality would be increased compared to Alternative A, Alternative B, and Alternative C. Effects to Townsend's solitaire habitat from fuelwood gathering would be similar to Alternative A, greater than Alternative B and Alternative C. There would be impacts on habitat elements in localized areas (where camping and fire wood gathering is permitted), but would be reduced due to limited

amount of roads within the PNVT. Alternative D decreases Townsend's Solitaire habitat quality over Alternative A, Alternative B and Alternative C. Alternative D is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Juniper Titmouse

The juniper titmouse is an indicator species for general woodland conditions within Pinyon-Juniper Chaparral, Pinyon-Juniper Grassland, Madrean Encinal Woodland, and Interior Chaparral PNVT.

Alternative A—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of pinyon-juniper chaparral grassland, pinyon-juniper madrean encinal woodland and interior chaparral (P-J) PNVT total miles of roadways within juniper titmouse habitat. General woodland conditions are composed of variable woodland tree species and structural stage with shrub and grass understory habitat that are important element to indicator habitat for the juniper titmouse. Alternative A would designate 0.65 miles of roads per mile of P-J PNVT. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative A would continue to authorize unrestricted off-road motorized travel, motorized big game retrieval, dispersed camping and fuelwood harvest on 26 percent of PNVT acres. The primary effect of Alternative A to juniper titmouse habitat quality would be from effects to general woodland conditions and would include disturbance from noise from motor vehicle use, dispersed camping, fuel wood gathering and motorized big game retrieval. Effects to juniper titmouse habitat would include harvest of down logs, reduction of grass and shrub understory from fuelwood harvest and dispersed camping. Motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized vehicle use. Alternative A would designate 1,281 miles of roads and trails open to motorized public use which could have effects to juniper titmouse habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Alternative B—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of pinyon-juniper chaparral grassland, pinyon-juniper madrean encinal woodland and interior chaparral (P-J) PNVT total miles of roadways within juniper titmouse habitat. General woodland conditions are composed of variable woodland tree species and structural stages with shrub and grass understory habitat that are important elements to indicator habitat for the juniper titmouse. Alternative B would designate 0.39 miles of roads per mile of P-J PNVT, a 40 percent reduction in road density compared to Alternative A. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative B is not anticipated to have measurable effects to current P-J structure therefore habitat quality for juniper titmouse populations. Alternative B would not designate motorized cross country travel, or motorized big game retrieval and would limit dispersed camping to less than 1 percent of P-J PNVT and fuelwood gathering to 3 percent of P-J PNVT. The primary effect of Alternative B to juniper titmouse habitat quality would be from effects to general woodland conditions and would include disturbance from noise from motorized vehicle use of roads and

trails, dispersed camping, and fuel wood gathering. Effects to juniper titmouse habitat would include harvest of down logs, reduction of grass and shrub understory from fuelwood harvest and dispersed camping. Effects to juniper titmouse habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative B would designate 739 miles of roads and trails open to public use which could have effects to juniper titmouse habitat, a reduction of 42 percent reduction in motorized roads and trails from Alternative A but is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Alternative C—Direct and Indirect Effects

Under this alternative, effects of roads and trails open to motorized public use would be reduced to 0.52 miles of roads per square mile of P-J PNVT a 20 percent reduction in road density from Alternative A and a 33 percent increase in road density from Alternative B. Alternative C would result in reduce effects to general woodland conditions compared to Alternative A but would increase effects to juniper titmouse habitat quality compared to Alternative B. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier 2010). Alternative C is not anticipated to have measurable effects to current general woodland habitat conditions therefore habitat quality for juniper titmouse populations. Alternative C would not designate motorized cross country travel, and would limit dispersed camping to 2 percent of P-J PNVT and fuelwood gathering to 4 percent of P-J PNVT and motorized big game retrieval to 38 percent of P-J PNVT. Effects to juniper titmouse habitat quality would include noise disturbance from motor vehicle use, dispersed camping and fuelwood gathering and would be reduced under this alternative and would have beneficial effects to juniper titmouse habitat quality as compared to Alternative A but would increase effects to juniper titmouse habitat quality from motorized big game retrieval when compared to Alternative A. Alternative C would increase effects to juniper titmouse habitat quality from effects of motor vehicle use, dispersed camping and fuelwood gathering compared to Alternative B. There would be impacts on habitat elements in localized areas (where camping, motorized big game retrieval and fire wood gathering is permitted), but would be reduced due to limited amount of roads within the PNVT. Alternative C improves juniper titmouse habitat quality over Alternative A, but less than what would occur from Alternative B. Alternative C is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Alternative D—Direct and Indirect Effects

Under this alternative, effects of roads and trails open to motorized public use would be increased to 0.71 miles of roads per square mile of P-J PNVT a 9 percent increase in road density from Alternative A and a 82 percent increase in road density from Alternative B and a 36 percent increase in road density from Alternative C. Alternative D would result in increased effects to juniper titmouse habitat quality to general woodland conditions compared to Alternative A, Alternative B and Alternative C. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative D is not anticipated to have measurable effects to current general woodland conditions therefore habitat quality for juniper titmouse populations. Alternative D would not designate motorized cross country travel, and would increase motorized big game retrieval over all alternatives, be similar in designated areas for fuelwood gathering to Alternative A, and reduce dispersed camping to 6 percent of P-J PNVT. The primary effect of Alternative D to juniper titmouse habitat quality would be from effects to general woodland conditions and would include disturbance from noise

from motor vehicle use, dispersed camping, fuel wood gathering and motorized big game retrieval. Effects to juniper titmouse habitat would include harvest of down logs, reduction of grass and shrub understory from fuelwood harvest and dispersed camping. Alternative D effects to juniper titmouse habitat quality would be increased compared to Alternative A, Alternative B, and Alternative C. Effects to juniper titmouse habitat from fuelwood gathering would be similar to Alternative A, greater than Alternative B and Alternative C. There would be impacts on habitat elements in localized areas (where camping and fire wood gathering is permitted), but would be reduced due to limited amount of roads within the PNVT. Alternative D decreases juniper titmouse habitat quality over Alternative A, Alternative B and Alternative C. Alternative D is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Northern Flicker

The northern flicker is an indicator species for snags within Pinyon-Juniper Chaparral, Pinyon-Juniper Grassland, Madrean Encinal Woodland, and Interior Chaparral PNVT.

Alternative A—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of pinyon-juniper chaparral grassland, pinyon-juniper madrean encinal woodland and interior chaparral (P-J) PNVT total miles of roadways within northern flicker habitat. General woodland conditions are composed of variable woodland tree species that meet Forest Plan guidelines for snag habitat that is an important element to indicator habitat for the northern flicker. Alternative A would designate 0.65 miles of roads per mile of P-J PNVT. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier 2010). Alternative A would continue to authorize unrestricted off-road motorized travel, motorized big game retrieval, dispersed camping and fuelwood harvest on 26 percent of PNVT acres. The primary effect of Alternative A to northern flicker habitat quality would be from effects caused by the harvest of snags for personal fuelwood gathering and campfires from dispersed camping. Alternative A may lower snag density below Forest Plan objectives of 2 to 3 snags per acre, in localized areas but may not reduce snag density below Forest Plan objectives of 180 snags per 100 acres across the PNVT. Effects to northern flicker habitat quality would include disturbance from noise from motor vehicle use, dispersed camping, fuel wood gathering, and motorized big game retrieval. Motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized vehicle use. Alternative A would designate 1,281 miles of roads and trails open to motorized public use which could have direct and indirect effects to northern flicker habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Alternative B—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of pinyon-juniper chaparral grassland, pinyon-juniper madrean encinal woodland and interior chaparral (P-J) PNVT total miles of roadways within northern flicker habitat. General woodland conditions are composed of variable woodland tree species and structural stages that meet Forest Plan guidelines for snag habitat that are important elements to indicator habitat for the northern flicker. Alternative B would designate 0.39 miles of roads per mile of P-J PNVT, a 40 percent reduction

in road density compared to Alternative A. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative B is not anticipated to have measurable effects to current P-J structure and snag density therefore habitat quality for northern flicker populations. Alternative B is not anticipated to lower snag density below Forest Plan objectives of 2 to 3 snags per acre, and would not reduce snag density below Forest Plan objectives of 180 snags per 100 acres across the PNVT. Alternative B would not designate motorized cross country travel, or motorized big game retrieval and would limit dispersed camping to less than 1 percent of P-J PNVT and fuelwood gathering to 3 percent of P-J PNVT. The primary effect of Alternative B to northern flicker habitat quality would be from effects caused by the harvest of snags for personal fuelwood gathering and campfires from dispersed camping. Effects to northern flicker habitat quality would include disturbance from noise from motor vehicle use of designated roads and trails, fuelwood gathering and dispersed camping. Effects to northern flicker habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative B would designate 739 miles of roads and trails open to public use which could have effects to northern flicker habitat, a reduction of 42 percent in motorized roads and trails from Alternative A, but is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Alternative C—Direct and Indirect Effects

Under this alternative, effects of roads and trails open to motorized public use would be reduced to 0.52 miles of roads per square mile of P-J PNVT a 20 percent reduction in road density from Alternative A and a 33 percent increase in road density from Alternative B. Alternative C would result in reduce effects to snag density within the PNVT compared to Alternative A but would increase effects to northern flicker habitat quality compared to Alternative B. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative C is not anticipated to have measurable effects to current snag density across the PNVT therefore habitat quality for northern flicker populations. Alternative C would not designate motorized cross country travel, and would limit dispersed camping to 2 percent of P-J PNVT and fuelwood gathering to 4 percent of P-J PNVT and motorized big game retrieval to 38 percent of P-J PNVT. Alternative C is not anticipated to lower snag density below Forest Plan objectives of 2 to 3 snags per acre, and not reduce snag density below Forest Plan objectives of 180 snags per 100 acres across the PNVT. Effects to northern flicker habitat quality would include noise disturbance from motor vehicle use, dispersed camping, and fuelwood gathering and would be reduced under this alternative and would have beneficial effects to juniper titmouse habitat quality as compared to Alternative A but would increase effects to juniper titmouse habitat quality from motorized big game retrieval when compared to Alternative A. The primary effect of Alternative C to northern flicker habitat quality would be from effects caused by the harvest of snags for personal fuelwood gathering and campfires from dispersed camping. Effects to northern flicker habitat quality would include disturbance from noise from motor vehicle use of designated roads and trails, fuelwood gathering, motorized big game retrieval and dispersed camping. Effects to northern flicker habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. There would be impacts on habitat elements in localized areas (where camping, motorized big game retrieval and fire wood gathering is permitted), but would be reduced due to limited amount of roads within the PNVT. Alternative C improves northern flicker habitat quality over Alternative A, but less than what

would be expected from Alternative B. Alternative C is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Alternative D—Direct and Indirect Effects

Under this alternative, effects of roads and trails open to motorized public use would be increased to 0.71 miles of roads per square mile of P-J PNVT a 9 percent increase in road density from Alternative A and a 82 percent increase in road density from Alternative B and a 36 percent increase in road density from Alternative C. Alternative D would result in increased effects to northern flicker habitat quality to snag density compared to Alternative A, Alternative B and Alternative C. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative D is not anticipated to lower snag density below Forest Plan objectives of 2 to 3 snags per acre, and not reduce snag density below Forest Plan objectives of 180 snags per 100 acres across the PNVT therefore habitat quality for northern flicker populations. Alternative D would not designate motorized cross country travel, and would increase motorized big game retrieval over all alternatives, be similar in designated areas for fuelwood gathering to Alternative A, and reduce dispersed camping to 6 percent of P-J PNVT. The primary effect of Alternative D to northern flicker habitat quality would be from effects caused by the harvest of snags for personal fuelwood gathering and campfires from dispersed camping. Effects to northern flicker habitat quality would include disturbance from noise from motor vehicle use of designated roads and trails, fuelwood gathering, motorized big game retrieval and dispersed camping. Effects to northern flicker habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative D road effects would have the greatest negative impact on habitat quality after Alternative A and the road system proposed with Alternative B would have the least negative impact followed by Alternative C. Effects to northern flicker habitat from fuelwood gathering would be similar to Alternative A, greater than Alternative B and Alternative C. There would be impacts on habitat elements in localized areas (where camping and fire wood gathering is permitted), but would be reduced due to limited amount of roads within the PNVT. Alternative D decreases northern flicker habitat quality over Alternative A, Alternative B and Alternative C. Alternative D is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Spotted Towhee

The spotted towhee is an indicator species for successional stages of pinyon-juniper within Pinyon-Juniper Chaparral, Pinyon-Juniper Grassland, Madrean Encinal Woodland, and Interior Chaparral PNVT.

Alternative A—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of pinyon-juniper chaparral grassland, pinyon-juniper madrean encinal woodland and interior chaparral (P-J) PNVT total miles of roadways within spotted towhee habitat. Diversity of woodland structural stages includes variable tree maturity necessary for presence of all successional stages and a variable to dense shrub understory with litter that are important elements to P-J PNVT indicator habitat for the spotted towhee. Alternative A would designate 0.65 miles of roads per mile of P-J PNVT. Road densities of less than 1 mile per square mile habitat would be an indicator of

watershed in good condition (Potyondy and Geier, 2010). Alternative A would continue to authorize unrestricted off-road motorized travel, motorized big game retrieval, dispersed camping and fuelwood harvest on 26 percent of PNVT acres. The primary effect of Alternative A to spotted towhee habitat quality would be from effects caused by disturbance from noise from motor vehicle use, dispersed camping, fuel wood gathering, and motorized big game retrieval. Effects to spotted towhee habitat quality would include reduction or loss of shrub understory habitat from fuelwood gathering and dispersed camping. Effects to spotted towhee habitat quality from motorized vehicle use of designated roads and trails would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized vehicle use. Alternative A would designate 1,281 miles of roads and trails open to motorized public use which could have effects to spotted towhee habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Alternative B—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of pinyon-juniper chaparral grassland, pinyon-juniper madrean encinal woodland and interior chaparral (P-J) PNVT total miles of roadways within spotted towhee habitat. Diversity of woodland structural stages includes variable tree maturity necessary for presence of all successional stages and a variable to dense shrub understory with litter that are important elements to P-J PNVT indicator habitat for the spotted towhee.. Alternative B would designate 0.39 miles of roads per mile of P-J PNVT, a 40 percent reduction in road density compared to Alternative A. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative B is not anticipated to have measurable effects to current P-J structure and shrub understory density therefore habitat quality for spotted towhee populations. Alternative B would not designate motorized cross country travel, or motorized big game retrieval and would limit dispersed camping to less than 1 percent of P-J PNVT and fuelwood gathering to 3 percent of P-J PNVT. The primary effect of Alternative B to spotted towhee habitat quality would be from effects caused by disturbance from noise from motor vehicle use, dispersed camping, fuel wood gathering, and motorized big game retrieval. Effects to spotted towhee habitat quality would include reduction or loss of shrub understory habitat from fuelwood gathering and dispersed camping. Effects to spotted towhee habitat quality from motorized vehicle use of designated roads and trails would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized vehicle use. Alternative B would designate 739 miles of roads and trails open to public use which could have effects to spotted towhee habitat, a reduction of 42 percent in motorized roads and trails from Alternative A, but is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Alternative C—Direct and Indirect Effects

Under this alternative, effects of roads and trails open to motorized public use would be reduced to 0.52 miles of roads per square mile of P-J PNVT a 20 percent reduction in road density from Alternative A and a 33 percent increase in road density from Alternative B. Alternative C would result in reduced effects to woodland successional stages and variable to dense shrub understories with litter that are important elements to P-J PNVT indicator habitat for the spotted towhee compared to Alternative A but would increase effects to spotted towhee habitat quality compared to Alternative B. Road densities of less than 1 mile per square mile habitat would be an indicator

of watershed in good condition (Potyondy and Geier, 2010). Alternative C is not anticipated to have measurable effects to current successional stages and variable to dense shrub understories across the PNVT therefore habitat quality for spotted towhee populations. Alternative C would not designate motorized cross country travel, and would limit dispersed camping to 2 percent of P-J PNVT and fuelwood gathering to 4 percent of P-J PNVT and motorized big game retrieval to 38 percent of P-J PNVT. The primary effect of Alternative C to spotted towhee habitat quality would be from effects caused by disturbance from noise from motor vehicle use, dispersed camping, fuel wood gathering, and motorized big game retrieval. Effects to spotted towhee habitat quality would include reduction or loss of shrub understory habitat from fuelwood gathering and dispersed camping. Effects to spotted towhee habitat quality from motorized vehicle use of designated roads and trails would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized vehicle use. Effects to spotted towhee habitat quality under this alternative would be beneficial to spotted towhee habitat quality as compared to Alternative A but would increase effects to spotted towhee habitat quality from motorized big game retrieval when compared to Alternative A. Effects to spotted towhee habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. There would be impacts on habitat elements in localized areas (where camping, and fuelwood gathering is permitted), but would be reduced due to limited amount of roads within the PNVT. Alternative C improves spotted towhee habitat quality over Alternative A, but less than what is expected from Alternative B. Alternative C is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Alternative D—Direct and Indirect Effects

Under this alternative, effects of roads and trails open to motorized public use would be increased to 0.71 miles of roads per square mile of P-J PNVT a 9 percent increase in road density from Alternative A and a 82 percent increase in road density from Alternative B and a 36 percent increase in road density from Alternative C. Alternative D would result in increased effects to spotted towhee habitat quality from effects to woodland successional stages and variable to dense shrub understories with litter that are important elements to P-J PNVT indicator habitat for the spotted towhee compared to Alternative A, Alternative B and Alternative C. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative D is not anticipated to have measurable effects to current woodland successional stages and variable to dense shrub understories with litter across the PNVT and therefore habitat quality for spotted towhee populations. Alternative D would not designate motorized cross country travel, and would increase motorized big game retrieval over all alternatives, be similar in designated areas for fuelwood gathering to Alternative A, and reduce dispersed camping to 6 percent of P-J PNVT. The primary effect of Alternative D to spotted towhee habitat quality would be from effects caused by disturbance from noise from motor vehicle use, dispersed camping, fuel wood gathering, and motorized big game retrieval. Effects to spotted towhee habitat quality would include reduction or loss of shrub understory habitat from fuelwood gathering and dispersed camping. Effects to spotted towhee habitat quality from motorized vehicle use of designated roads and trails would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized vehicle use. Alternative D effects to spotted towhee habitat quality would be increased compared to Alternative A, Alternative B, and Alternative C. Effects to spotted towhee habitat from fuelwood gathering would be similar to Alternative A, greater than Alternative B and Alternative C. There

would be impacts on habitat elements in localized areas (where camping and fire wood gathering is permitted), but would be reduced due to limited amount of roads within the PNVT. Alternative D decreases spotted towhee habitat quality over Alternative A, Alternative B and Alternative C. Alternative D is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Black-chinned Sparrow

The black-chinned sparrow is an indicator species for shrub density within Pinyon-Juniper Chaparral, Pinyon-Juniper Grassland, Madrean Encinal Woodland, and Interior Chaparral PNVT.

Alternative A—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of pinyon-juniper chaparral grassland, pinyon-juniper madrean encinal woodland and interior chaparral (P-J) PNVT total miles of roadways within black-chinned sparrow habitat. Diversity of woodland structural stages includes variable tree maturity with a variable to dense, diverse shrub understory that is important elements to P-J PNVT indicator habitat for the black-chinned sparrow. Alternative A would designate 0.65 miles of roads per mile of P-J PNVT. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative A would continue to authorize unrestricted off-road motorized travel, motorized big game retrieval, dispersed camping and fuelwood harvest on 26 percent of PNVT acres. The primary effect of Alternative A to black-chinned sparrow habitat quality would be from effects caused by disturbance from noise from motorized vehicle use of roads and trails, dispersed camping, fuel wood gathering and motorized big game retrieval. Effects to black-chinned sparrow habitat quality would include reduction or loss of shrub habitat component from fuelwood gathering and dispersed camping. Effects to black chinned sparrow habitat quality from motorized vehicle use of designated roads and trails would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized vehicle use. Alternative A would designate 1,281 miles of roads and trails open to motorized public use which could have effects to black-chinned sparrow habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Alternative B—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of pinyon-juniper chaparral grassland, pinyon-juniper madrean encinal woodland and interior chaparral (P-J) PNVT total miles of roadways within black-chinned sparrow habitat. Diversity of woodland structural stages includes variable tree maturity and variable to dense, diverse shrub habitat necessary with litter that is an important element to P-J PNVT indicator habitat for the black-chinned sparrow. Alternative B would designate 0.39 miles of roads per mile of P-J PNVT, a 40 percent reduction in road density compared to Alternative A. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative B is not anticipated to have measurable effects to current P-J structure and shrub understory diversity and density therefore habitat quality for black-chinned sparrow populations. Alternative B would not designate motorized cross country travel, or motorized big game retrieval and would limit dispersed camping to less than 1 percent of P-J PNVT and

fuelwood gathering to 3 percent of P-J PNVT. The primary effect of Alternative B to black-chinned sparrow habitat quality would be from effects caused by disturbance from noise from motorized vehicle use of roads and trails, dispersed camping, fuel wood gathering and motorized big game retrieval. Effects to black-chinned sparrow habitat quality would include reduction or loss of the shrub habitat component from fuelwood gathering and dispersed camping. Effects to black chinned sparrow habitat quality from motorized vehicle use of designated roads and trails would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized vehicle use. Alternative B would designate 739 miles of roads and trails open to public use which could have effects to black-chinned sparrow habitat, a reduction of 42 percent in motorized roads and trails from Alternative A, but is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Alternative C—Direct and Indirect Effects

Under this alternative, effects of roads and trails open to motorized public use would be reduced to 0.52 miles of roads per square mile of P-J PNVT a 20 percent reduction in road density from Alternative A and a 33 percent increase in road density from Alternative B. Alternative C would result in reduced effects to variable to dense shrub understories with litter that are important elements to P-J PNVT indicator habitat for the black-chinned sparrow compared to Alternative A but would increase effects to black-chinned sparrow habitat quality compared to Alternative B. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative C is not anticipated to have measurable effects to current variable to dense shrub understories across the PNVT therefore habitat quality for black-chinned sparrow populations. Alternative C would not designate motorized cross country travel, and would limit dispersed camping to 2 percent of P-J PNVT and fuelwood gathering to 4 percent of P-J PNVT and motorized big game retrieval to 38 percent of P-J PNVT. The primary effect of Alternative C to black-chinned sparrow habitat quality would be from effects caused by disturbance from noise from motorized vehicle use of roads and trails, dispersed camping, fuel wood gathering and motorized big game retrieval. Effects to black-chinned sparrow habitat quality would include reduction or loss of the shrub habitat component from fuelwood gathering and dispersed camping. Effects to black-chinned sparrow habitat quality from motorized vehicle use of designated roads and trails would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized vehicle use. Effects to black-chinned sparrow habitat quality under this alternative would be beneficial to habitat quality compared to Alternative A but would increase effects to black-chinned sparrow habitat quality from motorized big game retrieval when compared to Alternative A. Effects to black-chinned sparrow habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. There would be impacts on habitat elements in localized areas (where camping, and fuelwood gathering is permitted), but would be reduced due to limited amount of roads within the PNVT. Alternative C improves black-chinned sparrow habitat quality over Alternative A, but less than what is expected with Alternative B. Alternative C is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Alternative D—Direct and Indirect Effects

Under this alternative, effects of roads and trails open to motorized public use would be increased to 0.71 miles of roads per square mile of P-J PNVT a 9 percent increase in road density from Alternative A and a 82 percent increase in road density from Alternative B and a 36 percent

increase in road density from Alternative C. Alternative D would result in increased effects to black-chinned sparrow habitat quality from effects to the shrub with litter habitat component that is an important element to P-J PNVT indicator habitat for the black-chinned sparrow compared to Alternative A, Alternative B and Alternative C. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative D is not anticipated to have measurable effects to current shrub density and diversity across the PNVT and therefore habitat quality for black-chinned sparrow populations. Alternative D would not designate motorized cross country travel, and would increase motorized big game retrieval over all alternatives, be similar in designated areas for fuelwood gathering to Alternative A, and reduce dispersed camping to 6 percent of P-J PNVT. The primary effect of Alternative D to black-chinned sparrow habitat quality would be from effects caused by disturbance from noise from motorized vehicle use of roads and trails, dispersed camping, fuel wood gathering and motorized big game retrieval. Effects to black-chinned sparrow habitat quality would include reduction or loss of the shrub habitat component from fuelwood gathering and dispersed camping. Effects to black-chinned sparrow habitat quality from motorized vehicle use of designated roads and trails would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized vehicle use. Alternative D effects to black-chinned habitat quality would be increased compared to Alternative A, Alternative B, and Alternative C. Effects to black-chinned sparrow habitat from fuelwood gathering would be similar to Alternative A, greater than Alternative B and Alternative C. There would be impacts on habitat elements in localized areas (where camping and fire wood gathering is permitted), but would be reduced due to limited amount of roads within the PNVT. Alternative D decreases black-chinned sparrow habitat quality over Alternative A, Alternative B and Alternative C. Alternative D is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Cumulative Effects to Pinyon-Juniper Chaparral, Pinyon-Juniper Grassland, Madrean Encinal Woodland, and Juniper Chaparral Species

The pinyon-juniper chaparral, pinyon-juniper grassland, madrean encinal woodland, and juniper chaparral vegetation types provide habitat for the ash-throated flycatcher, gray vireo, Townsend's solitaire, juniper titmouse, northern flicker, spotted towhee, and black-chinned sparrow

Alternative A

Alternative A would potentially result in a long-term cumulative decrease in Pinyon-Juniper Chaparral, Pinyon-Juniper Grassland, Madrean Encinal Woodland, and Juniper Chaparral (P-J) PNVT structural stages, ground cover, shrubs, snags, and large downed woody debris. This alternative would cumulatively contribute to a decrease in key habitat components such as snags and large woody debris, cavity nesting habitat, shrub diversity and density, and general woodland conditions that are expected to be at risk from increased future demand for use of forest resources. Alternative A would continue wood and forest product harvesting, dispersed camping, motorized cross-country travel and unlimited motorized big game retrieval within the P-J PNVT. Motorized use of roads and trails may result in cumulative effects to the PNVT when other Tonto National Forest activities such as land exchanges, reauthorization of livestock grazing allotments, mining and exploratory drilling, fuels reduction projects, forest thinning, watershed/vegetation regeneration and habitat improvement, roadway material source pits, recreation management, personal use activities, and new road construction. Use of roads and motorized trails, cross-country travel and dispersed camping could cause noise disturbance within all structural stages of

the PNVNT and could result in cumulative effects to habitat quality to MIS species. The cumulative effects of Tonto National Forest activities are expected to maintain designated roads at an approximate overall density of 0.65 miles of road per square mile of P-J PNVNT. Road densities of less than 1 mile per square mile habitat would be an indicator of watersheds in good condition (Potyondy and Geier, 2010) and therefore is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVNT.

Alternative B

There would be no effects to forest structural stage diversity, ground cover, shrubs, snags, and large downed woody debris and habitat quality in the P-J PNVNT. While this alternative may result in some improvement to habitat quality, it would be unlikely that these changes would impact reproductive success to the degree that forestwide population change would occur. Overall, this alternative is not expected to change forestwide habitat or population trends for the P-J PNVNT. The effects of this alternative may combine with other activities to result in a beneficial cumulative effect to P-J PNVNT habitat quality over a much broader area. For example areas open to cross-country motorized travel would be permitted on 167 percent of the forestwide PNVNT, while Alternative B would not permit motorized cross country travel. The cumulative effects of Alternative B in relation to Tonto National Forest activities are expected to maintain designated roads at an approximate overall density of 0.39 miles of road per square mile of P-J PNVNT. Road densities of less than 1 mile per square mile habitat would be an indicator of watersheds in good condition (Potyondy and Geier, 2010) and therefore is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVNT).

Alternative C

This alternative is expected to result in an overall effect of decreasing impacts to P-J PNVNT and decreasing disturbance to the species that use it for habitat compared to Alternative A but increase potential habitat quality effects when compared to Alternative B. This alternative may result in effects to the quality of this habitat by changing the patterns of habitat available (reduced fragmentation from road use) and potentially affecting the abundance of key habitat elements such as snags and large woody debris, cavity nesting habitat, shrub diversity and density, and general woodland conditions. This alternative's reduction of roads to 0.52 miles of road per square miles of the P-J PNVNT. Road densities of less than 1 mile per square mile habitat would be an indicator of watersheds in good condition (Potyondy and Geier, 2010) and therefore is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVNT). Alternative C would not change the amount or age class distribution of indicator habitat over the P-J PNVNT. Habitat quality could improve, given the elimination of cross-country travel and reductions in the amount of open roads, motorized trails, and MBGR, lessening disturbance to MIS. When combined with other Tonto National Forest activities the cumulative effects of Alternative C may combine with other activities to result in a beneficial cumulative effect to P-J PNVNT dependent MIS species over a much broader area. Alternative C would increase motorized bog game retrieval from Alternative A, would reduce dispersed camping to 9 percent of PNVNT acres and fuelwood gathering to 12 percent of PNVNT acres. The cumulative effects of Alternative C are not anticipated to have a measurable and detectible effect on habitat quality or the species that use P-J PNVNT for habitat.

Alternative D

Alternative D would not change the amount or vegetation structural stage, ground cover, shrubs, snags, and large downed woody debris of MIS habitat in the P-J PNVT. Factors that would improve habitat quality include the elimination of cross-country travel and reductions in the amount of acres of dispersed camping lessening disturbance to MIS. Motorized vehicle use of roads and trails would be increased to 0.71 miles of road per mile of P-J PNVT a 9 percent increase from Alternative A, an 82 percent increase from Alternative B and a 36 percent increase from Alternative C. Fuelwood gathering would be similar to Alternative A and MBGR would be increased above all alternatives providing little improvement in habitat quality from current baseline conditions. Factors that moderate any improvement in habitat quality include maintaining an overall road density of 0.71 miles of open roads per square mile of PNVT, fuelwood gathering and MBGR corridors over a large amount of the PNVT. While this alternative may result in some improvements and some negative impacts to habitat quality, it would be unlikely that these changes would impact reproductive success to the degree that woodland-wide MIS species population change would occur. Overall, this alternative is not expected to change Forest-wide habitat or population trends but would provide fewer benefits and have greater impacts from disturbance compared to Alternative B and Alternative C. The effects of this alternative may combine with other activities to result in a beneficial cumulative effect to woodland dependent MIS species over a similar area as Alternative A through eliminating motorized cross-country travel. The cumulative effects of Alternative D are not anticipated to have a measurable and detectible effect on habitat quality or the species that use the ponderosa pine forest mild and mixed conifer with aspen PNVT for habitat.

Indicators of Semidesert Grassland

The semidesert grassland vegetation types are indicators for savannah sparrow and horned lark. Table 61 identifies the amount of habitat of semidesert grassland that is impacted by each of the five elements under each alternative.

Table 61: Total acres of Semidesert Grassland Habitat Impacted under Each Alternative

Elements	Forestwide	Alternative A	Alternative B	Alternative C	Alternative D
Roads and trails open to public use (miles)	376.91	277 (73%)	169.77 (45%)	225.54 (60%)	274.63 (73%)
Road density (miles per square mile)		0.46	0.29	0.38	0.46
Areas open to motorized cross-country travel (acres)	394,195.66	9,353.35 (2%)	0 (0%)	0 (0%)	0 (0%)
Big game retrieval using motorized vehicles (acres)	394,195.66	9,353.35 (2%)	0 (0%)	43,468.11 (11%)	94,612.74 (24%)
Access of dispersed camping using motorized vehicles (acres)	394,195.66	9,353.35 (2%)	4.86 (<1%)	4,835.76 (1%)	17,154.51 (4%)

Elements	Forestwide	Alternative A	Alternative B	Alternative C	Alternative D
Additional Information Pertaining to motor vehicle use (personal use fuelwood gathering) (acres)	394,195.66	63,352.21 (16%)	8,093 (2%)	9,867.08 (3%)	63,352.21 (16%)

Savannah Sparrow

The savannah sparrow is an indicator species for grass species diversity within semi-desert grassland PNVT.

Alternative A—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of semidesert grassland PNVT total miles of roadways within savannah sparrow habitat. Diversity of grassland habitats includes a grass understory with diverse species composition with litter that is an important element to diversity of grass species in the semidesert grassland PNVT indicator habitat for the savannah sparrow. Alternative A would designate 277 miles of roads as open to motorized public use, a reduction of 27 percent from current public use roads and trails and would designate a road density of 0.46 miles of roads per mile of semidesert grassland PNVT. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative A would continue to authorize motorized cross-country travel, motorized big game retrieval and dispersed camping on 2 percent of the semidesert grassland PNVT and fuelwood harvest on 16 percent of PNVT acres. The primary direct effect of roads to savannah sparrow habitat quality would be destruction of grass understory and ground cover from harvest of down logs and wood for campfire use, fuelwood gathering and dispersed camping throughout the PNVT in proximity to roadways designated roads and trails for motorized public use with the PNVT. Effects to savannah sparrow habitat quality could include disturbance from noise from motor vehicle use, dispersed camping, fuel wood gathering, and motorized big game retrieval. Effects to savannah sparrow habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative A would designate 277 miles of roads and trails open to public use which could have direct and indirect effects to savannah sparrow habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the semidesert grassland PNVT.

Alternative B—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of semidesert grassland PNVT total miles of roadways within savannah sparrow habitat. Diversity of grassland habitats includes a grass understory with diverse species composition with litter that is an important element to diversity of grass species in the semidesert grassland PNVT indicator habitat for the savannah sparrow. Alternative B would designate 170 miles of roads as open to motorized public use, a reduction of 38 percent reduction form Alternative A and would designate

a road density of 0.0.29 miles of roads per mile of semidesert grassland PNVT. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative B would continue to authorize dispersed camping on less than 1 percent of the semidesert grassland PNVT and fuelwood harvest on 2 percent of PNVT acres. Alternative B would not authorize MBGR or motorized cross-country travel. The primary direct effect of roads to savannah sparrow habitat quality would be destruction of grass understory and ground cover from harvest of down logs and wood for fuelwood gathering and dispersed camping throughout the PNVT in proximity to roadways designated roads and trails for motorized public use with the PNVT. Effects to savannah sparrow habitat quality could include disturbance from noise from motor vehicle use of roads and trails, dispersed camping, and fuel wood gathering. Effects to savannah sparrow habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative B would designate 170 miles of roads and trails open to public use which could have direct and indirect effects to savannah sparrow habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Alternative C—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of semidesert grassland PNVT total miles of roadways within savannah sparrow habitat. Diversity of grassland habitats includes a grass understory with diverse species composition with litter that is an important element to diversity of grass species in the semidesert grassland PNVT indicator habitat for the savannah sparrow. Alternative C would designate 226 miles of roads as open to motorized public use, a reduction of 18 percent from Alternative A and a 33 percent increase in miles of designated road and trails from Alternative B. Alternative C would designate a road density of 0.38 miles of roads per mile of semidesert grassland PNVT. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative C would continue to authorize dispersed camping on 1 percent of the semidesert grassland PNVT and fuelwood harvest on 3 percent of PNVT acres. MBGR would be authorized on 11 percent of semidesert PNVT a 450 percent increase in MBGR from Alternative A. Alternative C would not authorize motorized cross-country travel. The primary effect of roads to savannah sparrow habitat quality would be destruction of grass understory and ground cover from harvest of down logs and wood for fuelwood gathering and dispersed camping throughout the PNVT in proximity to roadways designated roads and trails for motorized public use with the PNVT. Effects to savannah sparrow habitat quality could include disturbance from noise from motor vehicle use of roads and trails, dispersed camping, and fuel wood gathering. Effects to savannah sparrow habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative C would decrease effects to savannah sparrow habitat from Alternative A primarily from not permitting motorized cross-country travel and would increase effects to savannah sparrow habitat from Alternative B. Alternative C would designate 226 miles of roads and trails open to public use which could have direct and indirect effects to savannah sparrow habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Alternative D—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of semidesert grassland PNVT total miles of roadways within savannah sparrow habitat. Diversity of grassland habitats includes a grass understory with diverse species composition with litter that is an important element to diversity of grass species in the semidesert grassland PNVT indicator habitat for the savannah sparrow. Alternative D would designate 275 miles of roads as open to motorized public use, similar to Alternative A, a 62 percent increase from Alternative B and a 21 percent increase in miles of designated road and trails from Alternative C. Alternative D would designate a road density of 0.46 miles of roads per mile of semidesert grassland PNVT similar to Alternative A. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative D would continue to authorize dispersed camping on 4 percent of the semidesert grassland PNVT; greater than any alternative and fuelwood harvest on 16 percent of PNVT acres similar to Alternative A. MBGR would be authorized on 24 percent of semidesert PNVT; greater than any alternative. Alternative D would not authorize motorized cross-country travel. The primary direct effect of roads to savannah sparrow habitat quality would be destruction of grass understory and ground cover from harvest of down logs and wood for fuelwood gathering and dispersed camping throughout the PNVT in proximity to roadways designated roads and trails for motorized public use with the PNVT. Effects to savannah sparrow habitat quality could include disturbance from noise from motor vehicle use of roads and trails, dispersed camping, and fuel wood gathering. Effects to savannah sparrow habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative D would decrease effects to savannah sparrow habitat from Alternative A primarily from not permitting motorized cross-country travel and would increase effects to savannah sparrow habitat from Alternative B and Alternative C. Alternative D would designate 275 miles of roads and trails open to public use which could have direct and indirect effects to savannah sparrow habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Horned Lark

The horned lark is an indicator species for vegetation aspect within semi-desert grassland PNVT.

Alternative A—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of semidesert grassland PNVT total miles of roadways within horned lark habitat. Diversity of grassland habitats includes a grass understory with diverse species composition and areas of bare ground that is an important element to the semidesert grassland PNVT indicator habitat for the horned lark. Alternative A would designate 277 miles of roads as open to motorized public use, a reduction of 27 percent from current public use roads and trails and would designate a road density of 0.46 miles of roads per mile of semidesert grassland PNVT. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative A would continue to authorize motorized cross-country travel, motorized big game retrieval and dispersed camping on 2 percent of the semidesert grassland PNVT and fuelwood harvest on 16 percent of PNVT acres. Effects to horned lark habitat quality

could include disturbance from noise from motor vehicle use, dispersed camping, fuel wood gathering, and motorized big game retrieval. Effects to horned lark habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative A would designate 277 miles of roads and trails open to public use which could have effects to horned lark habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Alternative B—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of semidesert grassland PNVT total miles of roadways within horned lark habitat. Diversity of grassland habitats includes a grass understory with diverse species composition and areas of bare ground that is an important element to the semidesert grassland PNVT indicator habitat for the horned lark. Alternative B would designate 170 miles of roads as open to motorized public use, a reduction of 38 percent from Alternative A and would designate a road density of 0.29 miles of roads per mile of semidesert grassland PNVT. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative B would continue to authorize dispersed camping on less than 1 percent of the semidesert grassland PNVT and fuelwood harvest on 2 percent of PNVT acres. Alternative B would not authorize MBGR or motorized cross-country travel. Effects to horned lark habitat quality could include disturbance from noise from motor vehicle use of roads and trails, dispersed camping, and fuel wood gathering. Effects to horned lark habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative B would designate 170 miles of roads and trails open to public use which could have direct and indirect effects to savannah sparrow habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Alternative C—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of semidesert grassland PNVT total miles of roadways within horned lark habitat. Diversity of grassland habitats includes a grass understory with diverse species composition and areas of bare ground that is an important element to the semidesert grassland PNVT indicator habitat for the horned lark. Alternative C would designate 226 miles of roads as open to motorized public use, a reduction of 18 percent reduction from Alternative A and a 33 percent increase in miles of designated road and trails from Alternative B. Alternative C would designate a road density of 0.38 miles of roads per mile of semidesert grassland PNVT. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative C would continue to authorize dispersed camping on 1 percent of the semidesert grassland PNVT and fuelwood harvest on 3 percent of PNVT acres. MBGR would be authorized on 11 percent of semidesert PNVT a 450 percent increase in MBGR from Alternative A. Alternative C would not authorize motorized cross-country travel. The primary indirect effect of roads to horned lark habitat quality would be destruction of grass understory and ground cover from harvest of down logs and wood for fuelwood gathering and dispersed camping throughout the PNVT in proximity to roadways designated roads and trails for motorized public use with the PNVT. Effects to horned lark habitat quality could include disturbance from noise from motor

vehicle use of roads and trails, dispersed camping, and fuel wood gathering. Effects to horned lark habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative C would decrease effects to horned lark habitat from Alternative A primarily from not permitting motorized cross-country travel and would increase effects to savannah sparrow habitat from Alternative B. Alternative C would designate 226 miles of roads and trails open to public use which could have effects to horned lark habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Alternative D—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of semidesert grassland PNVT total miles of roadways within horned lark habitat. Diversity of grassland habitats includes a grass understory with diverse species composition and areas of bare ground that is an important element to the semidesert grassland PNVT indicator habitat for the horned lark. Alternative D would designate 226 miles of roads as open to motorized public use, a reduction of 18 percent reduction from Alternative A and a 33 percent increase in miles of designated road and trails from Alternative B and a 21 percent increase in miles of designated road and trails from Alternative C. Alternative D would designate a road density of 0.46 miles of roads per mile of semidesert grassland PNVT similar to Alternative A. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative D would continue to authorize dispersed camping on 4 percent of the semidesert grassland PNVT; greater than any alternative and fuelwood harvest on 16 percent of PNVT acres similar to Alternative A. MBGR would be authorized on 24 percent of semidesert PNVT; greater than any alternative. Alternative D would not authorize motorized cross-country travel. The primary indirect effect of roads to horned lark habitat quality would be destruction of grass understory and ground cover from harvest of down logs and wood for fuelwood gathering and dispersed camping throughout the PNVT in proximity to roadways designated roads and trails for motorized public use with the PNVT. Effects to horned lark habitat quality could include disturbance from noise from motor vehicle use of roads and trails, dispersed camping, and fuel wood gathering. Effects to horned lark habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative D would decrease effects to horned lark habitat from Alternative A primarily from not permitting motorized cross-country travel and would increase effects to horned lark habitat from Alternative B and Alternative C. Alternative D would designate 275 miles of roads and trails open to public use which could have direct and indirect effects to horned lark habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the P-J.

Cumulative Effects to Semidesert Grassland

Alternative A

Alternative A would potentially result in a long-term cumulative decrease in the semidesert grassland PNVT structural stages, shrub and grass understory ground cover with some bare ground. This alternative would cumulatively contribute to a decrease in key habitat components such as, shrub and grass understory ground cover with some bare ground, and general semidesert

grassland habitat conditions that are expected to be at risk from increased future demand for use of forest resources. Alternative A would continue wood and forest product harvesting, dispersed camping, motorized cross-country travel and unlimited motorized big game retrieval within the semidesert grassland PNVT. Motorized use of roads and trails may result in cumulative effects to the PNVT when other Tonto National Forest activities such as land exchanges, reauthorization of livestock grazing allotments, mining and exploratory drilling, watershed/vegetation regeneration and habitat improvement, roadway material source pits, recreation management, personal use activities, and new road construction. Use of roads and motorized trails, cross-country travel and dispersed camping could cause noise disturbance within all structural stages of the PNVT and could result in cumulative effects to habitat quality to MIS species. The cumulative effects of Tonto National Forest activities are expected to maintain designated roads at an approximate overall density of 0.46 miles of road per square mile of the semidesert grassland PNVT. Road densities of less than 1 mile per square mile habitat would be an indicator of watersheds in good condition (Potyondy and Geier, 2010) and therefore is not anticipated to have a measurable and detectible effect on habitat quality of the semidesert grassland PNVT.

Alternative B

There would be no direct effects to semidesert grassland structural stage diversity, perennial grass ground cover, shrubs, and habitat quality in the semidesert grassland PNVT. While this alternative may result in some improvement to habitat quality, it would be unlikely that these changes would impact reproductive success to the degree that forestwide population change would occur. Overall, this alternative is not expected to change forestwide habitat or population trends for the semidesert grassland PNVT. The effects of this alternative may combine with other activities to result in a beneficial cumulative effect to semidesert grassland PNVT habitat quality over a much of the PNVT through elimination of motorized cross country travel, reduced dispersed camping, MBGR and fuelwood gathering. The cumulative effects of Alternative B in relation to Tonto National Forest activities are expected to maintain designated roads at an approximate overall density of 0.29 miles of road per square mile of semidesert grassland PNVT. Road densities of less than 1 mile per square mile habitat would be an indicator of watersheds in good condition (Potyondy and Geier, 2010) and therefore is not anticipated to have a measurable and detectible effect on habitat quality of the semidesert grassland PNVT.

Alternative C

This alternative is expected to result in an overall effect of decreasing impacts to semidesert grassland PNVT and decreasing disturbance to the species that use it for habitat compared to Alternative A but increase potential habitat quality effects when compared to Alternative B. This alternative may result in effects to the quality of this habitat by potentially affecting the abundance of key habitat elements such as structural stage, shrub and grass understory ground cover with some bare ground and general semidesert grassland conditions. This alternative's reduction of roads to 0.38 miles of road per square miles of the semidesert grassland PNVT would decrease potential effects to semidesert grassland PVNT from Alternative A and increase effects to the PNVT from Alternative B. Road densities of less than 1 mile per square mile habitat would be an indicator of watersheds in good condition (Potyondy and Geier, 2010) and therefore is not anticipated to have a measurable and detectible effect on habitat quality of the semidesert grassland PNVT. Alternative C would not change the amount or distribution of indicator habitat over the semidesert grassland PNVT. Habitat quality could improve, given the elimination of cross-country travel and reductions in the amount of open roads and motorized trails, and

dispersed camping, lessening disturbance to MIS. Factors that moderate any improvements in habitat quality include increasing MBGR to 11 percent of the semidesert grassland PNVT. When combined with other Tonto National Forest activities the cumulative effects of Alternative C may combine with other activities to result in a beneficial cumulative effect to semidesert grassland PNVT dependent MIS species over a much broader area. Alternative C would increase MBGR from Alternative A, would reduce dispersed camping to 1 percent of PNVT acres and fuelwood gathering to 3 percent of PNVT acres. The cumulative effects of Alternative C are not anticipated to have a measurable and detectible effect on habitat quality or the species that use semidesert grassland PNVT for habitat.

Alternative D

Alternative D would not change the amount or vegetation structural stage, shrub and grass understory ground cover with some bare ground and general semidesert grassland PNVT. Factors that would improve habitat quality include the elimination of cross-country travel lessening disturbance to MIS. Motorized vehicle use of roads and trails would be increased to 0.46 miles of road per mile of semidesert grassland PNVT similar to Alternative A, an 59 percent increase from Alternative B and a 21 percent increase from Alternative C. Fuelwood gathering would be similar to Alternative A and MBGR would be increased above all alternatives providing little improvement in habitat quality from current baseline conditions. Factors that moderate any improvement in habitat quality include maintaining an overall road density of 0.46 miles of open roads per square mile of PNVT, fuelwood gathering and MBGR corridors over a large amount of the PNVT. While this alternative may result in some improvements and some negative impacts to habitat quality, it would be unlikely that these changes would impact reproductive success to the degree that woodland-wide MIS species population change would occur. Overall, this alternative is not expected to change forestwide habitat or population trends but would provide fewer benefits and have greater impacts from disturbance compared to Alternative B and Alternative C. The effects of this alternative may combine with other activities to result in a beneficial cumulative effect to semidesert grassland dependent MIS species over a similar area as Alternative A through eliminating motorized cross-country travel. The cumulative effects of Alternative D are not anticipated to have a measurable and detectible effect on habitat quality or the species that use the semidesert grassland PNVT for habitat.

Indicators of Desert Communities

The desert community vegetation type is an indicator for the black-throated sparrow and canyon towhee.

Table 62 identifies the amount of habitat of Desert Communities that is impacted by each of the five elements under each alternative.

Table 62: Total acres of Desert Communities Habitat Impacted under Each Alternative

Elements	Forestwide	Alternative A	Alternative B	Alternative C	Alternative D
Roads and trails open to public use (miles)	810.23	581.57 (72%)	246.49 (30%)	396.36 (49%)	520.48 (64%)
Road density (miles per square mile)		0.58	0.29	0.42	0.53

Elements	Forestwide	Alternative A	Alternative B	Alternative C	Alternative D
Areas open to motorized cross-country travel (acres)	725,990.92	1,316.76 (<1%)	0 (0%)	1,403.92 (<1%)	1,403.92 (0%)
Big game retrieval using motorized vehicles (acres)	725,990.92	1,316.76 (<1%)	0 (0%)	32,665.11 (4%)	240,445.02 (33%)
Access of dispersed camping using motorized vehicles (acres)	725,990.92	1,316.76 (<1%)	10.65 (<1%)	10,191.79 (1%)	36,880.42 (5%)
Additional Information Pertaining to motor vehicle use (personal use fuelwood gathering) (acres)	725,990.92	71,843.67 (10%)	7,057.36 (1%)	8,566.65 (1%)	71,843.67 (1%)

Black-throated Sparrow

The black-throated sparrow is an indicator species for shrub density within desert communities PNVT.

Alternative A—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of desert communities PNVT total miles of roadways within black-throated sparrow habitat. Diversity of desert community habitats includes shrublands with diverse species composition with grass-forb understory with litter that is an important element to diversity of desert communities PNVT indicator habitat for the black-throated sparrow. Alternative A would designate 582 miles of roads as open to motorized public use, a reduction of 28 percent from current public use roads and trails and would designate a road density of 0.58 miles of roads per mile of desert communities PNVT. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative A would continue to authorize motorized cross-country travel, motorized big game retrieval and dispersed camping on less than percent of the desert communities PNVT and fuelwood harvest on 10 percent of PNVT acres. The primary direct effect of roads to black-throated sparrow habitat quality would be destruction of shrublands and ground cover from harvest of down logs and wood for campfire use, fuelwood gathering and dispersed camping throughout the PNVT in proximity to roadways designated roads and trails for motorized public use with the PNVT. Effects to black-throated sparrow habitat quality could include disturbance from noise from motor vehicle use, dispersed camping, fuel wood gathering, and motorized big game retrieval. Effects to black-throated sparrow habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative A would designate 582 miles of roads and trails open to public use which could have direct and indirect effects to black-throated sparrow habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Alternative B—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of desert communities PNVT total miles of roadways within black-throated sparrow habitat. Diversity of desert community habitats includes shrublands with diverse species composition with grass-forb understory with litter that is an important element to diversity of desert communities PNVT indicator habitat for the black-throated sparrow. Alternative B would designate 246 miles of roads as open to motorized public use, a reduction of 58 percent reduction from Alternative A and would designate a road density of 0.29 miles of roads per mile of desert communities PNVT a reduction in road density of 50 percent from Alternative A. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative B would not authorize motorized cross-country travel, or MBGR. Alternative B would authorize continue to authorize dispersed camping and fuelwood gathering on 1 percent of the desert communities PNVT. The primary direct effect of roads to black-throated sparrow habitat quality would be destruction of shrublands and ground cover from harvest of down logs and wood for campfire use, fuelwood gathering and dispersed camping throughout the PNVT in proximity to roadways designated roads and trails for motorized public use with the PNVT. Effects to black-throated sparrow habitat quality could include disturbance from noise from motor vehicle use, dispersed camping, and fuel wood gathering. Effects to black-throated sparrow habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative B would designate 246 miles of roads and trails open to public use and would increase black-throated sparrow habitat quality over Alternative A. Alternative B have could have direct and indirect effects to black-throated sparrow habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Alternative C—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of desert communities PNVT total miles of roadways within black-throated sparrow habitat. Diversity of desert community habitats includes shrublands with diverse species composition with grass-forb understory with litter that is an important element to diversity of desert communities PNVT indicator habitat for the black-throated sparrow. Alternative C would designate 396 miles of roads as open to motorized public use, a reduction of 32 percent from Alternative A and a 61 percent increase in roads and trails open to public use from Alternative B. Alternative C would designate a road density of 0.42 miles of roads per mile of desert communities PNVT a reduction in road density of 28 percent from Alternative A and would increase road density by 45 percent from Alternative B. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative C would authorize motorized cross-country travel, dispersed camping, and fuelwood gathering on 1 percent of the PNVT and would authorize MBGR on 4 percent of desert communities. The primary direct effect of roads to black-throated sparrow habitat quality would be destruction of shrublands and ground cover from harvest of down logs and wood for campfire use, fuelwood gathering and dispersed camping throughout the PNVT in proximity to roadways designated roads and trails for motorized public use with the PNVT. Effects to black-throated sparrow habitat quality could include disturbance from noise from motor vehicle use of roads and trails, cross-country travel, dispersed camping, and fuel wood gathering. Effects to black-throated sparrow habitat from

motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative C would designate 396 miles of roads and trails open to public use and would increase black-throated sparrow habitat quality over Alternative A and would decrease black-throated sparrow habitat quality from Alternative B. Alternative C have could have direct and indirect effects to black-throated sparrow habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Alternative D—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of desert communities PNVT total miles of roadways within black-throated sparrow habitat. Diversity of desert community habitats includes shrublands with diverse species composition with grass-forb understory with litter that is an important element to diversity of desert communities PNVT indicator habitat for the black-throated sparrow. Alternative D would designate 520 miles of roads as open to motorized public use, a reduction of 11 percent from Alternative A, a 111 percent increase in roads and trails open to public use from Alternative B and an increase of 31 percent from Alternative C. Alternative D would designate a road density of 0.53 miles of roads per mile of desert communities PNVT a reduction in road density of 8 percent from Alternative A and would increase road density by 83 percent from Alternative B and a 26 percent increase in road density from Alternative C. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative D would authorize motorized cross-country travel on 1 percent of the PNVT, authorize MBGR on 33 percent of PNVT acres greater than any alternative, and dispersed camping 5 percent of PNVT acres, greater than any alternative and fuelwood gathering on 10 percent of PNVT acres similar to Alternative A. The primary direct effect of roads to black-throated sparrow habitat quality would be destruction of shrublands and ground cover from harvest of down logs and wood for campfire use, fuelwood gathering, and dispersed camping throughout the PNVT in proximity to roadways designated roads and trails for motorized public use with the PNVT. Effects to black-throated sparrow habitat quality could include disturbance from noise from motor vehicle use of roads and trails, cross-country travel, dispersed camping, and fuel wood gathering. Effects to black-throated sparrow habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative D would designate 520 miles of roads and trails open to public use and would decrease black-throated sparrow habitat quality over all alternatives. Alternative D have could have direct and indirect effects to black-throated sparrow habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Canyon Towhee

The canyon towhee is an indicator species for ground cover within desert communities PNVT.

Alternative A—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of desert communities PNVT total miles of roadways within canyon towhee habitat. Diversity of desert community habitats includes shrublands with diverse species composition with grass-forb

understory with litter providing ground cover that is an important element to diversity of desert communities PNVT indicator habitat for the canyon towhee. Alternative A would designate 582 miles of roads as open to motorized public use, a reduction of 28 percent from current public use roads and trails and would designate a road density of 0.58 miles of roads per mile of desert communities PNVT. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative A would continue to authorize motorized cross-country travel, motorized big game retrieval and dispersed camping on less than 1 percent of the desert communities PNVT and fuelwood harvest on 10 percent of PNVT acres. The primary direct effect of roads to canyon towhee habitat quality would be destruction of ground cover from harvest of down logs and wood for campfire use, fuelwood gathering and dispersed camping throughout the PNVT in proximity to roadways designated roads and trails for motorized public use with the PNVT. Effects to canyon towhee habitat quality could include disturbance from noise from motor vehicle use, dispersed camping, fuel wood gathering, and motorized big game retrieval. Effects to canyon towhee habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative A would designate 582 miles of roads and trails open to public use which could have direct and indirect effects to canyon towhee habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Alternative B—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of desert communities PNVT total miles of roadways within canyon towhee habitat. Diversity of desert community habitats includes shrublands with diverse species composition with grass-forb understory with litter providing ground cover that is an important element to diversity of desert communities PNVT indicator habitat for the canyon towhee. Alternative B would designate 246 miles of roads as open to motorized public use, a reduction of 58 percent from Alternative A and would designate a road density of 0.29 miles of roads per mile of desert communities PNVT a reduction in road density of 50 percent from Alternative A. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative B would not authorize motorized cross-country travel, or MBGR. Alternative B would authorize continue to authorize dispersed camping and fuelwood gathering on 1 percent of the desert communities PNVT. The primary direct effect of roads to canyon towhee habitat quality would be destruction of ground cover from harvest of down logs and wood for campfire use, fuelwood gathering and dispersed camping throughout the PNVT in proximity to roadways designated roads and trails for motorized public use with the PNVT. Effects to canyon towhee habitat quality could include disturbance from noise from motor vehicle use, dispersed camping, and fuel wood gathering. Effects to canyon towhee habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative B would designate 246 miles of roads and trails open to public use and would increase canyon towhee habitat quality over Alternative A. Alternative B have could have direct and indirect effects to canyon towhee habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the desert communities PNVT.

Alternative C—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of desert communities PNVT total miles of roadways within canyon towhee habitat. Diversity of desert community habitats includes shrublands with diverse species composition with grass-forb understory with litter providing ground cover that is an important element to diversity of desert communities PNVT indicator habitat for the canyon towhee. Alternative C would designate 396 miles of roads as open to motorized public use, a reduction of 32 percent reduction from Alternative A and a 61 percent increase in roads and trails open to public use from Alternative B. Alternative C would designate a road density of 0.42 miles of roads per mile of desert communities PNVT a reduction in road density of 28 percent from Alternative A and would increase road density by 45 percent from Alternative B. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative C would authorize motorized cross-country travel, dispersed camping, and fuelwood gathering on 1 percent of the PNVT and would authorize MBGR on 4 percent of desert communities. The primary direct effect of roads to canyon towhee habitat quality would be destruction of ground cover from harvest of down logs and wood for campfire use, fuelwood gathering and dispersed camping throughout the PNVT in proximity to roadways designated roads and trails for motorized public use with the PNVT. Effects to canyon towhee habitat quality could include disturbance from noise from motor vehicle use of roads and trails, cross-country travel, dispersed camping, and fuel wood gathering. Effects to canyon towhee habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative C would designate 396 miles of roads and trails open to public use and would increase canyon towhee habitat quality over Alternative A and would decrease canyon towhee habitat quality from Alternative B. Alternative C could have direct and indirect effects to canyon towhee habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the desert communities PNVT.

Alternative D—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of desert communities PNVT total miles of roadways within canyon towhee habitat. Diversity of desert community habitats includes shrublands with diverse species composition with grass-forb understory with litter providing ground cover that is an important element to diversity of desert communities PNVT indicator habitat for the canyon towhee. Alternative D would designate 520 miles of roads as open to motorized public use, a reduction of 11 percent from Alternative A, a 111 percent increase in roads and trails open to public use from Alternative B and an increase of 31 percent from Alternative C. Alternative D would designate a road density of 0.53 miles of roads per mile of desert communities PNVT a reduction in road density of 8 percent from Alternative A and would increase road density by 83 percent from Alternative B and a 26 percent increase in road density from Alternative C. Road densities of less than 1 mile per square mile habitat would be an indicator of watershed in good condition (Potyondy and Geier, 2010). Alternative D would authorize motorized cross-country travel on 1 percent of the PNVT, authorize MBGR on 33 percent of PNVT acres greater than any alternative, and dispersed camping 5 percent of PNVT acres, greater than any alternative and fuelwood gathering on 10 percent of PNVT acres similar to Alternative A. The primary direct effect of roads to canyon

towhee habitat quality would be destruction of shrublands and ground cover from harvest of down logs and wood for campfire use, fuelwood gathering, and dispersed camping throughout the PNVT in proximity to roadways designated roads and trails for motorized public use with the PNVT. Effects to canyon towhee habitat quality could include disturbance from noise from motor vehicle use of roads and trails, cross-country travel, dispersed camping, and fuel wood gathering. Effects to canyon towhee habitat from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative D would designate 520 miles of roads and trails open to public use and would decrease canyon towhee habitat quality over all alternatives. Alternative D have could have direct and indirect effects to canyon towhee habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the desert communities PNVT.

Cumulative Effects to Desert Communities

Alternative A

Alternative A would potentially result in a long-term cumulative decrease in the desert communities PNVT shrubs structural stages, and grass understory ground cover. This alternative would cumulatively contribute to a decrease in key habitat components such as, shrub and grass understory and ground cover, and general semidesert grassland habitat conditions that are expected to be at risk from increased future demand for use of forest resources. Alternative A would continue wood and forest product harvesting, dispersed camping, motorized cross-country travel and unlimited motorized big game retrieval within the desert communities PNVT. Motorized use of roads and trails may result in cumulative effects to the PNVT when other Tonto National Forest activities such as land exchanges, reauthorization of livestock grazing allotments, mining and exploratory drilling, watershed/vegetation regeneration and habitat improvement, roadway material source pits, recreation management, personal use activities, and new road construction. Use of roads and motorized trails, cross-country travel and dispersed camping could cause noise disturbance within all structural stages of the PNVT and could result in cumulative effects to habitat quality to MIS species. The cumulative effects of Tonto National Forest activities are expected to maintain designated roads at an approximate overall density of 0.58 miles of road per square mile of the desert communities PNVT. Road densities of less than 1 mile per square mile habitat would be an indicator of watersheds in good condition (Potyondy and Geier, 2010) and therefore is not anticipated to have a measurable and detectible effect on habitat quality of the desert communities PNVT.

Alternative B

There would be no direct effects to desert communities structural stage diversity, perennial grass ground cover, shrubs, and habitat quality to desert communities PNVT MIS. While this alternative may result in some improvement to habitat quality, it would be unlikely that these changes would impact reproductive success to the degree that forestwide population change would occur. Overall, this alternative is not expected to change forestwide habitat or population trends for the desert communities PNVT MIS. The effects of this alternative may combine with other activities to result in a beneficial cumulative effect to desert communities PNVT habitat quality over a much of the PNVT through elimination of motorized cross country travel, MBGR and reduced dispersed camping and fuelwood gathering. The cumulative effects of Alternative B in relation to Tonto National Forest activities are expected to maintain designated roads at an

approximate overall density of 0.29 miles of road per square mile of desert grassland PNV. Road densities of less than 1 mile per square mile habitat would be an indicator of watersheds in good condition (Potyondy and Geier, 2010) and therefore is not anticipated to have a measurable and detectible effect on habitat quality of the desert communities PNV.

Alternative C

This alternative is expected to result in an overall effect of decreasing impacts to desert communities PNV and decreasing disturbance to the species that use it for habitat compared to Alternative A but increase potential habitat quality effects when compared to Alternative B. This alternative may result in effects to the quality of this habitat by potentially affecting the abundance of key habitat elements such as structural stage, shrub and grass understory ground cover and general desert communities conditions. This alternative's reduction of roads to 0.42 miles of road per square miles of the desert communities PNV would decrease potential effects to desert communities PNV from Alternative A and increase effects to the PNV from Alternative B. Road densities of less than 1 mile per square mile habitat would be an indicator of watersheds in good condition (Potyondy and Geier, 2010) and therefore is not anticipated to have a measurable and detectible effect on habitat quality of the desert communities PNV. Alternative C would not change the amount or distribution of indicator habitat over the desert communities PNV. Habitat quality could improve, given the reduction in the amount of open roads and motorized trails, and maintaining cross-country travel, dispersed camping, and fuel wood gathering comparable to Alternative A but increased over Alternative B. Factors that moderate any improvements in habitat quality include increasing MBGR to 4 percent of the desert communities PNV. When combined with other Tonto National Forest activities the cumulative effects of Alternative C may combine with other activities to result in a beneficial cumulative effect to desert communities PNV dependent MIS species over a much broader area. Alternative C would increase MBGR from Alternative A and decrease MBGR from Alternative B, and would be similar to Alternative A in authorized dispersed camping, and cross-country travel and would reduce fuelwood gathering and increase cross-country travel, MBGR and dispersed camping from Alternative B. The cumulative effects of Alternative C are not anticipated to have a measurable and detectible effect on habitat quality or the species that use desert communities PNV for habitat.

Alternative D

Alternative D would not change the amount or vegetation structural stage, shrub, and grass understory ground cover with some bare ground and general desert communities PNV. Cross-country travel would be authorized in Alternative D. Alternative D would authorize MBGR and dispersed camping on greater habitat acres than any alternative and would maintain fuelwood gathering similar to Alternative A and on more habitat than Alternative B and Alternative C. Motorized vehicle use of roads and trails would be increased to 0.53 miles of road per mile of desert communities PNV similar to Alternative A, an 83 percent increase from Alternative B and a 26 percent increase from Alternative C. Fuelwood gathering would be similar to Alternative A and MBGR would be increased above all alternatives providing little improvement in habitat quality from current baseline conditions. Factors that moderate any improvement in habitat quality include maintaining an overall road density of 0.53 miles of open roads per square mile of PNV, fuelwood gathering and MBGR corridors over a large amount of the PNV. While this alternative may result in negative impacts to habitat quality, it would be unlikely that these changes would impact reproductive success to the degree that woodland-wide MIS species

population change would occur. Overall, this alternative is not expected to change forestwide habitat or population trends but would provide fewer benefits and have greater impacts from disturbance compared to Alternative A, Alternative B and Alternative C. The cumulative effects of Alternative D are not anticipated to have a measurable and detectible effect on habitat quality or the species that use the semidesert grassland PNVT for habitat.

Indicators of Cottonwood Willow Riparian Forest

The Cottonwood Willow Riparian vegetation type is an indicator for the bald eagle, bell's vireo, summer tanager, and hooded oriole.

Table 63 identifies the amount of habitat of Cottonwood Willow Riparian Forest that is impacted by each of the five elements under each alternative¹¹³.

Table 63: Total Acres of Cottonwood Willow Riparian Forest Habitat Impacted under Each Alternative

Elements	Forestwide	Alternative A	Alternative B	Alternative C	Alternative D
Roads and trails open to public use (miles)	488.95	444.29 (91%)	197.48 (40%)	278.72 (57%)	393.59 (80%)
Road density (miles per square mile)		7.09	3.26	4.52	6.30
Areas open to motorized cross-country travel (acres)	41,228.82	361.68 (1%)	0 (0%)	1,203.52 (3%)	1,203.52 (3%)
Big game retrieval using motorized vehicles (acres)	41,228.82	361.68 (1%)	0 (0%)	7,433.39 (18%)	83,545.95 (203%)
Access of dispersed camping using motorized vehicles (acres)	41,228.82	361.68 (1%)	24.38 (<1%)	5,685.39 (14%)	20,150.43 (49%)
Additional Information Pertaining to motor vehicle use (personal use fuelwood gathering) (acres)	41,228.82	15,232.85 (37%)	3,074.44 (7%)	4,322.89 (10%)	15,232.85 (37%)

Bald Eagle

The bald eagle is an indicator species for general riparian habitat within the cottonwood willow riparian forest PNVT.

¹¹³ For percentages in the table that are greater than 100 percent, see the information in Data Limitations and Inaccuracies in this section for more information.

Alternative A—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of cottonwood willow riparian forest PNVT total miles of roadways within bald eagle habitat. Diversity of cottonwood willow riparian forest habitats includes a variety of riparian tree species with varying structural stages and height diversity and diverse grass-forb understory with litter providing ground cover that is an important element to diversity of cottonwood willow PNVT indicator habitat for the bald eagle. Alternative A would designate 444 miles of roads as open to motorized public use, a reduction of 91 percent of current public use roads and trails and would designate a road density of 7.1 miles of roads per mile of cottonwood willow riparian forest PNVT. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative A would continue to authorize motorized cross-country travel, MBGR and dispersed camping on 1 percent of the cottonwood willow riparian forest PNVT and fuelwood harvest on 37 percent of PNVT acres. The primary effects to bald eagle habitat quality could include disturbance from noise from motor vehicle use of roads and trails, motorized cross-country travel, dispersed camping, fuel wood gathering and MBGR. Effects to canyon bald eagle habitat quality from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative A would designate 444 miles of roads and trails open to public use which could have effects to bald eagle habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the cottonwood willow riparian forest PNVT.

Alternative B—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of cottonwood willow riparian forest PNVT total miles of roadways within bald eagle habitat. Diversity of cottonwood willow riparian forest habitats includes variety of riparian tree species with varying structural stages and height diversity and diverse grass-forb understory with litter providing ground cover that is an important element to diversity of cottonwood willow PNVT indicator habitat for the bald eagle. Alternative B would designate 197 miles of roads as open to motorized public use, a reduction of 55 percent reduction from Alternative A and would designate a road density of 3.26 miles of roads per mile of cottonwood willow riparian forest PNVT a reduction in road density of 54 percent from Alternative A. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative B would not authorize motorized cross-country travel, or MBGR. Alternative B would authorize continue to authorize dispersed camping on less than 1 percent of PNVT acres and fuelwood gathering on 7 percent of the cottonwood willow riparian forest PNVT. The primary effects to bald eagle habitat quality could include disturbance from noise from motor vehicle use of roads and trails, dispersed camping, and fuel wood gathering. Effects to bald eagle habitat quality from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative B would designate 197 miles of roads and trails open to public use and would increase bald eagle habitat quality over Alternative A. Alternative B have could have effects to bald eagle habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the P-J PNVT.

Alternative C—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of cottonwood willow riparian forest PNVT total miles of roadways within bald eagle habitat. Diversity of cottonwood willow riparian forest habitats includes variety of riparian tree species with varying structural stages and height diversity and diverse grass-forb understory with litter providing ground cover that is an important element to diversity of cottonwood willow riparian forest PNVT indicator habitat for the bald eagle. Alternative C would designate 279 miles of roads as open to motorized public use, a reduction of 37 percent reduction from Alternative A and a 41 percent increase in roads and trails open to public use from Alternative B. Alternative C would designate a road density of 4.52 miles of roads per mile of cottonwood willow riparian forest PNVT a reduction in road density of 36 percent from Alternative A and would increase road density by 38 percent from Alternative B. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative C would authorize motorized cross-country travel on 3 percent on PNVT acres, dispersed camping on 14 percent on PNVT acres and fuelwood gathering on 10 percent of the PNVT, and would authorize MBGR on 18 percent of desert cottonwood willow riparian forest. The primary effects to bald eagle habitat quality could include disturbance from noise from motor vehicle use of roads and trails, dispersed camping, and fuel wood gathering. Effects to bald eagle habitat quality from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative C would designate 279 miles of roads and trails open to public use and would be similar to effects as Alternative A and would decrease bald eagle habitat quality from Alternative B. Alternative C have could have effects to bald eagle habitat quality but is not anticipated to have a measurable and detectible effect on habitat quality of the cottonwood willow riparian forest PNVT.

Alternative D—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of cottonwood willow riparian forest PNVT total miles of roadways within bald eagle habitat. Diversity of cottonwood willow riparian forest habitats includes variety of riparian tree species with varying structural stages and height diversity and diverse grass-forb understory with litter providing ground cover that is an important element to diversity of cottonwood willow riparian forest PNVT indicator habitat for the bald eagle. Alternative D would designate 394 miles of roads as open to motorized public use, a reduction of 11 percent reduction from Alternative A, a 99 percent increase in roads and trails open to public use from Alternative B and an increase of 41 percent from Alternative C. Alternative D would designate a road density of 6.30 miles of roads per mile of cottonwood willow riparian forest PNVT a reduction in road density of 11 percent from Alternative A and would increase road density by 93 percent from Alternative B and a 39 percent increase in road density from Alternative C. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative D would authorize motorized cross-country travel on 3 percent of the PNVT, authorize MBGR on 203 percent of PNVT acres greater than any alternative, and dispersed camping 49 percent of PNVT acres, greater than any alternative and fuelwood gathering on 37 percent of PNVT acres similar to Alternative A. The primary effects to bald eagle habitat quality could include disturbance from

noise from motor vehicle use of roads and trails, dispersed camping, and fuel wood gathering. Effects to bald eagle habitat quality from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative D would designate 394 miles of roads and trails open to public use and would be similar to effects as Alternative A and would decrease bald eagle habitat quality from Alternative B and Alternative C. Alternative D could have effects to bald eagle habitat quality but is not anticipated to have a measurable and detectible effect on habitat quality of the cottonwood willow riparian forest PNVT.

Bell's Vireo

The Bell's vireo is an indicator species for well-developed understory within the cottonwood willow riparian forest PNVT.

Alternative A—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of cottonwood willow riparian forest PNVT total miles of roadways within Bell's vireo habitat. Diversity of cottonwood willow riparian forest habitats includes a variety of riparian tree species with varying structural stages and height diversity and diverse grass-forb understory with litter providing well developed understory that is an important element to diversity of cottonwood willow PNVT indicator habitat for the Bell's vireo. Alternative A would designate 444 miles of roads as open to motorized public use, a reduction of 91 percent of current public use roads and trails and would designate a road density of 7.1 miles of roads per mile of cottonwood willow riparian forest PNVT. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative A would continue to authorize motorized cross-country travel, MBGR and dispersed camping on 1 percent of the cottonwood willow riparian forest PNVT and fuelwood harvest on 37 percent of PNVT acres. The primary effects to Bell's vireo habitat quality could include disturbance from noise from motor vehicle use of roads and trails, motorized cross-country travel, dispersed camping, fuel wood gathering and MBGR. Effects to Bell's vireo habitat quality from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative A would designate 444 miles of roads and trails open to public use which could have effects to Bell's vireo habitat quality but is not anticipated to have a measurable and detectible effect on habitat quality of the cottonwood willow riparian forest PNVT.

Alternative B—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of cottonwood willow riparian forest PNVT total miles of roadways within Bell's vireo habitat. Diversity of cottonwood willow riparian forest habitats includes variety of riparian tree species with varying structural stages and height diversity and diverse grass-forb understory with litter providing well developed understory that is an important element to diversity of cottonwood willow PNVT indicator habitat for the Bell's vireo. Alternative B would designate 197 miles of roads as open to motorized public use, a reduction of 55 percent reduction from Alternative A and would designate a road density of 3.26 miles of roads per mile of cottonwood willow riparian forest PNVT a

reduction in road density of 54 percent from Alternative A. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative B would not authorize motorized cross-country travel, or MBGR. Alternative B would continue to authorize dispersed camping on less than 1 percent of PNVT acres and fuelwood gathering on 7 percent of the cottonwood willow riparian forest PNVT. Effects to cottonwood willow riparian forest would be due to destruction or removal of shrub and understory vegetation from dispersed camping and fuelwood gathering. The primary effect to Bell's vireo habitat quality could include disturbance from noise from motor vehicle use of roads and trails, dispersed camping, and fuel wood gathering. Effects to Bell's vireo habitat quality from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative B would designate 197 miles of roads and trails open to public use and would increase Bell's vireo habitat quality over Alternative A. Alternative B have could have direct and indirect effects to Bell's vireo habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the cottonwood willow riparian forest PNVT.

Alternative C—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of cottonwood willow riparian forest PNVT total miles of roadways within Bell's vireo habitat. Diversity of cottonwood willow riparian forest habitats includes variety of riparian tree species with varying structural stages and height diversity and diverse grass-forb understory with litter providing well developed understory that is an important element to diversity of cottonwood willow PNVT indicator habitat for the Bell's vireo. Alternative C would designate 279 miles of roads as open to motorized public use, a reduction of 37 percent reduction from Alternative A and a 41 percent increase in roads and trails open to public use from Alternative B. Alternative C would designate a road density of 4.52 miles of roads per mile of cottonwood willow riparian forest PNVT a reduction in road density of 36 percent from Alternative A and would increase road density by 38 percent from Alternative B. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative C would authorize motorized cross-country travel on 3 percent on PNVT acres, dispersed camping on 14 percent on PNVT acres and fuelwood gathering on 10 percent of the PNVT, and would authorize MBGR on 18 percent of cottonwood willow riparian forest communities. Effects to cottonwood willow riparian forest would be due to destruction or removal of shrub and understory vegetation from dispersed camping and fuelwood gathering. The primary effects to Bell's vireo habitat quality could include disturbance from noise from motor vehicle use of roads and trails, dispersed camping, and fuel wood gathering. Effects to Bell's vireo habitat quality from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative C would designate 279 miles of roads and trails open to public use and would be similar to effects as Alternative A and would decrease Bell's vireo habitat quality from Alternative B. Alternative C could have direct and indirect effects to Bell's vireo habitat quality but is not anticipated to have a measurable and detectible effect on habitat quality of the cottonwood willow riparian forest PNVT.

Alternative D—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of cottonwood willow riparian forest PNVT total miles of roadways within Bell's vireo habitat. Diversity of cottonwood willow riparian forest habitats includes variety of riparian tree species with varying structural stages and height diversity and diverse grass-forb understory with litter providing well developed understory that is an important element to diversity of cottonwood willow riparian forest PNVT indicator habitat for the Bell's vireo. Alternative D would designate 394 miles of roads as open to motorized public use, a reduction of 11 percent from Alternative A, a 99 percent increase in roads and trails open to public use from Alternative B and an increase of 41 percent from Alternative C. Alternative D would designate a road density of 6.30 miles of roads per mile of desert communities PNVT a reduction in road density of 11 percent from Alternative A and would increase road density by 93 percent from Alternative B and a 39 percent increase in road density from Alternative C. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative D would authorize motorized cross-country travel on 3 percent of the PNVT, authorize MBGR on 203 percent of PNVT acres greater than any alternative, and dispersed camping 49 percent of PNVT acres, greater than any alternative and fuelwood gathering on 37 percent of PNVT acres similar to Alternative A. Effects to cottonwood willow riparian forest would be due to destruction or removal of shrub and understory vegetation from dispersed camping and fuelwood gathering. The primary effects to Bell's vireo habitat quality could include disturbance from noise from motor vehicle use of roads and trails, dispersed camping, and fuel wood gathering. Effects to Bell's vireo habitat quality from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative D would designate 394 miles of roads and trails open to public use and would be similar to effects as Alternative A and would decrease Bell's vireo habitat quality from Alternative B and Alternative C. Alternative D could have direct and indirect effects to Bell's vireo habitat quality but is not anticipated to have a measurable and detectible effect on habitat quality of the cottonwood willow riparian forest PNVT.

Summer Tanager

The summer tanager is an indicator species for tall, mature trees within the cottonwood willow riparian forest PNVT.

Alternative A—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of cottonwood willow riparian forest PNVT total miles of roadways within summer tanager habitat. Diversity of cottonwood willow riparian forest habitats includes a variety of riparian tree species with varying structural stages and height diversity including tall, mature trees that are an important element to diversity of cottonwood willow PNVT indicator habitat for the summer tanager. Alternative A would designate 444 miles of roads as open to motorized public use, a reduction of 91 percent of current public use roads and trails and would designate a road density of 7.1 miles of roads per mile of cottonwood willow riparian forest PNVT. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is

altered and could be in poor condition (Potyondy and Geier, 2010). Alternative A would continue to authorize motorized cross-country travel, MBGR and dispersed camping on 1 percent of the cottonwood willow riparian forest PNVT and fuelwood harvest on 37 percent of PNVT acres. The primary effects to summer tanager habitat quality could include disturbance from noise from motor vehicle use of roads and trails, motorized cross-country travel, dispersed camping, fuelwood gathering and MBGR. Effects to summer tanager habitat quality from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative A would designate 444 miles of roads and trails open to public use which could have effects to summer tanager habitat quality but is not anticipated to have a measurable and detectible effect on habitat quality of the cottonwood willow riparian forest PNVT.

Alternative B—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of cottonwood willow riparian forest PNVT total miles of roadways within summer tanager habitat. Diversity of cottonwood willow riparian forest habitats includes variety of riparian tree species with varying structural stages and height diversity including tall, mature trees that are an important element to diversity of cottonwood willow PNVT indicator habitat for the summer tanager. Alternative B would designate 197 miles of roads as open to motorized public use, a reduction of 55 percent reduction from Alternative A and would designate a road density of 3.26 miles of roads per mile of cottonwood willow riparian forest PNVT a reduction in road density of 54 percent from Alternative A. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative B would not authorize motorized cross-country travel, or MBGR. Alternative B would continue to authorize dispersed camping on less than 1 percent of PNVT acres and fuelwood gathering on 7 percent of the cottonwood willow riparian forest PNVT. The primary effects to summer tanager habitat quality could include disturbance from noise from motor vehicle use of roads and trails, dispersed camping, and fuelwood gathering. Effects to summer tanager habitat quality from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative B would designate 197 miles of roads and trails open to public use and would increase summer tanager habitat quality over Alternative A. Alternative B have could have effects to summer tanager habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the cottonwood willow riparian forest PNVT.

Alternative C—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of cottonwood willow riparian forest PNVT total miles of roadways within summer tanager habitat. Diversity of cottonwood willow riparian forest habitats includes variety of riparian tree species with varying structural stages and height diversity including tall, mature trees that are an important element to diversity of cottonwood willow PNVT indicator habitat for the summer tanager. Alternative C would designate 279 miles of roads as open to motorized public use, a reduction of 37 percent reduction from Alternative A and a 41 percent increase in roads and trails open to public use from Alternative B. Alternative C would designate a road density of 4.52 miles of roads per mile of cottonwood willow riparian forest PNVT a reduction in road density of 36 percent from

Alternative A and would increase road density by 38 percent from Alternative B. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative C would authorize motorized cross-country travel on 3 percent on PNVN acres, dispersed camping on 14 percent on PNVN acres and fuelwood gathering on 10 percent of the PNVN, and would authorize MBGR on 18 percent of cottonwood willow riparian forest communities. The primary effects to summer tanager habitat quality could include disturbance from noise from motor vehicle use of roads and trails, motorized cross-country travel, dispersed camping, fuelwood gathering and MBGR. Effects to summer tanager habitat quality from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative C would designate 279 miles of roads and trails open to public use and would be similar to effects as Alternative A and would decrease summer tanager habitat quality from Alternative B. Alternative C could have effects to summer tanager habitat quality but is not anticipated to have a measurable and detectible effect on habitat quality of the cottonwood willow riparian forest PNVN.

Alternative D—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of cottonwood willow riparian forest PNVN total miles of roadways within summer tanager habitat. Diversity of cottonwood willow riparian forest habitats includes variety of riparian tree species with varying structural stages and height diversity including tall, mature trees that are an important element to diversity of cottonwood willow PNVN indicator habitat for the summer tanager. Alternative D would designate 394 miles of roads as open to motorized public use, a reduction of 11 percent from Alternative A, a 99 percent increase in roads and trails open to public use from Alternative B and an increase of 41 percent from Alternative C. Alternative D would designate a road density of 6.30 miles of roads per mile of cottonwood willow riparian forest PNVN a reduction in road density of 11 percent from Alternative A and would increase road density by 93 percent from Alternative B and a 39 percent increase in road density from Alternative C. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative D would authorize motorized cross-country travel on 3 percent of the PNVN, authorize MBGR on 203 percent of PNVN acres greater than any alternative, and dispersed camping 49 percent of PNVN acres, greater than any alternative and fuelwood gathering on 37 percent of PNVN acres similar to Alternative A. The primary effects to summer tanager habitat quality could include disturbance from noise from motor vehicle use of roads and trails, motorized cross-country travel, dispersed camping, fuelwood gathering and MBGR. Effects to summer tanager habitat quality from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use Alternative D would designate 394 miles of roads and trails open to public use and would be similar to effects as Alternative A and would decrease summer tanager habitat quality from Alternative B and Alternative C. Alternative D could have effects to summer tanager habitat quality but is not anticipated to have a measurable and detectible effect on habitat quality of the cottonwood willow riparian forest PNVN.

Hooded Oriole

The Hooded Oriole is an indicator species for medium sized trees within the cottonwood willow riparian forest PNVN.

Alternative A—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of cottonwood willow riparian forest PNVN total miles of roadways within hooded oriole habitat. Diversity of cottonwood willow riparian forest habitats includes a variety of riparian tree species with varying structural stages and height diversity including medium size trees that are an important element to diversity of cottonwood willow PNVN indicator habitat for the hooded oriole. Alternative A would designate 444 miles of roads as open to motorized public use, a reduction of 91 percent of current public use roads and trails and would designate a road density of 7.1 miles of roads per mile of cottonwood willow riparian forest PNVN. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative A would continue to authorize motorized cross-country travel, MBGR and dispersed camping on 1 percent of the cottonwood willow riparian forest PNVN and fuelwood harvest on 37 percent of PNVN acres. The primary effects to hooded oriole habitat quality could include disturbance from noise from motor vehicle use of roads and trails, motorized cross-country travel, dispersed camping, fuelwood gathering and MBGR. Effects to hooded oriole habitat quality from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative A would designate 444 miles of roads and trails open to public use which could have effects to hooded oriole habitat quality but is not anticipated to have a measurable and detectible effect on habitat quality of the cottonwood willow riparian forest PNVN.

Alternative B—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of cottonwood willow riparian forest PNVN total miles of roadways within hooded oriole habitat. Diversity of cottonwood willow riparian forest habitats includes variety of riparian tree species with varying structural stages and height diversity including medium size trees that are an important element to diversity of cottonwood willow PNVN indicator habitat for the hooded oriole. Alternative B would designate 197 miles of roads as open to motorized public use, a reduction of 55 percent reduction from Alternative A and would designate a road density of 3.26 miles of roads per mile of cottonwood willow riparian forest PNVN a reduction in road density of 54 percent from Alternative A. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative B would not authorize motorized cross-country travel, or MBGR. Alternative B would continue to authorize dispersed camping on less than 1 percent of PNVN acres and fuelwood gathering on 7 percent of the cottonwood willow riparian forest PNVN. The primary effects to hooded oriole habitat quality could include disturbance from noise from motor vehicle use of roads and trails, dispersed camping, and fuelwood gathering. Effects to hooded oriole habitat quality from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public

use. Alternative B would designate 197 miles of roads and trails open to public use and would increase hooded oriole habitat quality over Alternative A. Alternative B have could have effects to hooded oriole habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the cottonwood willow riparian forest PNVT.

Alternative C—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of cottonwood willow riparian forest PNVT total miles of roadways within hooded oriole habitat. Diversity of cottonwood willow riparian forest habitats includes variety of riparian tree species with varying structural stages and height diversity including medium size trees that are an important element to diversity of cottonwood willow PNVT indicator habitat for the hooded oriole. Alternative C would designate 279 miles of roads as open to motorized public use, a reduction of 37 percent reduction from Alternative A and a 41 percent increase in roads and trails open to public use from Alternative B. Alternative C would designate a road density of 4.52 miles of roads per mile of cottonwood willow riparian forest PNVT a reduction in road density of 36 percent from Alternative A and would increase road density by 38 percent from Alternative B. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative C would authorize motorized cross-country travel on 3 percent on PNVT acres, dispersed camping on 14 percent on PNVT acres and fuelwood gathering on 10 percent of the PNVT, and would authorize MBGR on 18 percent of cottonwood willow riparian forest communities. The primary effects to hooded oriole habitat quality could include disturbance from noise from motor vehicle use of roads and trails, motorized cross-country travel, dispersed camping, fuelwood gathering and MBGR. Effects to hooded oriole habitat quality from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative C would designate 279 miles of roads and trails open to public use and would be similar to effects as Alternative A and would decrease hooded oriole quality from Alternative B. Alternative C could have effects to hooded oriole habitat quality but is not anticipated to have a measurable and detectible effect on habitat quality of the cottonwood willow riparian forest PNVT.

Alternative D—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of cottonwood willow riparian forest PNVT total miles of roadways within hooded oriole habitat. Diversity of cottonwood willow riparian forest habitats includes variety of riparian tree species with varying structural stages and height diversity including medium size trees that are an important element to diversity of cottonwood willow PNVT indicator habitat for the hooded oriole. Alternative D would designate 394 miles of roads as open to motorized public use, a reduction of 11 percent from Alternative A, a 99 percent increase in roads and trails open to public use from Alternative B and an increase of 41 percent from Alternative C. Alternative D would designate a road density of 6.30 miles of roads per mile of cottonwood willow riparian forest PNVT a reduction in road density of 11 percent from Alternative A and would increase road density by 93 percent from Alternative B and a 39 percent increase in road density from Alternative C. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier,

2010). Alternative D would authorize motorized cross-country travel on 3 percent of the PNVT, authorize MBGR on 203 percent of PNVT acres greater than any alternative, and dispersed camping 49 percent of PNVT acres, greater than any alternative and fuelwood gathering on 37 percent of PNVT acres similar to Alternative A. The primary effects to hooded oriole habitat quality could include disturbance from noise from motor vehicle use of roads and trails, motorized cross-country travel, dispersed camping, fuelwood gathering and MBGR. Effects to hooded oriole habitat quality from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative D would designate 394 miles of roads and trails open to public use and would be similar to effects as Alternative A and would decrease hooded oriole habitat quality from Alternative B and Alternative C. Alternative D could have effects to hooded oriole habitat quality but is not anticipated to have a measurable and detectible effect on habitat quality of the cottonwood willow riparian forest PNVT.

Cumulative Effects to Cottonwood Willow Riparian Forest Species

Alternative A

Alternative A would potentially result in a long-term cumulative decrease in the cottonwood willow riparian forest PNVT structural stages, tree heights and a well-developed understory. This alternative would cumulatively contribute to a decrease in key habitat components such as a well-developed understory, and general cottonwood willow riparian forest habitat conditions that are expected to be at risk from increased future demand for use of forest resources. Alternative A would continue wood and forest product harvesting, dispersed camping, motorized cross-country travel and unlimited motorized big game retrieval within the cottonwood willow riparian forest PNVT. Motorized use of roads and trails may result in cumulative effects to the PNVT when other Tonto National Forest activities such as land exchanges, reauthorization of livestock grazing allotments, mining and exploratory drilling, watershed/vegetation regeneration and habitat improvement, roadway material source pits, recreation management, personal use activities, and new road construction. Use of roads and motorized trails, cross-country travel and dispersed camping could cause noise disturbance within all structural stages of the PNVT and could result in cumulative effects to habitat quality to MIS species. The cumulative effects of Tonto National Forest activities are expected to maintain designated roads at an approximate overall density of 0.7.09 miles of road per square mile of the cottonwood willow riparian forest PNVT. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative A is not anticipated to have a measurable and detectible effect on habitat quality of the cottonwood willow riparian forest PNVT.

Alternative B

There would have no direct effects to cottonwood willow riparian forest structural stage diversity, tree height, well developed understory, and habitat quality to cottonwood willow riparian forest PNVT MIS. While this alternative may result in some improvement to habitat quality, it would be unlikely that these changes would impact reproductive success to the degree that forestwide population change would occur. Overall, this alternative is not expected to change forestwide habitat or population trends for the cottonwood willow riparian forest PNVT MIS. The effects of this alternative may combine with other activities to result in a beneficial cumulative effect to

cottonwood willow riparian forest PNVT habitat quality over a much of the PNVT through elimination of motorized cross country travel, MBGR and reduced dispersed camping and fuelwood gathering. The cumulative effects of Alternative B in relation to Tonto National Forest activities are expected to maintain designated roads at an approximate overall density of 3.26 miles of road per square mile of cottonwood willow riparian forest PNVT. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative B would have a beneficial effect to cottonwood willow riparian forest compared to Alternative A, however it is not anticipated to have a measurable and detectible effect on habitat quality of the cottonwood willow riparian forest PNVT.

Alternative C

This alternative is expected to result in an overall effect of decreasing impacts to the cottonwood willow riparian forest PNVT and decreasing disturbance to the species that use it for habitat compared to Alternative A but increase potential habitat quality effects when compared to Alternative B. This alternative may result in effects to the quality of this habitat by potentially affecting the abundance of key habitat elements such a well-developed understory and general the cottonwood willow riparian forest conditions. This alternative's reduction of roads to 4.25 miles of road per square miles of the cottonwood willow riparian forest PNVT would decrease potential effects to the cottonwood willow riparian forest PNVT from Alternative A and increase effects to the PNVT from Alternative B. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative C would not change the amount or distribution of indicator habitat over the cottonwood willow riparian forest PNVT. Habitat quality could improve, given the reduction in the amount of open roads and motorized trails, and maintaining cross-country travel, dispersed camping, and fuel wood gathering comparable to Alternative A but increased over Alternative B. Factors that moderate any improvements in habitat quality include increasing MBGR to 4 percent of the cottonwood willow riparian forest PNVT. When combined with other Tonto National Forest activities the cumulative effects of Alternative C may combine with other activities to result in a beneficial cumulative effect to cottonwood willow riparian forest PNVT dependent MIS species over a much broader area. Alternative C would increase MBGR from Alternative A and decrease MBGR from Alternative B, and would be similar to Alternative A in authorized dispersed camping, and cross-country travel and would reduce fuelwood gathering and increase cross-country travel, MBGR and dispersed camping from Alternative B. The cumulative effects of Alternative C are not anticipated to have a measurable and detectible effect on habitat quality or the species that use cottonwood willow riparian forest PNVT for habitat.

Alternative D

Alternative D would not change the amount or vegetation structural stage, tree heights and a well-developed understory in the cottonwood willow riparian forest PNVT. Cross-country travel would be authorized in Alternative D. Alternative D would authorize MBGR and dispersed camping on greater habitat acres than any alternative and would maintain fuelwood gathering similar to Alternative A and on more habitat than Alternative B and Alternative C. Motorized vehicle use of roads and trails would be increased to 6.30 miles of road per mile of desert communities PNVT similar to Alternative A, an 11 percent decrease from Alternative A, an 38 percent increase from Alternative B and a 39 percent increase from Alternative C. Fuelwood gathering would be similar

to Alternative A and MBGR would be increased above all alternatives providing little improvement in habitat quality from current baseline conditions. Factors that moderate any improvement in habitat quality include maintaining an overall road density of 6.30 miles of open roads per square mile of PNVT, fuelwood gathering and MBGR corridors over a large amount of the PNVT. While this alternative may result in negative impacts to habitat quality, it would be unlikely that these changes would impact reproductive success to the degree that cottonwood willow riparian forest MIS species population change would occur. Overall, this alternative is not expected to change forestwide habitat or population trends but would provide fewer benefits and have greater impacts from disturbance compared to Alternative A, Alternative B and Alternative C. The cumulative effects of Alternative D are not anticipated to have a measurable and detectible effect on habitat quality or the species that use the cottonwood willow riparian forest PNVT for habitat.

Indicators of Mixed Broadleaf Deciduous Riparian Forest

The mixed broadleaf deciduous riparian forest vegetation type is an indicator for the hairy woodpecker, Arizona gray squirrel, warbling vireo, western wood pewee, and common black hawk.

Table 64 identifies the amount of habitat of mixed broadleaf deciduous riparian forest that is impacted by each of the five elements under each alternative¹¹⁴.

Table 64: Total acres of Mixed Broadleaf Deciduous Riparian Forest Habitat Impacted under Each Alternative

Elements	Forestwide	Alternative A	Alternative B	Alternative C	Alternative D
Roads and trails open to public use (miles)	337.82	262.74 (78%)	166.51 (49%)	213.95 (63%)	256.91 (76%)
Road density (miles per square mile)		9.84	6.35	8.06	9.61
Areas open to motorized cross-country travel (acres)	17,731.10	33,825.25 (191%)	0 (0%)	0 (0%)	0 (0%)
Big game retrieval using motorized vehicles (acres)	17,731.10	33,825.25 (191%)	0 (0%)	31,018.73 (175%)	43,281.9 (244%)
Access of dispersed camping using motorized vehicles (acres)	17,731.10	33,825.25 (191%)	3.74 (<1%)	4,345.57 (25%)	14,381.01 (81%)
Additional Information Pertaining to motor vehicle use (personal use fuelwood gathering) (acres)	17,731.10	25,846.11 (146%)	5,777.2 (33%)	7,117.99 (40%)	25,846.11 (146%)

¹¹⁴ For percentages in the table that are greater than 100 percent, see the information in Data Limitations and Inaccuracies in this section for more information.

Hairy Woodpecker

The hairy woodpecker is an indicator species for snags and cavities within the mixed broadleaf deciduous riparian forest PNVT.

Alternative A—Direct and Indirect Effects

Effects to the hairy woodpecker for this vegetation type are the same as those found under indicators of ponderosa pine and mixed conifer with aspen vegetation type found earlier in this section.

Alternative B—Direct and Indirect Effects

Effects to the hairy woodpecker for this vegetation type are the same as those found under indicators of ponderosa pine and mixed conifer with aspen vegetation type found earlier in this section.

Alternative C—Direct and Indirect Effects

Effects to the hairy woodpecker for this vegetation type are the same as those found under indicators of ponderosa pine and mixed conifer with aspen vegetation type found earlier in this section.

Alternative D—Direct and Indirect Effects

Effects to the hairy woodpecker for this vegetation type are the same as those found under indicators of ponderosa pine and mixed conifer with aspen vegetation type found earlier in this section.

Arizona Gray Squirrel

The Arizona gray squirrel is an indicator species for general riparian habitat within the mixed broadleaf deciduous riparian forest PNVT.

Alternative A—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of mixed broadleaf deciduous riparian forest PNVT total miles of roadways within Arizona gray squirrel habitat. Diversity of mixed broadleaf deciduous riparian forest habitats includes a variety of riparian tree species with varying structural stages and height diversity and diverse grass-forb understory with litter providing ground cover that is an important element to general mixed broadleaf deciduous riparian forest PNVT indicator habitat for the Arizona gray squirrel. Alternative A would designate 338 miles of roads and trails open to motorized public use, 78 percent of current public use roads and trails in the mixed broadleaf deciduous riparian PNVT and would designate a road density of 9.84 miles of roads per mile of mixed broadleaf deciduous riparian PNVT. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative A would continue to authorize motorized cross-country travel, MBGR and dispersed camping on 191 percent of the mixed broadleaf

deciduous riparian forest PNVT and fuelwood harvest on 146 percent of PNVT acres. Effects to mixed broadleaf deciduous riparian forest PNVT would be due to destruction and disturbance of shrub understory and ground cover vegetation from dispersed camping and fuelwood gathering. The primary effects to Arizona gray squirrel habitat quality could include disturbance from noise from motor vehicle use of roads and trails, motorized cross-country travel, dispersed camping, fuel wood gathering and MBGR. Effects to Arizona gray squirrel habitat quality from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative A would designate 263 miles of roads and trails open to public use which could have direct and indirect effects to Arizona gray squirrel habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the mixed broadleaf deciduous riparian forest PNVT.

Alternative B—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of mixed broadleaf deciduous riparian forest PNVT total miles of roadways within Arizona gray squirrel habitat. Diversity of mixed broadleaf deciduous riparian forest habitats includes variety of riparian tree species with varying structural stages and height diversity shrub and ground cover components that are an important element to diversity of mixed broadleaf deciduous riparian forest PNVT indicator habitat for the Arizona gray squirrel. Alternative B would designate 167 miles of roads as open to motorized public use, a reduction of 36 percent reduction from Alternative A and would designate a road density of 6.35 miles of roads per mile of cottonwood mixed broadleaf deciduous riparian forest PNVT a reduction in road density of 35 percent from Alternative A. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative B would not authorize motorized cross-country travel, or MBGR. Alternative B would continue to authorize dispersed camping on less than 1 percent of PNVT acres and fuelwood gathering on 33 percent of the mixed broadleaf deciduous riparian forest PNVT. Effects to mixed broadleaf deciduous riparian forest PNVT would be due to destruction and disturbance of shrub understory and ground cover vegetation from dispersed camping and fuelwood gathering. The primary effects to Arizona gray squirrel habitat quality could include disturbance from noise from motor vehicle use of roads and trails, motorized cross-country travel, dispersed camping, fuel wood gathering and MBGR. Effects to Arizona gray squirrel habitat quality from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative B would designate 167 miles of roads and trails open to public use and would increase Arizona gray squirrel habitat quality over Alternative A. Alternative B have could have direct and indirect effects to Arizona gray squirrel habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the cottonwood willow riparian forest PNVT.

Alternative C—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of mixed broadleaf deciduous riparian forest PNVT total miles of roadways within Arizona gray squirrel habitat. Diversity of mixed broadleaf deciduous riparian forest habitats includes variety of riparian tree species with varying structural stages and height diversity with a tall overstory

component that are an important elements to diversity of mixed broadleaf deciduous riparian forest PNV indicator habitat for the Arizona gray squirrel. Alternative C would designate 214 miles of roads as open to motorized public use, a reduction of 19 percent reduction from Alternative A and a 28 percent increase in roads and trails open to public use from Alternative B. Alternative C would designate a road density of 8.06 miles of roads per mile of mixed broadleaf deciduous riparian forest habitats PNV a reduction in road density of 18 percent from Alternative A and would increase road density by 27 percent from Alternative B. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative C would not authorize motorized cross-country travel. Alternative C would authorize MBGR on 175 percent of PNV acres, dispersed camping on 25 percent of the PNV and fuelwood gathering on 40 percent of the PNV. Effects to mixed broadleaf deciduous riparian forest PNV would be due to destruction and disturbance of shrub understory and ground cover vegetation from dispersed camping and fuelwood gathering. The primary effects to Arizona gray squirrel habitat quality could include disturbance from noise from motor vehicle use of roads and trails, motorized cross-country travel, dispersed camping, fuel wood gathering and MBGR. Effects to Arizona gray squirrel habitat quality from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative C would designate 214 miles of roads and trails open to public use and would increase Arizona gray squirrel habitat quality over Alternative A primarily from not authorizing motorized cross-country travel and would decrease Arizona gray squirrel habitat quality from Alternative B. Alternative C could have direct and indirect effects to Arizona gray squirrel habitat quality but is not anticipated to have a measurable and detectible effect on habitat quality of the mixed broadleaf deciduous riparian forest PNV.

Alternative D—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of mixed broadleaf deciduous riparian forest PNV total miles of roadways within Arizona gray squirrel habitat. Diversity of mixed broadleaf deciduous riparian forest habitats includes a variety of riparian tree species with varying structural stages and height diversity, shrub and ground cover components that are an important element to diversity of mixed broadleaf deciduous riparian forest PNV indicator habitat for the Arizona gray squirrel. Alternative D would designate 257 miles of roads as open to motorized public use, a reduction of 2 percent from Alternative A, a 54 percent increase in roads and trails open to public use from Alternative B and an increase of 19 percent increase from Alternative C. Alternative D would designate a road density of 9.61 miles of roads per mile of mixed broadleaf deciduous riparian forest PNV a reduction in road density of 2 percent from Alternative A and would increase road density by 51 percent from Alternative B and a 19 percent increase in road density from Alternative C. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative D would not authorize motorized cross-country travel. Alternative D would authorize MBGR on 244 percent of PNV acres greater than any alternative, and dispersed camping 49 percent of PNV acres, greater than any alternative. Alternative A would authorize dispersed camping on 81 percent of PNV acres a 57 percent reduction from Alternative A but would increase dispersed camping over Alternative B and Alternative C. Alternative D would authorize fuelwood gathering on 146 percent of PNV acres similar to Alternative A. Effects to mixed

broadleaf deciduous riparian forest PNVT would be due to destruction and disturbance of shrub understory and ground cover vegetation from dispersed camping and fuelwood gathering. The primary effects to Arizona gray squirrel habitat quality could include disturbance from noise from motor vehicle use of roads and trails, motorized cross-country travel, dispersed camping, fuel wood gathering and MBGR. Effects to Arizona gray squirrel habitat quality from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative D would designate 257 miles of roads and trails open to public use and would be similar to effects as Alternative A and would decrease Arizona gray squirrel habitat quality from Alternative B and Alternative C. Alternative D could have direct and indirect effects to Arizona gray squirrel habitat quality but is not anticipated to have a measurable and detectible effect on habitat quality of the cottonwood willow riparian forest PNVT.

Warbling Vireo

The warbling vireo is an indicator species for tall overstory within the mixed broadleaf deciduous riparian forest PNVT.

Alternative A—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of mixed broadleaf deciduous riparian forest PNVT total miles of roadways within warbling vireo habitat. Diversity of mixed broadleaf deciduous riparian forest habitats includes a variety of riparian tree species with varying structural stages and height diversity with tall overstory component that is an important element to general mixed broadleaf deciduous riparian forest PNVT indicator habitat for the warbling vireo. Alternative A would designate 338 miles of roads and trails open to motorized public use, 78 percent of current public use roads and trails in the mixed broadleaf deciduous riparian PNVT and would designate a road density of 9.84 miles of roads per mile of mixed broadleaf deciduous riparian PNVT. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative A would continue to authorize motorized cross-country travel, MBGR and dispersed camping on 191 percent of the mixed broadleaf deciduous riparian forest PNVT and fuelwood harvest on 146 percent of PNVT acres. Alternative A is not anticipated to effect tall overstory habitat component of the mixed broadleaf riparian forest PNVT. The primary effects to warbling vireo habitat quality could include disturbance from noise from motor vehicle use of roads and trails, motorized cross-country travel, dispersed camping, fuel wood gathering and MBGR. Effects to warbling vireo habitat quality from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative A would designate 263 miles of roads and trails open to public use which could have indirect effect to warbling vireo habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the mixed broadleaf deciduous riparian forest PNVT.

Alternative B—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of mixed broadleaf deciduous riparian forest PNVT total miles of roadways within warbling vireo habitat.

Diversity of mixed broadleaf deciduous riparian forest habitats includes variety of riparian tree species with varying structural stages and height diversity with a tall overstory component that are an important elements to diversity of mixed broadleaf deciduous riparian forest PNVT indicator habitat for the warbling vireo. Alternative B would designate 167 miles of roads as open to motorized public use, a reduction of 36 percent reduction from Alternative A and would designate a road density of 6.35 miles of roads per mile of cottonwood mixed broadleaf deciduous riparian forest PNVT a reduction in road density of 35 percent from Alternative A. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative B would not authorize motorized cross-country travel, or MBGR. Alternative B would continue to authorize dispersed camping on less than 1 percent of PNVT acres and fuelwood gathering on 33 percent of the mixed broadleaf deciduous riparian forest PNVT. Alternative B is not anticipated to affect the tall overstory habitat component of the mixed broadleaf riparian forest PNVT. The primary effects to warbling vireo habitat quality could include disturbance from noise from motor vehicle use of roads and trails, motorized cross-country travel, dispersed camping, fuel wood gathering and MBGR. Effects to warbling vireo habitat quality from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative B would designate 167 miles of roads and trails open to public use and would increase warbling vireo habitat quality over Alternative A. Alternative B have could have effects to warbling vireo habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the mixed broadleaf deciduous riparian forest PNVT.

Alternative C—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of mixed broadleaf deciduous riparian forest PNVT total miles of roadways within warbling vireo habitat. Diversity of mixed broadleaf deciduous riparian forest habitats includes variety of riparian tree species with varying structural stages and height diversity with a tall overstory component that are important elements to diversity of mixed broadleaf deciduous riparian forest PNVT indicator habitat for the warbling vireo. Alternative C would designate 214 miles of roads as open to motorized public use, a reduction of 19 percent reduction from Alternative A and a 28 percent increase in roads and trails open to public use from Alternative B. Alternative C would designate a road density of 8.06 miles of roads per mile of mixed broadleaf deciduous riparian forest habitats PNVT a reduction in road density of 18 percent from Alternative A and would increase road density by 27 percent from Alternative B. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative C would not authorize motorized cross-country travel. Alternative C would authorize MBGR on 175 percent of PNVT acres, dispersed camping on 25 percent of the PNVT and fuelwood gathering on 40 percent of the PNVT. Alternative C is not anticipated to affect the tall overstory habitat component of the mixed broadleaf riparian forest PNVT. The primary effects to warbling vireo habitat quality could include disturbance from noise from motor vehicle use of roads and trails, motorized cross-country travel, dispersed camping, fuel wood gathering and MBGR. Effects to warbling vireo habitat quality from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative C would designate 214 miles of roads and trails open to public use and would

increase warbling vireo habitat quality over Alternative A primarily from not authorizing motorized cross-country travel and would decrease warbling vireo habitat quality from Alternative B. Alternative C could have effects to warbling vireo habitat quality but is not anticipated to have a measurable and detectible effect on habitat quality of the mixed broadleaf deciduous riparian forest PNVT.

Alternative D—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of mixed broadleaf deciduous riparian forest PNVT total miles of roadways within warbling vireo habitat. Diversity of mixed broadleaf deciduous riparian forest habitats includes a variety of riparian tree species with varying structural stages and height diversity with a tall overstory component that are an important element to diversity of mixed broadleaf deciduous riparian forest PNVT indicator habitat for the warbling vireo. Alternative D would designate 257 miles of roads as open to motorized public use, a reduction of 2 percent from Alternative A, a 54 percent increase in roads and trails open to public use from Alternative B and an increase of 19 percent increase from Alternative C. Alternative D would designate a road density of 9.61 miles of roads per mile of mixed broadleaf deciduous riparian forest PNVT a reduction in road density of 2 percent from Alternative A and would increase road density by 51 percent from Alternative B and a 19 percent increase in road density from Alternative C. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative D would not authorize motorized cross-country travel. Alternative D would authorize MBGR on 244 percent of PNVT acres greater than any alternative, and dispersed camping 49 percent of PNVT acres, greater than any alternative. Alternative D would authorize dispersed camping on 81 percent of PNVT acres, a 57 percent reduction from Alternative A but would increase dispersed camping over Alternative B and Alternative C. Alternative D would authorize fuelwood gathering on 146 percent of PNVT acres similar to Alternative A. Alternative D is not anticipated to affect the tall overstory habitat component of the mixed broadleaf riparian forest PNVT. The primary effects to warbling vireo habitat quality could include disturbance from noise from motor vehicle use of roads and trails, motorized cross-country travel, dispersed camping, fuel wood gathering and MBGR. Effects to warbling vireo habitat quality from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative D would designate 257 miles of roads and trails open to public use and would be similar to effects as Alternative A and would decrease warbling vireo habitat quality from Alternative B and Alternative C. Alternative D could have effects to warbling vireo habitat quality but is not anticipated to have a measurable and detectible effect on habitat quality of the mixed broadleaf deciduous riparian forest PNVT.

Western Wood Pewee

The western wood pewee is an indicator species for medium overstory within the mixed broadleaf deciduous riparian forest PNVT.

Alternative A—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of mixed

broadleaf deciduous riparian forest PNVT total miles of roadways within western wood pewee habitat. Diversity of mixed broadleaf deciduous riparian forest habitats includes a variety of riparian tree species with varying structural stages and height diversity with a mixed overstory component that is an important element to general mixed broadleaf deciduous riparian forest PNVT indicator habitat for the western wood pewee. Alternative A would designate 338 miles of roads and trails open to motorized public use, 78 percent of current public use roads and trails in the mixed broadleaf deciduous riparian PNVT and would designate a road density of 9.84 miles of roads per mile of mixed broadleaf deciduous riparian PNVT. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative A would continue to authorize motorized cross-country travel, MBGR and dispersed camping on 191 percent of the mixed broadleaf deciduous riparian forest PNVT and fuelwood harvest on 146 percent of PNVT acres. Alternative A is not anticipated to affect the medium overstory habitat component of the mixed broadleaf riparian forest PNVT. The primary effects to western wood pewee habitat quality could include disturbance from noise from motor vehicle use of roads and trails, motorized cross-country travel, dispersed camping, fuel wood gathering and MBGR. Effects to western wood pewee habitat quality from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative A would designate 263 miles of roads and trails open to public use which could have indirect effect to western wood pewee habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the mixed broadleaf deciduous riparian forest PNVT.

Alternative B—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of mixed broadleaf deciduous riparian forest PNVT total miles of roadways within western wood pewee habitat. Diversity of mixed broadleaf deciduous riparian forest habitats includes variety of riparian tree species with varying structural stages and height diversity with a medium overstory component that are an important elements to diversity of mixed broadleaf deciduous riparian forest PNVT indicator habitat for the western wood pewee. Alternative B would designate 167 miles of roads as open to motorized public use, a reduction of 36 percent reduction from Alternative A and would designate a road density of 6.35 miles of roads per mile of mixed broadleaf deciduous riparian forest PNVT a reduction in road density of 35 percent from Alternative A. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative B would not authorize motorized cross-country travel, or MBGR. Alternative B would continue to authorize dispersed camping on less than 1 percent of PNVT acres and fuelwood gathering on 33 percent of the mixed broadleaf deciduous riparian forest PNVT. Alternative B is not anticipated to affect the medium overstory habitat component of the mixed broadleaf riparian forest PNVT. The primary effects to western wood pewee habitat quality could include disturbance from noise from motor vehicle use of roads and trails, motorized cross-country travel, dispersed camping, fuel wood gathering and MBGR. Effects to western wood pewee habitat quality from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative B would designate 167 miles of roads and trails open to public use and would increase western wood pewee habitat quality over Alternative A. Alternative B

have could have effects to western wood pewee habitat but is not anticipated to have a measurable and detectable effect on habitat quality of the mixed broadleaf deciduous riparian forest PNVT.

Alternative C—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of mixed broadleaf deciduous riparian forest PNVT total miles of roadways within western wood pewee habitat. Diversity of mixed broadleaf deciduous riparian forest habitats includes variety of riparian tree species with varying structural stages and height diversity with a medium overstory component that are important elements to diversity of mixed broadleaf deciduous riparian forest PNVT indicator habitat for the western wood pewee. Alternative C would designate 214 miles of roads as open to motorized public use, a reduction of 19 percent reduction from Alternative A and a 28 percent increase in roads and trails open to public use from Alternative B. Alternative C would designate a road density of 8.06 miles of roads per mile of mixed broadleaf deciduous riparian forest habitats PNVT a reduction in road density of 18 percent from Alternative A and would increase road density by 27 percent from Alternative B. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010).

Alternative C would not authorize motorized cross-country travel. Alternative C would authorize MBGR on 175 percent of PNVT acres, dispersed camping on 25 percent of the PNVT and fuelwood gathering on 40 percent of the PNVT. Alternative C is not anticipated to affect the medium overstory habitat component of the mixed broadleaf riparian forest PNVT. The primary effects to western wood pewee habitat quality could include disturbance from noise from motor vehicle use of roads and trails, motorized cross-country travel, dispersed camping, fuel wood gathering and MBGR. Effects to western wood pewee habitat quality from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative C would designate 214 miles of roads and trails open to public use and would increase western wood pewee habitat quality over Alternative A primarily from not authorizing motorized cross-country travel and would decrease western wood pewee habitat quality from Alternative B. Alternative C could have effects to western wood pewee habitat quality but is not anticipated to have a measurable and detectable effect on habitat quality of the mixed broadleaf deciduous riparian forest PNVT.

Alternative D—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of mixed broadleaf deciduous riparian forest PNVT total miles of roadways within western wood pewee habitat. Diversity of mixed broadleaf deciduous riparian forest habitats includes a variety of riparian tree species with varying structural stages and height diversity with a medium overstory component that are an important element to diversity of mixed broadleaf deciduous riparian forest PNVT indicator habitat for the western wood pewee. Alternative D would designate 257 miles of roads as open to motorized public use, a reduction of 2 percent from Alternative A, a 54 percent increase in roads and trails open to public use from Alternative B and an increase of 19 percent increase from Alternative C. Alternative D would designate a road density of 9.61 miles of roads per mile of mixed broadleaf deciduous riparian forest PNVT a reduction in road density of 2 percent from Alternative A and would increase road density by 51 percent from Alternative B and

a 19 percent increase in road density from Alternative C. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative D would not authorize motorized cross-country travel. Alternative D would authorize MBGR on 244 percent of PNVT acres greater than any alternative, and dispersed camping 49 percent of PNVT acres, greater than any alternative. Alternative D would authorize dispersed camping on 81 percent of PNVT acres a 57 percent reduction from Alternative A but would increase dispersed camping over Alternative B and Alternative C. Alternative D would authorize fuelwood gathering on 146 percent of PNVT acres similar to Alternative A. Alternative D is not anticipated to affect the tall overstory habitat component of the mixed broadleaf riparian forest PNVT. The primary effects to western wood pewee habitat quality could include disturbance from noise from motor vehicle use of roads and trails, motorized cross-country travel, dispersed camping, fuel wood gathering and MBGR. Effects to western wood pewee habitat quality from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative D would designate 257 miles of roads and trails open to public use and would be similar to effects as Alternative A and would decrease western wood pewee habitat quality from Alternative B and Alternative C. Alternative D could have effects to western wood pewee habitat quality but is not anticipated to have a measurable and detectible effect on habitat quality of the mixed broadleaf deciduous riparian forest PNVT.

Common Black Hawk

The common black hawk is an indicator species for riparian streamside within the mixed broadleaf deciduous riparian forest PNVT.

Alternative A—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of mixed broadleaf deciduous riparian forest PNVT total miles of roadways within common black hawk habitat. Diversity of mixed broadleaf deciduous riparian forest habitats includes a variety of riparian tree species with varying structural stages and height diversity with a mixed overstory streamside habitat component that are important element to general mixed broadleaf deciduous riparian forest PNVT indicator habitat for the common black hawk Alternative A would designate 338 miles of roads and trails open to motorized public use, 78 percent of current public use roads and trails in the mixed broadleaf deciduous riparian PNVT and would designate a road density of 9.84 miles of roads per mile of mixed broadleaf deciduous riparian PNVT. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative A would continue to authorize motorized cross-country travel, MBGR and dispersed camping on 191 percent of the mixed broadleaf deciduous riparian forest PNVT and fuelwood harvest on 146 percent of PNVT acres. Alternative A would have direct effects to stream side habitat component from dispersed camping, motorized cross country travel and fuelwood gathering. The primary effects to common black hawk habitat quality could include disturbance from noise from motor vehicle use of roads and trails, motorized cross-country travel, dispersed camping, fuel wood gathering and MBGR. Effects to common black hawk habitat quality from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative A would designate 263 miles of roads and trails open to public use which could have direct indirect effect

to common black hawk habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the mixed broadleaf deciduous riparian forest PNVT.

Alternative B—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of mixed broadleaf deciduous riparian forest PNVT total miles of roadways within common black hawk habitat. Diversity of mixed broadleaf deciduous riparian forest habitats includes variety of riparian tree species with varying structural stages and height diversity with a stream side habitat component that are important elements to diversity of mixed broadleaf deciduous riparian forest PNVT indicator habitat for the common black hawk. Alternative B would designate 167 miles of roads as open to motorized public use, a reduction of 36 percent reduction from Alternative A and would designate a road density of 6.35 miles of roads per mile of mixed broadleaf deciduous riparian forest PNVT a reduction in road density of 35 percent from Alternative A. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative B would not authorize motorized cross-country travel, or MBGR. Alternative B would continue to authorize dispersed camping on less than 1 percent of PNVT acres and fuelwood gathering on 33 percent of the mixed broadleaf deciduous riparian forest PNVT. Alternative B would have effects to the stream side habitat component from dispersed camping, motorized cross country travel and fuelwood gathering. The primary effects to common black hawk habitat quality could include disturbance from noise from motor vehicle use of roads and trails, motorized cross-country travel, dispersed camping, fuel wood gathering and MBGR. Effects to common black hawk habitat quality from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative B would designate 167 miles of roads and trails open to public use and would increase common black hawk habitat quality over Alternative A. Alternative B have could have direct and indirect effects to common black hawk habitat but is not anticipated to have a measurable and detectible effect on habitat quality of the mixed broadleaf deciduous riparian forest PNVT.

Alternative C—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of mixed broadleaf deciduous riparian forest PNVT total miles of roadways within common black hawk habitat. Diversity of mixed broadleaf deciduous riparian forest habitats includes variety of riparian tree species with varying structural stages and height diversity with a stream side component that are important elements to diversity of mixed broadleaf deciduous riparian forest PNVT indicator habitat for the common black hawk. Alternative C would designate 214 miles of roads as open to motorized public use, a reduction of 19 percent reduction from Alternative A and a 28 percent increase in roads and trails open to public use from Alternative B. Alternative C would designate a road density of 8.06 miles of roads per mile of mixed broadleaf deciduous riparian forest habitats PNVT a reduction in road density of 18 percent from Alternative A and would increase road density by 27 percent from Alternative B. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative C would not authorize motorized cross-country travel. Alternative C would have

effects to the stream side habitat component from dispersed camping, motorized cross country travel and fuelwood gathering. The primary effects to common black hawk habitat quality could include disturbance from noise from motor vehicle use of roads and trails, motorized cross-country travel, dispersed camping, fuel wood gathering and MBGR. Effects to common black hawk habitat quality from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative C would designate 214 miles of roads and trails open to public use and would increase common black hawk habitat quality over Alternative A primarily from not authorizing motorized cross-country travel and would decrease common black hawk habitat quality from Alternative B. Alternative C could have direct and indirect effects to common black hawk habitat quality but is not anticipated to have a measurable and detectible effect on habitat quality of the mixed broadleaf deciduous riparian forest PNVT.

Alternative D—Direct and Indirect Effects

The effects of motorized public use of roadways and continued maintenance consists of the conversion of native habitat to non-vegetated road ways and is a linear direct loss of mixed broadleaf deciduous riparian forest PNVT total miles of roadways within common black hawk habitat. Diversity of mixed broadleaf deciduous riparian forest habitats includes a variety of riparian tree species with varying structural stages and height diversity with a streamside habitat component that are important elements to diversity of mixed broadleaf deciduous riparian forest PNVT indicator habitat for the common black hawk. Alternative D would designate 257 miles of roads as open to motorized public use, a reduction of 2 percent from Alternative A, a 54 percent increase in roads and trails open to public use from Alternative B and an increase of 19 percent increase from Alternative C. Alternative D would designate a road density of 9.61 miles of roads per mile of mixed broadleaf deciduous riparian forest PNVT a reduction in road density of 2 percent from Alternative A and would increase road density by 51 percent from Alternative B and a 19 percent increase in road density from Alternative C. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative D would not authorize motorized cross-country travel. Alternative D would authorize MBGR on 244 percent of PNVT acres greater than any alternative, and dispersed camping 49 percent of PNVT acres, greater than any alternative. Alternative D would authorize dispersed camping on 81 percent of PNVT acres a 57 percent reduction from Alternative A but would increase dispersed camping over Alternative B and Alternative C. Alternative D would authorize fuelwood gathering on 146 percent of PNVT acres similar to Alternative A. Alternative D would have effects to the stream side habitat component from dispersed camping, motorized cross country travel and fuelwood gathering. The primary effects to common black hawk habitat quality could include disturbance from noise from motor vehicle use of roads and trails, motorized cross-country travel, dispersed camping, fuel wood gathering and MBGR. Effects to common black hawk habitat quality from motorized vehicle use would increase with increased miles of designated roadways and authorized use adjacent to designed roads for motorized public use. Alternative D would designate 257 miles of roads and trails open to public use and would be similar to effects as Alternative A and would decrease common black hawk habitat quality from Alternative B and Alternative C. Alternative D could have effects to common black habitat quality but is not anticipated to have a measurable and detectible effect on habitat quality of the mixed broadleaf deciduous riparian forest PNVT.

Cumulative Effects to Mixed Broadleaf Deciduous Riparian Forest

Alternative A

Alternative A would potentially result in a long-term cumulative decrease in the mixed broadleaf deciduous riparian forest PNVT structural stages, tree heights and a well-developed understory. This alternative would cumulatively contribute to a decrease in key habitat components such as a well-developed overstory composed of tall and medium height trees, snags, well developed understory, and general mixed broadleaf deciduous riparian forest habitat conditions that are expected to be at risk from increased future demand for use of forest resources. Alternative A would continue wood and forest product harvesting, dispersed camping, motorized cross-country travel and unlimited motorized big game retrieval within the cottonwood willow riparian forest PNVT. Motorized use of roads and trails may result in cumulative effects to the PNVT when other Tonto National Forest activities such as land exchanges, reauthorization of livestock grazing allotments, mining and exploratory drilling, watershed/vegetation regeneration and habitat improvement, roadway material source pits, recreation management, personal use activities, and new road construction. Use of roads and motorized trails, cross-country travel and dispersed camping could cause noise disturbance within all structural stages of the PNVT and could result in cumulative effects to habitat quality to MIS species. The cumulative effects of Tonto National Forest activities are expected to maintain designated roads at an approximate overall density of 9.84 miles of road per square mile of the cottonwood willow riparian forest PNVT. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative A is not anticipated to have a measurable and detectable effect on habitat quality of the mixed broadleaf deciduous riparian forest PNVT.

Alternative B

There would be no direct effects to mixed broadleaf deciduous riparian forest structural stage diversity, tree height, well developed understory, and habitat quality to mixed broadleaf deciduous riparian forest PNVT MIS. While this alternative may result in some improvement to habitat quality, it would be unlikely that these changes would impact reproductive success to the degree that forestwide population change would occur. Overall, this alternative is not expected to change forestwide habitat or population trends for the mixed broadleaf deciduous riparian forest PNVT MIS. The effects of this alternative may combine with other activities to result in a beneficial cumulative effect mixed broadleaf deciduous riparian forest PNVT habitat quality over a much of the PNVT through elimination of motorized cross country travel, MBGR and reduced dispersed camping and fuelwood gathering. The cumulative effects of Alternative B in relation to Tonto National Forest activities are expected to maintain designated roads at an approximate overall density of 6.35 miles of road per square mile of mixed broadleaf deciduous riparian forest PNVT. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative B would have a beneficial effect to mixed broadleaf deciduous riparian forest compared to Alternative A, however it is not anticipated to have a measurable and detectable effect on habitat quality of the mixed broadleaf deciduous riparian forest PNVT.

Alternative C

This alternative is expected to result in an overall beneficial effect by decreasing impacts to the mixed broadleaf deciduous riparian forest PNVT and decreasing disturbance to the species that use it for habitat compared to Alternative A but increase potential habitat quality effects when compared to Alternative B. This alternative may result in effects to the quality of this habitat by potentially affecting the abundance of key habitat elements such as a well-developed understory and general the cottonwood willow riparian forest conditions. This alternative's reduction of roads to 8.06 miles of road per square miles of the mixed broadleaf deciduous riparian forest PNVT would decrease potential effects to the mixed broadleaf deciduous riparian forest PVNT from Alternative A and increase effects to the PNVT from Alternative B. Road densities in excess of 2.4 miles per square mile habitat would be an indicator of watershed with higher probability that hydrologic regime is altered and could be in poor condition (Potyondy and Geier, 2010). Alternative C would not change the amount or distribution of indicator habitat over the mixed broadleaf deciduous riparian forest PNVT. Habitat quality could improve, given the reduction in the amount of open roads and motorized trails, and maintaining cross-country travel, dispersed camping, and fuel wood gathering comparable to Alternative A but increased over Alternative B. Factors that moderate any improvements in habitat quality include increasing MBGR to 4 percent of the mixed broadleaf deciduous riparian forest PNVT. When combined with other Tonto National Forest activities the cumulative effects of Alternative C may combine with other activities to result in a beneficial cumulative effect to mixed broadleaf deciduous riparian forest PNVT dependent MIS species over a much broader area. Alternative C would increase MBGR from Alternative A and decrease MBGR from Alternative B, and would be similar to Alternative A in authorized dispersed camping, and cross-country travel and would reduce fuelwood gathering and increase cross-country travel, MBGR and dispersed camping from Alternative B. The cumulative effects of Alternative C are not anticipated to have a measurable and detectible effect on habitat quality or the species that use mixed broadleaf deciduous riparian forest PNVT for habitat.

Alternative D

Alternative D would not change the amount or vegetation structural stage, tree heights and a well-developed understory in the mixed broadleaf deciduous riparian forest PNVT. Cross-country travel would be authorized in Alternative D. Alternative D would authorize MBGR and dispersed camping on greater habitat acres than any alternative and would maintain fuelwood gathering similar to Alternative A and on more habitat than Alternative B and Alternative C. Motorized vehicle use of roads and trails would be increased to 9.61 miles of road per mile of mixed broadleaf deciduous riparian forest PNVT similar to Alternative A, an 11 percent decrease from Alternative A, a 38 percent increase from Alternative B and a 39 percent increase from Alternative C. Fuelwood gathering would be similar to Alternative A and MBGR would be increased above all alternatives providing little improvement in habitat quality from current baseline conditions. Factors that moderate any improvement in habitat quality include maintaining an overall road density of 9.61 miles of open roads per square mile of PNVT, fuelwood gathering and MBGR corridors over a large amount of the PNVT. While this alternative may result in negative impacts to habitat quality, it would be unlikely that these changes would impact reproductive success to the degree that mixed broadleaf deciduous riparian forest MIS species population change would occur. Overall, this alternative is not expected to change forestwide habitat or population trends but would provide fewer benefits and have greater impacts from disturbance compared to Alternative A, Alternative B, and Alternative C. The cumulative

effects of Alternative D are not anticipated to have a measurable and detectible effect on habitat quality or the species that use the mixed broadleaf deciduous riparian forest PNVT for habitat.

Indicators of Water – Macro-invertebrates

Direct, Indirect and Cumulative Effects to Water-Macro-invertebrates

Macro-invertebrates are an indicator species of “water” habitat with the Tonto National Forest. The forest has classified 28,989 acres of “water” as a vegetation type and PNVT to be analyzed as to potential effects to macro-invertebrates habitat and trends and a determination of effects to population and habitat trend from the selection of any action alternative. Currently no motorized roads and trails open to public use are identified as occurring in the “water” PNVT. Similarly no roads and trails open to public use have been identified as occurring in the “water” PNVT in any alternative. However as motorized roads and trails open to public use is increased, negative effects to watersheds and ultimately aquatic resources may be increased (Potyondy and Geier, 2010). No effects to the “water” PNVT or macro-invertebrates are anticipated from any alternative since no motorized roads or trails are anticipated to occur in the “water” PNVT. Effects may be anticipated and would increase with increasing road density across all PNVTS. As road density increases by alternative, negative effects to “water” PNVT and macro-invertebrates would increase. Alternative B would have fewer roads and motorized trails designated for public use and would have the least negative effects to the “water” PNVT and macro-invertebrate populations. Alternative C would have less negative effects than Alternative A and Alternative D but would increase effects to “water” PNVT and macro-invertebrate populations. Alternative D would be similar to Alternative A in effects to the “water” PNVT and macro-invertebrate populations but would increase negative effects over Alternative B and Alternative C. Cumulative effects to the “water” PNVT from other Tonto National Forest activities such as land exchanges, reauthorization of livestock grazing allotments, mining and exploratory drilling, watershed/vegetation regeneration and habitat improvement, roadway material source pits, recreation management, personal use activities, and new road construction could result in cumulative negative effects to “water” PNVT habitat quality to macro-invertebrates.

Migratory Birds

Executive Order 13186 (January 10, 2001) requires federal agencies to consider management impacts to migratory birds to further the purposes of the Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, and other laws. Federal agencies need to identify whether unintentional take will occur, and if so, whether such take would have a measurable negative effect on migratory bird populations. Take is defined to mean “... to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect” (50 CFR 10.12). Removal or destruction of vegetation is not considered a taking. Executive Order 13186 imposes procedural requirements on project level analyses for migratory birds. The Tonto National Forest is required to:

- Evaluate the effects of agency actions and plans on migratory birds, with emphasis on species of concern; and
- Identify where unintentional take, reasonably attributable to agency action, is having, or is likely to have, a measurable negative effect on migratory bird populations.

The Tonto National Forest will fulfill these requirements by 1) analyzing and disclosing the project’s effects on Tonto National Forest migratory bird species of concern, 2) identifying any Important Bird Areas (IBA) or overwintering areas that exist within or in proximity to the project area and analyzing and disclosing effects as appropriate, 3) identifying opportunities to restore or enhance migratory bird habitat or mitigate negative project effects and include these activities in the project plan, 4) retaining adequate levels of snags and dead & downed wood.

Affected Environment

Table 65 shows the migratory bird species of concern that may occur in the project area because their habitats also are within the activity area.

Table 65: Tonto National Forest Migratory Bird Species of Concern

Species	Nest Substrate ^b	Nest type ^b	Usual nest height range ^b (feet)	Nesting Period ^c
Mixed Conifer with Aspen: Douglas fir, white fir, ponderosa pine, often some aspen and Gambel’s oak				
Flycatcher, Cordilleran ^a	deciduous tree, cliff, ground	cavity	0 to 30	May to Aug
Flycatcher, olive-sided ^a	conifer	cup	5 to 75	May to Aug
Goshawk, northern ^a	conifer, deciduous tree	platform	20 to 60	May to Aug
Kinglet, golden-crowned	conifer	pendant	4 to 60	May to Aug
Owl, flammulated ^a	snag	cavity	no information	May to Jul
Owl, Mexican spotted ^a	conifer, cliff	cavity, platform, scrape	80	May to Sep
Pigeon, band-tailed ^a	conifer, deciduous tree	platform	6 to 30	May to Sep
Sapsucker, red-naped ^a	deciduous tree	cavity	10 to 20	May to Jul
Warbler, red-faced ^a	ground	cup	0	May to Jul
Mixed Broadleaf Deciduous Riparian Forest: cottonwoods, maple, box elder, alder, willow, some Gambel’s oak, ponderosa pine, Douglas fir, white fir, and aspen				
Beardless-tyrannulet, northern ^a	deciduous tree	sphere	4 to 50	Apr to Aug
Black-hawk, common ^a	deciduous tree	platform	20 to 30	Mar to Aug
Flycatcher, Cordilleran ^a	deciduous tree, cliff, ground	cavity	0 to 30	May to Aug
Sapsucker, red-naped ^a	deciduous tree	cavity	10 to 20	May to Jul
Warbler, MacGillivray’s	shrub, ground	cup	2 to 3	May to Jul
Warbler, red-faced ^a	ground	cup	0	May to Jul
Warbler, yellow ^a	shrub, tree	cup	1 to 14	Apr to Aug
Ponderosa Pine Mild: primarily pure pine forests				
Flycatcher, olive-sided ^a	conifer	cup	5 to 75	May to Aug
Goshawk, northern ^a	conifer, deciduous tree	platform	20 to 60	May to Aug

Species	Nest Substrate ^b	Nest type ^b	Usual nest height range ^b (feet)	Nesting Period ^c
Owl, flammulated ^a	snag	cavity	no information	May to Jul
Owl, Mexican spotted ^a	conifer, cliff	cavity, platform, scrape	80	May to Sep
Pigeon, band-tailed ^a	conifer, deciduous tree	platform	6 to 30	May to Sep
Warbler, Grace's ^a	conifer	cup	20 to 60	May to Aug
Warbler, olive ^a	conifer	cup	30 to 65	Apr to Jul
Woodpecker, Lewis's ^a	deciduous tree, snag	cavity	5 to 100	May to Aug
Pinyon-juniper grasslands				
Eagle, bald	tree	platform	30 to 60	Dec to Jul
Goshawk, northern ^a	conifer, deciduous tree	platform	20 to 60	May to Aug
Owl, Mexican spotted ^a	conifer, cliff	cavity, platform, scrape	80	May to Sep
Flycatcher, southwestern willow	shrub, deciduous tree	cup	2 to 10	Jun to Aug
Cuckoo, western yellow-billed	deciduous tree, shrub	platform	4 to 8	Jun to Sep
Pinyon-juniper Chaparral: Juniper woodlands				
Eagle, golden ^a	cliff, tree	platform	10 to 100+	Mar to Jul
Falcon, peregrine ^a	cliff, tree	scrape	50 to 200+	Mar to Jul
Flycatcher, gray	shrub	cup	2 to 9	May to Aug
Jay, pinyon	conifer	cup	3 to 26	Apr to Aug
Titmouse, juniper	deciduous tree, snag	cavity	3 to 10	Apr to Jul
Vireo, gray	shrub	cup	2 to 6	Apr to Aug
Warbler, black-throated gray ^a	conifer, deciduous tree	cup	5 to 50	Apr to Aug
Madrean Encinal Woodland: Madrean evergreen oaks, juniper, pinyon pine				
Eagle, golden ^a	cliff, tree	platform	10 to 100+	Mar to Jul
Warbler, black-throated gray ^a	conifer, deciduous tree	cup	5 to 50	Apr to Aug
Interior Chaparral: Shrub live oak, manzanita, mountain-mahogany, cliffrose				
Sparrow, black-chinned	shrub	cup	1.5 to 3	Apr to Aug
Semi-arid grassland: Often with scattered sotol, agaves, burroweed, snakeweed, yucca, mesquite				
Eagle, golden ^a	cliff, tree	platform	10 to 100+	Mar to Jul
Hawk, Swainson's	cliff	platform	20 to 30	Apr to Aug
Desert communities: palo verde, ironwood, mesquite, catclaw, acacia, saguaro, cholla, barrel cactus, prickly pear, creosote bush, jojoba, crucifixion thorn				
Eagle, golden ^a	cliff, tree	platform	10 to 100+	Mar to Jul
Falcon, peregrine ^a	cliff, tree	scrape	50 to 200+	Mar to Jul
Falcon, prairie	cliff	scrape, crevice	30 to 40	Mar to Jun
Flicker, gilded	snag	cavity	6 to 15	Mar to Jul

Species	Nest Substrate ^b	Nest type ^b	Usual nest height range ^b (feet)	Nesting Period ^c
Hummingbird, Costa's ^a	shrub	cup	3 to 5	Feb to Jul
Martin, purple	snag	cavity	5+	May to Aug
Owl, elf	cactus	cavity	15 to 35	Apr to Jul
Phainopepla ^a	deciduous tree, shrub	cup	4 to 50	Feb to Aug
Thrasher, Bendire's	shrub	cup	2 to 4	Mar to Aug
Towhee, canyon	bush, tree	cup	4 to 12	Mar to Oct
Woodpecker, Gila	cactus, deciduous tree	cavity	15 to 30	Mar to Aug
Vireo, Bell's ^a	shrub	cup	1 to 5	Mar to Sep
Warbler, Lucy's	snag	cavity	3 to 11	Apr to Jul
Cottonwood Willow Riparian: Primarily cottonwood, willow, mesquite, tamarisk (salt cedar), some ash, walnut, and hackberry				
Beardless-tyrannulet, northern ^a	deciduous tree	sphere	4 to 50	Apr to Aug
Black-hawk, common ^a	deciduous tree	platform	20 to 30	Mar to Aug
Cuckoo, western yellow-billed	deciduous tree, shrub	platform	4 to 8	Jun to Sep
Eagle, bald	tree	platform	30 to 60	Dec to Jul
Flycatcher, southwestern willow	shrub, deciduous tree	cup	2 to 10	Jun to Aug
Vireo, Bell's ^a	shrub	cup	1 to 5	Mar to Sep
Warbler, yellow ^a	shrub, tree	cup	1 to 14	Apr to Aug
Water: bulrush, sedges, pondweeds, cattail, duckweed, saltgrass				
Rail, Yuma clapper	ground	platform	0	Mar to Aug

^a Species occur in other habitat categories also

^b Source: Ehrlich et al., 1988

^c Source: Corman and Wise-Gervais 1995

In addition, there are three important bird areas (IBA) located within Tonto National Forest: Cave Creek IBA, Salt and Verde Riparian Ecosystem IBA, and Boyce Thompson Arboretum and Arnett-Queen Creeks IBA. There is also a designated overwintering area at Roosevelt Lake.

Environmental Effects

Methodology

To determine the species of concern within Tonto National Forest, migratory bird species were compiled from two sources: Arizona Partners in Flight (Latta *et al.*, 1999) and U.S. Fish and Wildlife Services (2008b). Those bird species were selected from three Biological Conservation Regions: 33 (Sonoran and Mojave Desert), 34 (Sierra Madre Occidental), and 16 (Southern Rockies and Colorado Plateau). Species of concern were finally determined from those species that occurred on the forest based on the Tonto National Forest bird checklist (U.S. Forest Service, 2009c).

To evaluate the effects of the agency action on particular migratory bird species, the species habitat was used as a basis for the analysis. Migratory bird species of concern were analyzed if their habitat is within the action area. Corman and Wise-Gervais's (2005) habitat classifications were used and a determination was made for a species associated habitat by its most common occurrence in 1-4 habitat types. Because certain species were found in more than one type of habitat, many bird species were classified in multiple habitat types.

Alternative A – No Action

Unintentional take (bird, eggs, nest) is highly unlikely to occur at a level that would have a measurable effect on migratory bird populations or habitat quality. Alternative A is considered as the baseline for comparison to all action alternatives. Across all PNVTs Alternative A would have an average road density of 1.16 miles of road open to public motorized vehicle travel per square mile of MBTA habitat. The relatively low density of open public roads to MIS habitats suggest that although some level of impact occurs to migratory birds and habitats wherever motorized vehicle travel is allowed, Alternative A would have no measurable negative effect on migratory bird species of concern populations or habitat quality above current baseline conditions.

No effects would occur to IBAs because Alternative A is considered as the current baseline condition that all action alternatives are compared. Under Alternative A roads and trails open to public use would remain unchanged from current baseline conditions. Road densities with the IBAs vary from 0.47 miles of road per square mile of IBA habitat in the Boyce-Thompson Arboretum/Arnett IBA, to 2.62 miles in the Cave Creek Ecosystem IBA and 4.29 in the Salt and Verde River Riparian System IBA. Motorized big game retrieval, dispersed camping and motorized cross country travel is not permitted in any IBA. Fuelwood gathering would be permitted in the Boyce-Thompson Arboretum/Arnett Creek IBA. Alternative A would have no measurable negative effect on IBAs above current baseline conditions.

No effects would occur to snags and dead and downed wood because Alternative A is considered as the baseline for comparison to all action alternatives. Under Alternative A personal wood gathering and roads and trails open to public use would remain unchanged from current baseline conditions. Alternative A would have no measurable negative effect on snags and dead and down wood above current baseline conditions.

Alternative B

Unintentional take (bird, eggs, nest) is highly unlikely to occur at a level that would have a measurable effect on migratory bird populations or habitat quality. Although some level of impact occurs to migratory birds wherever motorized vehicle travel is allowed, across all PNVTs Alternative B reduces areas of potential affects by reducing road density in all PNVTs to 0.63 miles of open public road to per square mile of MBTA habitats. Similar to Alternative A, Alternative B would not allow for motorized big game retrieval, or motorized cross-county travel. Alternative B would reduce acres of areas available to dispersed camping and fuelwood gathering from current baseline conditions. Consequently, this alternative would have a beneficial effect on migratory bird species of concern populations and habitat quality compared to the current baseline conditions.

Alternative B would have a beneficial effect to IBAs because it reduces miles of roads and trails open to public use in all IBAs. Alternative B would reduce road densities within the IBAs to 0.39 miles of road per square mile of IBA habitat in the Boyce-Thompson Arboretum/Arnett IBA, to 0.38 miles in the Cave Creek Ecosystem IBA and 1.75 miles in the Salt and Verde River Riparian System IBA. Alternative B would not permit motorized big game retrieval, and motorized cross country travel in any IBA. Alternative B would permit dispersed camping within a 0.18 designated camping site within the Salt and Verde River Riparian System IBA. Alternative B would have a beneficial effect on migratory bird species of concern populations and habitat quality compared to the current baseline conditions.

Alternative B would have a positive effect to snags and dead & downed wood because in all PNVTs it would reduce personal use fuelwood gathering an average of 88 percent across all PNVTs. Alternative B would reduce the likelihood of potential impacts to cavity and snag nesting birds, as permitted access to these areas would be reduced. Alternative B would have a beneficial effect on snags and down logs forestwide in all PNVTs compared to the current baseline conditions.

Alternative C

Unintentional take (bird, eggs, nest) is highly unlikely to occur that would have a measurable effects on migratory bird populations or habitat quality. Although some level of impact occurs to migratory birds wherever motorized vehicle travel is allowed, across all PNVTs Alternative C reduces areas of potential affects by reducing road density in all PNVTs to 0.86 miles of open public road per square mile of MBTA habitats reducing dispersed camping by 87 percent and fuel wood gathering by 90 percent. However, Alternative C would increase motorized big game retrieval by 83 percent. Consequently, this alternative would have a beneficial effect on migratory bird species of concern populations and habitat quality compared to the current baseline conditions.

Some effects would occur to IBAs if Alternative C is implemented. Alternative C does reduce miles of roads and trails open to public use in all IBAs. Alternative C would reduce road densities within the IBAs to 0.39 miles of road per square mile of IBA habitat in the Boyce-Thompson Arboretum/Arnett IBA, to 0.38 miles in the Cave Creek Ecosystem IBA and 1.96 miles in the Salt and Verde River Riparian System IBA. Alternative C would not permit motorized cross country travel in any IBA consistent with current baseline conditions. Alternative C would permit dispersed camping, motorized big game retrieval, in the Boyce-Thompson Arboretum/Arnett Creek IBA, and limit fuelwood gathering to 140 acres of the 2,583 acre Boyce-Thompson Arboretum/Arnett Creek IBA available for fuel wood gathering under Alternative A. Alternative C would result in an 89 percent reduction in these elements from current baseline conditions in the Boyce-Thompson Arboretum/Arnett Creek IBA. Alternative C would permit motorized big game retrieval and dispersed camping in the Cave Creek and Salt and Verde River System IBAs. Areas open to motorized big game retrieval and dispersed camping is currently not permitted. Alternative C would permit motorized big game retrieval and dispersed camping on 328 acres (24 percent) of Cave Creek IBA acres and 281 acres (21 percent) of the Salt and Verde River Riparian System IBA acres. Alternative C would not permit fuelwood gathering in the Cave Creek and Salt and Verde River Riparian System IBAs. Areas open to dispersed camping, motorized big game retrieval, and fuelwood gathering is less than 10 percent of the Boyce-Thompson Arboretum/Arnett Creek IBA, 24 percent of the Cave Creek Ecosystem IBA and 21 percent of the

Salt and Verde River Riparian System IBA. Some unintentional take could occur in each IBA, and may have a measurable negative effect on migratory bird populations and habitat quality within the Cave Creek Ecosystem and Salt and Verde River Riparian System IBAs.

Alternative C would have a positive effect to snags and dead & downed wood because it would not permit personal use fuelwood gathering in the Cave Creek Ecosystem and Salt and Verde River Riparian System IBAs and would decrease areas permitted for fuelwood gathering by 95 percent from current baseline conditions in the Boyce-Thompson Arboretum/Arnett Creek IBA. Alternative C would reduce the likelihood of potential impacts to cavity and snag nesting birds, as permitted motorized vehicle access to these areas would be reduced. Alternative C would have a beneficial effect on snags and down logs forestwide in all PNVTs compared to the current baseline conditions.

Alternative D

Unintentional take (bird, eggs, nest) may occur at a level that would have a measurable effect on migratory bird populations or habitat. Some level of impact occurs to migratory birds wherever motorized vehicle travel is allowed. Across all PNVTs Alternative D would not increase potential affects from roads and trails designated for motorized vehicle use due to in all PNVTs permitting 1.11 miles of open public road per square mile of MBTA habitats, similar to current forestwide baseline conditions. Within all PNVTs Alternative D would permit 2,068,208 acres (194 percent increase) to motorized big game retrieval, a near threefold increase over current baseline conditions and would reduce habitat quality for migratory birds. Alternative D would decrease dispersed camping by 52 percent from current baseline conditions and would be the same as alternative A in permitted personal fuelwood gathering areas. Consequently, this alternative would have a negative effect on migratory bird species of concern populations and habitat quality compared to the current baseline conditions.

Some effects would occur to migratory birds and habitat quality in IBAs if Alternative D is implemented. The density of roads and trails permitted for public use are similar to Alternative A in the Boyce-Thompson Arboretum/Arnett IBA and Cave Creek Ecosystem IBAs, and reduced from 103 miles of open roads under current baseline conditions to 71.68 (reduction of 30 percent) in the Salt and Verde River Riparian IBA. Alternative D would not permit motorized cross country travel in any IBA consistent with current baseline conditions.

Alternative D would permit 16,114 acres of motorized big game retrieval and dispersed camping in all IBAs, which is not permitted under current baseline conditions. Alternative D would be similar to Alternative A permitting 1,345,998 acres available for personal fuel wood gathering only in the Boyce-Thompson Arboretum/Arnett IBA. Alternative D would not permit personal fuel wood gathering in the Cave Creek Ecosystem or the Salt and Verde River Riparian System IBAs. Alternative D would increase areas available for motorized big game retrieval and dispersed camping. Some unintentional take could occur in each IBA, and may have a measurable negative effect on migratory bird populations within all IBAs.

Alternative D would not affect snags and dead and down wood because it would be the same as Alternative A for permitted personal fuelwood gathering at the current baseline area and acres. Alternative D would not have a measurable effect to snags and down logs forestwide in all PNVTs compared to the current baseline conditions.

Noxious/Invasive Weeds

Roads and motorized trails are known to be effective vectors for transporting invasive plant seeds. Recreational vehicles, such as two- or four-wheel drive vehicles, ATVs, or motorcycles can bring weed seeds and plant parts onto the Forest from other sources. They can also spread existing infestations into new sites. For example, ATVs are commonly driven in the right-of-way along State Route 188. Much of this right-of-way has had a Malta starthistle infestation for over twenty years. When ATVs move from the right-of-way onto the Forest road network or are driven cross-country, they can spread Malta starthistle throughout the Tonto Basin area.

Affected Environment

There are 52 invasive weeds that are known to occur on the Tonto National Forest¹¹⁵. Another 16 are nearby and could be growing on the Tonto National Forest currently or in the future.

Although there are fewer acres of weeds on the Tonto National Forest as compared to many other western forests, weed populations are growing rapidly here. History has repeatedly demonstrated that most invasive weed populations do not remain small for long. Growth rates can be exponential with an apparent lag time between initial infestation and subsequent extensive infestations that are beyond control (Radosевич, 2013).

As of May 2013, approximately 26,831 acres of weed infestations were documented and mapped on the Tonto National Forest. Most of this acreage is one large site of weeping lovegrass that was seeded on the entire Dude Fire area in 1990 (21,436 acres). This seeding project was done in an emergency situation after fire had denuded the area of vegetative cover, and impending monsoons could have caused massive soil loss. At that time there was not a source of native seed in sufficient quantity to cover the burned area, and the decision was made to use nonnative species for seeding. The remainder is 47 different species of weeds in 1,324 different infestations. The great majority of these infestations are less than 5 acres in size.

Most of the weeds inventoried on the Forest are near highways or main roads, for three reasons: 1) much of the survey effort has been conducted for road projects. There are more remote infestations, but they are harder to find and may not be near projects that require survey; 2) weeds tend to initially establish in disturbed areas such as road shoulders and bar ditches; and 3) Vehicles are a major source of transport of weed propagules (plant parts that are able to vegetatively reproduce and seeds).

Environmental Effects

Methodology

The Forest's database for invasive plant inventory (Natural Resource Information System or NRIS) was used to overlay the Forest's weed layer onto various route and trail configurations identified in the proposed action and alternatives. The NRIS database is continually updated with new information derived from highway and system road surveys, surveys for other projects such as mineral exploration, range monitoring, and incidental identification and mapping by

¹¹⁵ For a full list of these species, see the Noxious/Invasive Weeds Report in the project record.

knowledgeable Forest employees and others who are adept at plant identification. For purposes of this analysis, the inventory as of May 2013 was used.

Effects Common to all Alternatives

Weeds are a threat to biodiversity and productivity of lands administered by the Tonto National Forest. In heavily infested areas, weeds directly compete with native plants and can cause their displacement. Some weeds are toxic to wildlife and livestock. Weeds affect ecosystems at landscape levels by altering the structure, organization, or function of ecological systems (U.S. Forest Service, Tonto National Forest 2012a, Olson 1999). Potential impacts include alteration of disturbance regimes (such as wildfire), changes in wildlife food base and cover, soil erosion, changes in soil moisture patterns, and altered recreational or aesthetic values. Indirect effects caused by replacement of native plants include impacts to microbial flora and fauna and insect pollinators, all of which contribute to normal ecosystem function (Olson, 1999).

Road corridors can be prolific sources of weed seeds that may be carried to other locations, or that may colonize adjacent vulnerable habitats (Tyser and Worley, 1992). Motor vehicle use is known to enhance weed introduction and establishment in a number of ways, including transportation of weed propagules (seeds, root and shoot fragments), and alteration of soil conditions and other habitat factors (Trombulak and Frissell, 2000). Motor vehicles can carry weed seed and plant parts from place to place on their tires, and/or on the vehicle body. A study in Kakadu National Park in Australia found that weed seed was transported into the park on tourist vehicles and was more likely to be transported by four-wheel drive vehicles that had been driven cross-country (Lonsdale and Lane, 1994). A study from Montana State University showed that a four-wheel-drive truck picked up, on average, 176 seeds per 50-mile trip on dry unpaved road in June. ATVs were found to pick up 15 times more seeds off-trail than on a trail. ATVs were capable of picking up as many as 200,000 seeds over 48 miles of travel (about 4,200 seeds per mile), out of which roughly 750 were from noxious weeds (Rew and Pollnac, 2010). It is not unusual to find new weed infestations on the Forest. They are often along travel corridors (motorized and nonmotorized). Even if a new infestation were found along a road or trail, the conclusion as to what particular vector caused its introduction is not always clear. This determination is not necessary if an infestation of a species that is a prolific seeder is found on a route. In that situation it may be deemed prudent to close or limit travel on that route until that particular weed is brought under control, in order to prevent spread caused by vehicles. Plant parts moved about during road maintenance can spread weed infestations nearly as effectively as seed, as many invasive plants are able to propagate themselves with root or stem fragments (Ferguson *et al.*, 2003).

Vehicles and construction and maintenance operations transport invasive plant seeds into uninfested areas, and provide prime sites for seed germination and seedling establishment. Road maintenance activities may enhance germination of weed seeds by increasing exposure of weed seeds to sunlight (Jensen, 1995). Presence of invasive exotic plant species has been highly correlated with sunlit soil and frequent, severe disturbances, such as those resulting from road traffic and road maintenance activities (Pauchard and Alaback, 2006).

Disturbed areas create edges within plant communities. Edges are recognized as potential starting points for invasion of weeds into less disturbed areas (Gucinski *et al.*, 2001).

The number of nonnative species has been shown to significantly increase with increasing route density (Dark, 2004). Native plant cover and species diversity increase with increasing distance from routes, while presence of exotic species typically declines with increased distance from routes (Gelbard and Harrison 2003; Tyser and Worley 1992; Pauchard and Alaback 2006).

Effects from invasive species would continue to occur under all alternatives, including the proposed action. In general, alternatives with fewer routes open for motor vehicle use, especially those that exclude routes that are currently weed-infested, provide a reduced risk for transport of seeds by motorized vehicles, a reduction in habitats susceptible to weed invasion, and a reduced opportunity for spread of weeds to uninfested areas of the Forest.

Alternative A – Summary of Direct and Indirect Effects

Under this alternative, a total of at least 24,802 acres of noxious weeds would be open to vehicular access. Most of this acreage is on the Payson Ranger District, in the area of the Dude Fire of 1990. An unknown number of weed-infested acres are near unauthorized roads and trails that are currently used.

While the Tonto National Forest Plan does not specifically address invasive plant management, implementation of Alternative A affects invasive plant populations such that the Forest does not meet Forest Plan goals of management of resources to prevent or reduce serious long-lasting hazards, maintenance, and enhancement of visual resource values, wildlife species diversity, wildlife habitat improvement, and rangeland restoration.

Alternative B – Summary of Direct and Indirect Effects

Under this alternative, a total of 4,336 acres of noxious weeds would be open to vehicular access.

Alternative C – Summary of Direct and Indirect Effects

Under this alternative, a total of 20,739 acres of noxious weeds would be open to vehicular access. Most of this acreage is on the Payson Ranger District, in the area of the Dude Fire of 1990.

Alternative D – Summary of Direct and Indirect Effects

Under this alternative, a total of 25,803 acres of noxious weeds would be open to vehicular access. Most of this acreage is on the Payson Ranger District, in the area of the Dude Fire of 1990.

Cumulative Effects for All Alternatives

The boundary for this cumulative effects analysis is the Tonto National Forest and includes private lands. This discussion includes management actions related to noxious or invasive weeds since 2003. Prior to 2003, occurrences and distribution of noxious or invasive weeds on the Forest were largely unknown. Beginning in 2003, the Tonto National Forest began surveying and documenting noxious or invasive weed occurrences. Weed maps are documented in the Forest's Natural Resource Information System database and on a noxious weed layer in the Forest's GIS system.

In 2003, the Southwestern Region of the Forest Service completed the Environmental Assessment for Management of Noxious Weeds and Hazardous Vegetation on Public Roads on National Forest System Lands in Arizona. The decision which followed in 2004 allows treatment of noxious or invasive weeds along state and federal highway rights-of-way through all National Forests in Arizona, including the Tonto National Forest. Arizona Department of Transportation (ADOT) and their contractors and subcontractors have conducted several herbicide control projects along State Routes 77, 87, 88, 188, 260, and U.S. Highway 60 on the Tonto National Forest in the last five years.

For the last several years, the Tonto National Forest and ADOT have included weed control and prevention measures in highway construction projects. ADOT contractors now write a Noxious Species Control Plan, and use both herbicide and manual methods to control weeds along rights-of-way inside project limits. There are typically at least two major highway construction projects occurring on the Tonto National Forest at any time. For the next 5 years, construction projects are scheduled for State Routes 87, 88, 177, 260, and U.S. Highway 60.

The Tonto National Forest completed an Environmental Assessment for Integrated Treatment of Noxious or Invasive Plants, and a decision was signed in August 2012. This decision allows the Tonto National Forest to use the full range of tools to manage invasive weed infestations, including manual, mechanical, prescribed fire, biological control, and herbicides.

Of numerous activities occurring on the Forest, both casual and permitted, most have some potential to introduce and spread invasive plants. Such activities include livestock grazing, special use permits involving use of livestock, hiking, fishing, hunting, wildlife watching, mining, horseback riding, and all types of recreational driving. Road management agencies such as county public works departments and departments of transportation, and Arizona Department of Transportation would continue to maintain and upgrade roads and highways through the Tonto NF. Highway construction projects would doubtless continue; the Forest works with all of these agencies to prevent introduction and spread of noxious weeds during these activities. The Forest itself conducts activities that have potential to spread weeds: road maintenance, firefighting, and use of prescribed fire, post-fire rehabilitation including revegetation of burned and bladed sites, and creation of new recreation sites. Where permits are involved, the Forest includes permit clauses appropriate to the activity to prevent spread of weeds. The Forest includes Best Management Practices in its own activities for the same purpose. The wildland urban interface would continue to be a source of invasive weed infestation for the Tonto. The Forest program of public education and awareness of invasive weeds somewhat mitigates this, but this source of weed spread is largely outside of our control.

At current funding levels, it is expected that the Forest would be able to eradicate weeds classified as Category A (those with limited distribution in Arizona, or as yet unrecorded in the state, which pose a serious threat, such as camelthorn, musk thistle, or Canada thistle). Weed species classified as Category B would most probably be contained or eliminated in some areas, but would continue to spread in many areas. Class B weeds are of limited distribution in Arizona, common in some places in the state. Management goal is to contain their spread, decrease population size, then eliminate. Class C weeds have spread beyond our capability to eradicate them. The management goal is to contain spread to present size and then decrease the population, if possible. Class C weeds would continue to spread.

Hydrological Resources

Protection of water quantity and quality is an element of the Forest Service mission (Forest Service Strategic Plan for 2007 to 2012, 2007). Management activities on National Forest lands should be planned and implemented to protect hydrologic functions of forest watersheds, including volume, timing, and quality of stream flow. Use of roads, trails, and other areas on national forests by motor vehicles has potential to affect these hydrologic functions by intercepting runoff, compacting soils, damaging vegetation and stream channels, and detaching sediment. Management decisions to eliminate cross-county motorized travel, add new routes and areas to national forest system (NFS) roads and trails, and make changes to existing NFS roads and trails should consider effects on watershed functions.

Affected Environment

Watershed

The Tonto National Forest lies wholly or partly within seven 4th HUC Watersheds. Within these watersheds there are thirty-six 5th HUC watersheds and 197 6th HUC watersheds that lie wholly or partly within the boundaries of the Tonto National Forest. Greater than 50 percent of the watershed area of 150 6th HUC watersheds lies within the Forest boundaries.

Water Quality

Improvements to the nation’s waters over the past three decades are largely due to the control of traditional point sources of water pollution; however, a large number of water bodies remain impaired and the goal of eliminating pollutant discharge and attaining fishable and swimmable waters is still unrealized. Nonpoint sources of pollution such as agriculture, construction, forestry, and mining are responsible for much of the nation’s remaining water quality impairment (U.S. Bureau of Land Management, 2011). Three of these activities: agriculture (livestock grazing), forestry, and mining currently occur on NFS lands administered by the Tonto National Forest. In addition to these activities other sources of nonpoint source pollution on the Tonto National Forest include roads, prescribed fire and wildfire, and recreational uses¹¹⁶.

Water quality in the state is assessed by the Arizona Department of Environmental Quality (ADEQ). Water quality has been assessed in major perennial stream reaches and lakes on the Forest. Categories used by ADEQ for describing the status of water quality in the states’ rivers, streams and lakes are identified in Table 66.

Table 66: Water Quality Categories

Category	Definition
1	Attaining all designated uses
2	Attaining some designated uses, and no use is threatened or impaired
3	Insufficient or no data and information to determine if any designated use is attained

¹¹⁶ This paragraph comes from an EPA report to Congress that states: In 2000, 40 percent of the rivers and streams, 45 percent of the lakes, and 50 percent of the estuaries were impaired. See National Water Quality Inventory Report to Congress (305(b) report), 2000, available at <http://www.epa.gov/305b/2000report/>. The paragraph is an introductory discussion of the progress of the *Clean Water Act* on a nationwide basis with a brief discussion of the types of disturbance occurring on the Tonto NF that can contribute to nonpoint sources of pollution.

Category	Definition
4	Impaired or threatened for one or more designated uses but a Total Maximum Daily Load (TMDL) analysis is not necessary because:
4A	A TMDL has already been completed
4B	Other pollution control requirements are reasonably expected to result in attainment of the water quality standard
4C	The impairment is caused by pollution but not a pollutant, or
4N	The impairment is solely by natural conditions (an Arizona list only)
5	Impaired or threatened for one or more designated uses by a pollutant, and a TMDL needs to be developed or revised

Streams and water bodies within the Tonto National Forest that are listed on the State of Arizona's impaired waters (303d) list for 2010 are displayed in Figure 48. Roosevelt Lake is identified as an impaired water body due to mercury found in fish tissue. Fish consumption advisory has been issued for Roosevelt Lake.

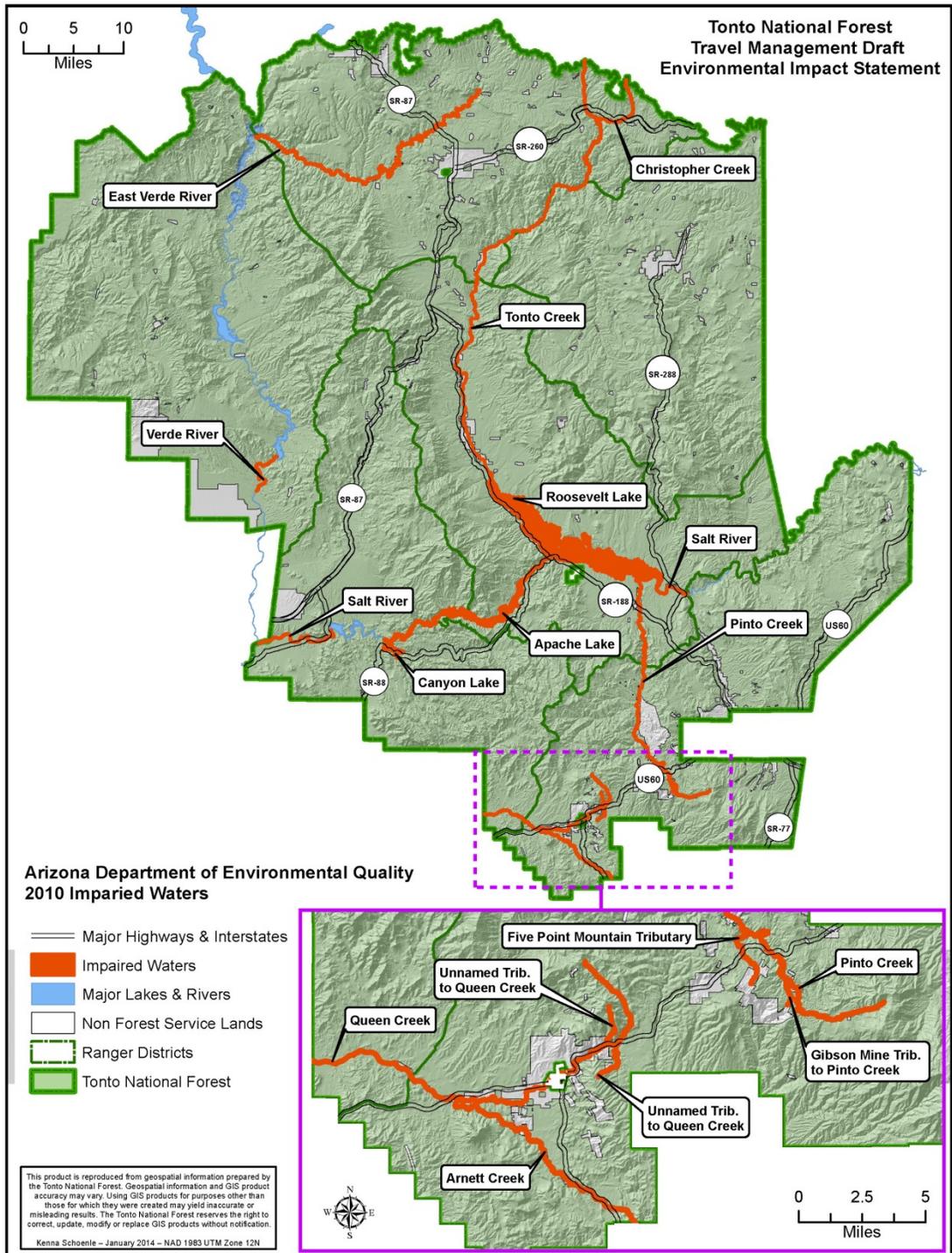


Figure 48: Map of Impaired Streams and Water Bodies within Tonto National Forest

The impaired water bodies map displays formally designated impaired water bodies within the Tonto National Forest. Macroinvertebrate data collected by ADEQ identifies a number of additional streams that have aquatic habitat issues that are not formally designated as impaired. ADEQ also proposes to issue new fish consumption advisories for streams on the Tonto National Forest that are also not formally designated as impaired in the current (2010) listing of 303d water bodies.

The primary pollutant generated by roads is sediment/turbidity. The Salt River from the confluence with Pinal Creek to Roosevelt Lake is the only water body within the Tonto National Forest that is identified as impaired for suspended sediment. It is also identified as impaired for nitrogen, phosphorous and E.Coli. bacteria. ADEQ proposes to initiate a Total Maximum Daily Load (TMDL) analysis for this water body in 2015. A completed TMDL means that ADEQ has devised a plan to bring the impaired water body into compliance with the states' water quality standards and that it is taking steps to implement the plan. Other impaired water bodies within the Forest are primarily impaired by pollutants such as copper, selenium, low dissolved oxygen, phosphorous, nitrogen, E. Coli, mercury in fish tissue, arsenic, and boron. Primary sources of these pollutants include; natural sources, septic systems and poor human waste disposal practices, historic mining, and unknown sources. Roads are not a primary source of these pollutants.

Riparian Areas and Streams

Riparian areas occupy approximately one percent of the Area managed by the Southwestern Region of the Forest Service (roughly 22.5 million acres in 11 National Forests and Grasslands in Arizona, New Mexico, and western Oklahoma and Texas) (Lafayette et al. 1996). They have importance disproportionate to their limited extent, especially in the arid Southwest. This importance is a function of their diverse and productive vegetative composition and structure, their linkage between upland and aquatic ecosystems, and their linkage between upper and lower watershed areas. Some of their most important functions include: 1) providing fish and wildlife habitat, 2) improving water quality by filtering and retaining sediment and nutrients transported by runoff from terrestrial uplands, 3) stabilizing stream banks and floodplain surfaces, 4) increasing the volume and duration of base flows by replenishing local alluvial aquifers, and 5) reducing flood flow velocities and filtering sediments and nutrients transported by flood flows during over bank flow events. Brinson et al. (1981) estimates that the percentage of riparian areas that have been altered in the United States range from 70 to 90 percent.

Riparian areas on the Tonto National Forest were mapped during a project completed for the Southwestern Region of the Forest Service in 2011 (U.S. Forest Service, 2013) known as the Regional Riparian Mapping Project (RMAP). This project mapped riparian areas at a 1:12,000 scale and used valley bottom models, photo interpretation, Terrestrial Ecological Unit Inventory, and other ancillary references to develop the mapping. The project resulted in 24 different riparian mapping units, thirteen of which are found on the Tonto National Forest. This project provides the most current and accurate inventory of riparian areas on the forest. Approximately 75,000 acres of riparian vegetation were mapped, representing approximately 2.5 percent of the land base of the Forest. Table 67 displays riparian vegetation types and acreage found within the Tonto National Forest.

Table 67: Riparian Vegetation on Tonto National Forest

RMAP Unit Code and Vegetation Type	Acres
110 - Arizona Alder - Willow	222
130 - Desert Willow	8,937
150 - Fremont Cottonwood - Conifer	12,699
170 - Fremont Cottonwood / Oak	483
180 - Fremont Cottonwood / Shrub	28,963
190 - Herbaceous Riparian	310
230 - Narrowleaf Cottonwood / Shrub	1,823
270 - Sycamore - Fremont Cottonwood	15,704
300 - Arizona Walnut	11
340 - Sparsely Vegetated	40
350 - Ponderosa Pine / Willow	6,022
400 - Historic Riparian - Agriculture	6
410 - Historic Riparian - Residential/Urban	6,560
Total*	75,213

*Excludes historic riparian which is on private land or submerged

The Tonto National Forest stream arc Geographic Information System layer identifies approximately 13,250 miles of streams within the boundaries of the Tonto National Forest. Approximately 640 miles (5 percent) are perennial and an estimated 1,530 miles (12 percent) are intermittent (based on miles of streams supporting riparian vegetation after subtracting miles of perennial streams).

The Tonto National Forest has conducted a number of channel stability assessments across the forest to better understand the condition of its streams and to implement measures to improve the condition of degraded stream reaches. Approximately one percent of the miles of perennial and intermittent streams on the forest have been assessed. Based on assessments completed to date, 19 percent of assessed streams are stable, 49 percent are impaired, and 32 percent are unstable¹¹⁷.

Environmental Effects

Assumptions and Methodology

Water resources and their existing conditions are analyzed on a sixth Hydrologic Unit Code (HUC6) basis in terms of road density and proximity of roads to stream channels and other water bodies (watersheds are divided and subdivided into successively smaller units. HUC6 watersheds are the sixth subdivision of a major watershed such as the Lower Colorado River Basin and are

¹¹⁷ For more information, a summary of stream channel assessments within HUC5 watersheds can be found in the Watershed Report, Appendix A, Table 3, in the project record.

known as subwatersheds). HUC6 watersheds typically range in size from 10,000 to 40,000 acres. Other units of measure to analyze effects of roads on water resources are analyzed by ranger district. These include: numbers of stream crossings, proximity to impaired water bodies, and miles of roads within riparian areas.

GIS information was used for the majority of the analysis. GIS data considered in the analysis includes:

- National Forest system and nonsystem roads
- Perennial, and intermittent and ephemeral stream systems
- Impaired water bodies
- Riparian areas
- Lakes

Water quality/sediment load: The potential for roads to affect water quality and aquatic habitats is assessed by identifying the number of miles of roads hydrologically connected to streams and water bodies. Hydrologic connectivity occurs where there is a continuous flow path from roads to streams and water bodies. Examples include ditches that convey road derived or intercepted runoff to stream channels, cross drain features such as waterbars or dips, that discharge sufficient water to create a gully, sediment plume, or both that extends to a stream channel, and fillslopes that encroach on stream channels. Proximity of roads to streams and water bodies and the number of road stream crossings can be used to indicate connectivity (Gucinski *et al.*, 2000; U.S. Forest Service, 1999). Roads within 300 feet of a stream channel are considered to be hydrologically connected to the adjacent stream or water body. The 300 foot distance is based on guidance provided in the Forest Service Watershed Condition Classification Technical Guide (U.S. Forest Service, 2010) that is used to assess the condition of HUC6 watersheds on National Forests

Density: Road density is known to play a dominant role in human-induced augmentation of sediment supply by erosion and mass wasting in the Pacific Northwest and it is reasonable to assume that similar relationships exist elsewhere (U.S. Forest Service, 2011a). Road density will be displayed by ranger district and assessed using the criteria in the Technical Guide (U.S. Forest Service, 2011b) by HUC6 watershed. The number of HUC6 watersheds falling within the condition class ratings identified in the Technical Guide will be identified for each alternative.

General Road Effects

Roads directly affect natural sediment and hydrologic regimes by altering stream flow, sediment loading, sediment transport and deposition, channel morphology, channel stability, substrate composition, stream temperatures, water quality, and riparian conditions in a watershed (Gucinski *et al.*, 2000). These effects would apply to all the alternatives.

The hydrologic effect of roads depends on several factors, including location of roads on sideslopes, characteristics of the soil profile, subsurface water flow and groundwater interception, design of drainage structures (ditches, culverts) that affect the routing of flow through watersheds, and the proportion of the watershed occupied by roads (Gucinski *et al.*, 2000).

Roads have three primary effects on hydrologic processes. They intercept rainfall directly on the road surface and road cut and fill slopes, and intercept subsurface water moving down the

hillslope; they concentrate flow either on the surface or in an adjacent ditch or channel; and they divert or reroute water from natural flow paths (Gucinski *et al.*, 2000; U.S. Forest Service, 1999).

By intercepting road runoff as well as natural surface runoff and subsurface flow, and concentrating and diverting it into ditches, gullies, and channels, road systems effectively increase the density of streams in the landscape, thereby altering timing of peak flows and hydrograph shape (Gucinski *et al.*, 2000). Small increases in peak flows may also result from roads in watersheds. Based on studies of small watersheds, effect of roads on peak flows is detectable but relatively modest for most storms (Gucinski *et al.*, 2000).

Roads contribute more sediment to streams than any other land management activity (Gucinski *et al.*, 2000). Large increases in the amount of sediment delivered to the stream channel can greatly impair or even eliminate fish and aquatic invertebrate habitat and alter the structure and width of stream banks and adjacent riparian zone (Macdonald *et al.*, 1991). The amount of sediment can affect channel shape, sinuosity, and relative balance between pools and riffles. Indirect effects of increased sediment loads may include increased stream temperatures and decreased intergravel dissolved oxygen (DO) (Macdonald *et al.*, 1991).

Fine sediments tend to fill interstices between coarser particles, which reduce habitat space for small fish, invertebrates, and other organisms. Intrusion of fine particles into bed material also reduces the permeability of bed material, which often results in a decline in concentration of intergravel DO. Some invertebrate species are very sensitive to even small declines in DO (Macdonald *et al.*, 1991).

Excess sediments can cause widening of the stream channel, filling in of the channel thalweg (the deepest portion of the channel), increasing bed elevation (channel aggradation), and declining cross sectional area. Net deposition of sediment usually results in more extreme stream temperatures, a decrease in the amount and quality of fish cover. Other changes may include changes in the quality of spawning habitat, a possible reduction in habitat space for algae and macroinvertebrates, increased bank erosion, and an increased likelihood of flooding (Macdonald *et al.*, 1991).

Roads can alter the physical dynamics of stream channels. Stream channels migrate across their historic floodplains, eroding the bed and banks in one location, while aggrading the bed and building new banks in other locations. They also transport the water, sediment, and debris of their attendant watershed. Large pieces of woody debris and fine organic matter transported by streams provide physical structure and diverse aquatic habitat. When roads encroach directly on stream channels, these processes can be modified. Wood and sediment can be trapped behind stream crossings, reducing downstream sediment transport and increasing risk of crossing failure. Unnatural channel widths, slope, and stream-bed form are found upstream and downstream of stream crossings. Road alignment and road fills can isolate floodplains, constrict the channel, constrain channel migration, and simplify riparian and aquatic habitat (U.S. Forest Service, 1999).

Water Quality

The effects of roads and motorized trails on water quality can include sedimentation (deposited solids), turbidity (suspended solids), and pollutants within affected watersheds. Turbidity reduces in-stream photosynthesis and results in reduced food supply and aquatic habitat. Roads increase

nutrient delivery to streams by removing vegetation, rerouting water flow paths, and increasing sediment delivery. Nutrients discharged into aquatic systems can cause algal blooms, which reduce water clarity and deplete oxygen (Arizona Department of Transportation, 1995). Pollutants associated with leaks and spills of petroleum products may be adsorbed to sediments, absorbed by plant material, or dissolved in runoff; once mobilized, these contaminants may enter aquatic systems (Ouren *et al.*, 2007). Roads can lead to water temperature changes by removal of streamside vegetation where roads encroach on channels, and alter streamflow regimes through processes described earlier. Water quality can also be adversely affected when fugitive dust and contaminants enter aquatic systems. Airborne dust and contaminants adsorbed to dust particles raised by OHV traffic may eventually settle directly onto wetlands.

Effects of Cross-country Travel

The primary effects of OHV activity on soils and overall watershed function include altered soil structure (soil compaction in particular), destruction of soil crusts (biotic and abiotic) and erosion pavements (gravel surfaces) that would otherwise stabilize soils, and soil erosion. As soil compaction increases, the soil's ability to support vegetation diminishes, because resulting increases in soil strength and changes in soil structure (loss of porosity) inhibit growth of root systems and reduce infiltration of water. As vegetative cover, water infiltration, and soil stabilizing crusts are diminished or disrupted, precipitation runoff rates increase, and soil erosion accelerates, leading to formation of rills, gullies, and other surface changes (Ouren *et al.*, 2007).

Effects of OHV activities on water quality can include sedimentation (deposited solids), turbidity (suspended solids), and pollutants within affected watersheds. Sedimentation increases because compacted soils, disrupted soil crusts, and reduced vegetation cover can lead to increased amounts and velocities of runoff; in turn, this accelerates the rates at which sediments and other debris are eroded from OHV use areas and flushed to down slope aquatic systems. Pollutants associated with deposition of OHV emissions and spills of petroleum products may be adsorbed to sediments, absorbed by plant material, or dissolved in runoff; once mobilized, these contaminants may enter aquatic systems (Ouren *et al.*, 2007).

Where slope is a factor, extensive networks of OHV routes can proliferate across landscapes and serve as conduits that intercept and alter direction of natural surface flow pathways. These conduits may be eroded to form gullies that channel dislodged sediments and contaminants into stream systems. Where OHV activity occurs, networks of OHV routes proliferate. The generally impervious nature of soils compacted by OHV traffic enhances gully formation in these conduits, thus promoting additional flows of sediments and suspended solids into stream systems, effectively extending the drainage network of a given watershed, and potentially changing the timing of peak runoff flows (Ouren *et al.*, 2007).

Riparian Effects

Roads and motorized trails in riparian areas have many of the same effects as those in upland sites; however they compound these effects by disrupting many of the natural beneficial functions provided by riparian areas. Healthy riparian areas stabilize stream channels, provide storage for sediment, serve as nutrient sinks for surrounding watersheds, improve the quality of water, control water temperature through shading, reduce flood peaks, and serve as recharge areas for alluvial and deeper aquifers (DeBano and Schmidt, 1989). Roads directly remove the riparian vegetation and replace it with an impermeable surface (Lafayette *et al.*, 1996). Roads in riparian

areas compact soils, which reduces infiltration, are often in close proximity to stream channels thereby contributing disproportionate amounts of sediments and other pollutants to stream channels. Riparian areas are popular recreation sites because of the cool and shady environment they provide in an otherwise hot and arid area. Recreational use of riparian areas disturbs many of the same functions of these areas that are also disturbed by roads. Roads in riparian areas facilitate recreational access to these areas which compounds the effects of the roads themselves.

Alternative A – Direct and Indirect Effects

Table 68 displays density of motorized routes by ranger district. On a forest wide basis route density would be classified as fair in the WCC Technical Guide (U.S. Forest Service, 2011b). Road density would be characterized as fair on all ranger districts. The Cave Creek Ranger District has the lowest road density but has many miles of uninventoried unauthorized routes that if inventoried would likely result in a higher road density rating.

Table 68: Road Density by Ranger District

Ranger District	Road Miles	Area (sq mi)	Road Density (mi/sq mi)
Cave Creek	975.7	955.0	1.02
Globe	1,029.7	736.1	1.40
Mesa	775.0	694.5	1.12
Payson	1,022.1	723.1	1.41
Pleasant Valley	1,183.6	682.6	1.73
Tonto Basin	1,058.1	841.0	1.26
Total	6,044.2	4,632.3	1.30

All activities associated with motor vehicle use have the potential to effect hydrological resources. Table 69 provides a summary of water resource effects associated with this alternative.

Table 69: Forest Wide Changes from Existing Conditions—Alternative B

Water Resource Feature	Effects from Alternative B	Change in Effects from Existing Conditions
Road Density (mi/sq. mi)	0.78	-0.52
Route Proximity to Water (%)	10.2	-7.4
Watershed Condition Attribute Ratings – Road Density		
Good	113	46
Fair	62	-30
Poor	3	-16
Watershed Condition Attribute Ratings – Proximity to Water		
Good	101	4,044
Fair	67	-15 to 14
Poor	10	-25 to 30
Miles of motorized routes within buffer distance (300 ft) of water resource feature		

Water Resource Feature	Effects from Alternative B	Change in Effects from Existing Conditions
Perennial Streams	64.9	4044
Lakes	17.9	-15 to 14
Intermittent & Ephemeral Streams	1,286.1	-25 to 30
Impaired Water Bodies	51	-49.4 to 55.3
Riparian Areas	242.1	-11.4
Number of Stream Crossings		
Perennial Streams	305	-274
Intermittent & Ephemeral Streams	3,973	-2863
Other Water Resource Impacts		
Open to Motorized Cross Country Travel (acres)	0	-700,004
Number and Area (acres) of Permit Zones	5	+4 (+116,797)
Area open to Motorized Big Game Retrieval (acres)	0	-700,004
Area open to Motorized Dispersed Camping (acres)	65	-699,939
Area open to Motorized Fuelwood Gathering (acres)	132,568	-1,213,432

Motorized routes within the 300-foot buffer distance have a greater potential to be hydrologically connected to streams than those beyond the 300-foot buffer distance. Motorized routes hydrologically connected to stream channels and water bodies can provide greater quantities of sediments and other pollutants directly to these features. Hydrologic connectivity is dependent on a number of factors including slope, soil erodibility, vegetative ground cover, and climatic conditions. A 300-foot buffer provides a reasonable distance for identifying the majority of motorized routes that would have direct pathways for delivering road derived pollutants to water bodies.

A total of 672 miles of unauthorized motorized routes have been inventoried on the Forest. In some instances the impacts of unauthorized routes are greater than those of maintained routes due to lack of roadway design and failure to include Best Management Practices (BMPs). One of the benefits of implementing the Travel Management Rule should be to reduce the proliferation of unauthorized routes.

Impacts to water resources are occurring in these areas from disturbance to vegetation, exposure and compaction of soils, rutting and gullyng of routes, disruption of natural drainage patterns, and disturbance to riparian areas and stream channels. These effects result in increased runoff, erosion, and sedimentation, as well as direct disturbance to sensitive riparian and aquatic ecosystems. Increasing impacts are anticipated into the future due to growing population in the Phoenix Metropolitan Area and increasing OHV sales. Heavy cross-country travel in close proximity to stream channels and within stream channels would affect channels and water quality more than the same level of use at a greater distance from these areas. Similar affects would occur

where cross-country travel occurs in riparian areas. Areas with only incidental OHV use have minimal watershed effects. Impacts to natural drainage patterns, riparian areas, and stream channels and increases in erosion are occurring in these areas and are described under general roads effects.

Webb (1983) found that after a single pass, annual plants on an OHV route remained intact, but most were destroyed after ten passes. It is expected that perennial plants would be more robust, and therefore perennial plants are likely to also sustain one to two passes. Minimal impacts on vegetative ground cover and soil compaction are expected from motorized retrieval of big game. Based on the low number of trips required for big game retrieval, short distance needed for retrieval, and low number of OHV crossings of a site, motorized big game retrieval has minimal effects on water resource conditions.

Dispersed motorized camping would have its greatest impacts at popular dispersed camping sites where short unauthorized routes provide access to the camping site. Impacts would be similar to those described for roads. Riparian areas are often popular dispersed campsites due to shade and access to water. Motorized dispersed camping in these sites impacts riparian areas both through the disturbance created by the route accessing the site and disturbance that occurs onsite from camping. Camping results in disturbance to vegetation, compaction of soils, and accelerated runoff and erosion. Proximity of riparian areas to stream channels means a greater likelihood that impacts within the riparian area would be expressed in the channel as well. Improper disposal of human waste can also affect water quality. Although motorized dispersed camping can have moderate impacts to watershed conditions at popular dispersed campsites; the limited extent of dispersed camping on a forestwide basis results in only minor impacts overall.

Alternative B – Direct and Indirect Effects

Table 70 displays road density by ranger district. Changes from existing conditions are also displayed.

Table 70: Route Density by Ranger District—Alternative B

Ranger District	Route Miles	Change From Existing	Route Density (mi/Sq mi)	Change From Existing
Cave Creek	449.8	-526.0	0.47	-0.55
Globe	736.3	-293.3	1.00	-0.40
Mesa	386.6	-388.5	0.56	-0.56
Payson	701.9	-320.2	0.97	-0.44
Pleasant Valley	618.5	-565.1	0.91	-0.83
Tonto Basin	711.9	-346.2	0.85	-0.41
Total	3,605.0	-2439.2	0.78	-0.53

Table 71 provides a summary of water resource effects associated with this alternative.

Table 71: Forest Wide Changes from Existing Conditions—Alternative B

Water Resource Feature	Effects from Alternative B	Change in Effects from Existing Conditions
Road Density (mi/sq. mi)	0.78	-0.52
Route Proximity to Water (%)	10.2	-7.4
Watershed Condition Attribute Ratings – Road Density		
Good	113	46
Fair	62	-30
Poor	3	-16
Watershed Condition Attribute Ratings – Proximity to Water		
Good	101	4,044
Fair	67	-15 to 14
Poor	10	-25 to 30
Miles of motorized routes within buffer distance (300 ft) of water resource feature		
Perennial Streams	64.9	4044
Lakes	17.9	-15 to 14
Intermittent & Ephemeral Streams	1,286.1	-25 to 30
Impaired Water Bodies	51	-49.4 to 55.3
Riparian Areas	242.1	-11.4
Number of Stream Crossings		
Perennial Streams	305	-274
Intermittent & Ephemeral Streams	3,973	-2863
Other Water Resource Impacts		
Open to Motorized Cross Country Travel (acres)	0	-700,004
Number and Area (acres) of Permit Zones	5	+4 (+116,797)
Area open to Motorized Big Game Retrieval (acres)	0	-700,004
Area open to Motorized Dispersed Camping (acres)	65	-699,939
Area open to Motorized Fuelwood Gathering (acres)	132,568	-1,213,432

The effect of this alternative on a forest wide basis is a substantial decrease in miles of roads within riparian areas, in the number of crossings of perennial streams, and in the number of crossings of intermittent and ephemeral channels. On an overall basis these changes represent almost a forty-three percent decrease in road mileage within riparian areas, a forty-seven percent decrease in road crossings of perennial streams, and a forty-two percent decrease in number of crossings of intermittent and ephemeral channels. Road density in riparian areas declines from 3.6 miles per square mile under existing conditions to 2.1 miles per square mile under Alternative B.

In terms of the WCC attribute rating for road density the difference in density would improve the rating from poor to fair.

Road density decreases to less than one mile per square mile on all districts except Globe. On a forest wide basis road density also decreases to less than one mile per square mile. A density of less than one mile would result in a road density attribute rating of good when the WCC Technical guide criteria are applied. Route density in the Globe District remains in the fair category although density nearly achieves a good rating.

Proximity of routes to water is reduced by nearly forty-two percent from existing conditions in this alternative. On a forest wide basis the proximity to water attribute rating would remain in the fair category. To achieve a good rating for this attribute the percent of streams in close proximity to motorized routes would have to drop below 10 percent. Attribute ratings of good would be achieved in the Cave Creek, Mesa, and Tonto Basin Districts. These ratings would not apply until decommissioning of routes identified for this activity has been completed. In some instances site specific environmental analysis will be required before decommissioning can occur.

Motorized cross-country travel would not be permitted in this alternative, including for retrieval of big game. Eliminating motorized cross-country travel in areas where heavy OHV use occurs on the 700,000 acres currently open to cross country travel on the Payson and Pleasant Valley ranger districts would allow disturbed areas to recover over time. Eliminating motorized cross country travel would result in reduced impacts to watershed conditions from those under existing conditions. Additionally, motorized dispersed camping would be limited to designated dispersed sites that are accessible by a designated road or motorized trail. The small overall area (65 acres) affected by this activity results in negligible impact on watersheds and the net effect would be a negligible reduction in impacts compared to the No Action Alternative. Finally, fuelwood gathering for personal use would be permitted within 300 feet of a designated road or motorized trail within a woodcutting permit area. The net effect would likely be little difference in watershed impacts between the alternatives.

Alternative C – Direct and Indirect Effects

Table 72 displays road density by ranger district. Changes from existing conditions are also displayed.

Table 72: Route Density by Ranger District—Alternative C

Ranger District	RouteMiles	Change From Existing	Route Density (mi/sq mi)	Change From Existing
Cave Creek	669.0	-306.8	0.70	-0.32
Globe	817.3	-212.4	1.11	-0.29
Mesa	561.0	-214.0	0.81	-0.31
Payson	863.2	-158.8	1.19	-0.22
Pleasant Valley	874.5	-309.1	1.28	-0.45
Tonto Basin	895.2	-162.9	1.06	-0.19
Total	4,680.2	-1,364.0	1.01	-0.29

Table 73 provides a summary of water resource effects associated with this alternative.

Table 73: Forestwide Changes from Existing Conditions—Alternative C

Water Resource Feature	Effects from Alternative C	Change in Effects From Existing Conditions
Road Density (mi/sq. mi)	1.01	-0.29
Route Proximity to Water (%)	13.4	-4.2
Watershed Condition Attribute Ratings – Road Density		
Good	86	19
Fair	88	-4
Poor	4	-15
Watershed Condition Attribute Ratings – Proximity to Water		
Good	75	18
Fair	82	1
Poor	21	-19
Miles of motorized routes within buffer distance (300 ft) of water resource feature		
Perennial Streams	88.8	-31.4
Lakes	21.9	-7.4
Intermittent & Ephemeral Streams	1684	-522
Impaired Water Bodies	61.4	-13.8
Riparian Areas	313.9	-109.2
Number of Stream Crossings		
Perennial Streams	411	-168
Intermittent & Ephemeral Streams	5,203	-1,633
Other Water Resource Impacts		
Number and area (acres) Open to Motorized Cross Country Travel	4 + 4 tot lots (6,790)	+4+4 tot lots (- 693,225)
Number and Area (acres) of Permit Zones	4 (116,797)	+3 (+82,077)
Area open to Motorized Big Game Retrieval (acres)	1,293,200	+593,196
Area open to Motorized Dispersed Camping (acres)	91,400	-608604
Area open to Motorized Fuelwood Gathering (acres)	162,000	-1,184,000

This alternative reduces miles of roads within riparian areas, and number of stream crossings by roads. On an overall basis these changes represent a twenty-six percent decrease in road mileage within riparian areas, a twenty-nine percent decrease in road crossings of perennial streams, and a twenty-four percent decrease in the number of crossings of intermittent and ephemeral channels. The decrease in miles of roads in riparian areas reduces road density in these areas to 2.7 miles

per square mile. If the criteria for the road density attribute from the WCC Technical Guide are applied to road density in riparian areas this density would remain in the poor category.

The Bartlett and Roosevelt Lake OHV areas would permit motorized cross country travel between the variable water surface and the high water mark of these lakes. These areas are primarily unvegetated or vegetated with annual species that pioneer these areas when water levels drop. Although motor vehicle use could cause rutting of the surface, concentrating some runoff and increasing erosion minimally, the overall effect is likely negligible. Golf Course, another proposed OHV Area, is a relatively small flat upland area of 17 acres just south of Superior. Watershed impacts at this site would be small and would consist primarily of increased runoff and erosion from compaction and rutting of soils and reduced vegetative ground cover.

The Sycamore OHV Area includes an ephemeral wash that is tributary to Lower Sycamore Creek. Forest Road 403 lies within the wash bottom until it joins Sycamore Creek. Approximately 4.5 miles of the channel of Sycamore Creek, extending upstream from the boundary with Fort McDowell Indian Reservation, are included in the area. This OHV area includes uplands adjacent to the ephemeral wash that is tributary to Sycamore Creek and uplands adjacent to Sycamore Creek. The ephemeral wash is characterized by a multiple channel bed (braided channel) consisting of unconsolidated sand and gravel, and xeroriparian vegetation consisting primarily of mesquite that occupies terrace and floodplain features. Travel in wash bottoms has a small potential to introduce contaminants to ground and surface waters from spills and leaks of fuels and oils. Travel in wash bottoms can also damage riparian vegetation, particularly younger age classes. Sycamore Creek is characterized as an intermittent system that flows following significant winter precipitation. Much of the stream flow that reaches the alluvial basin, which begins near the upper end of the OHV area, infiltrates into the bed of the creek (Thomsen and Schumann, 1968). The channel through the alluvial basin is dry most of the year. OHV impacts in the area include a small potential to introduce contaminants to ground and surface waters from spill of fuels and oils. OHV impacts can also disturb armor layers of channel bottom material that form during periods of high flow making the channel more susceptible to erosion. OHV travel in uplands can remove vegetative ground cover, and cause compaction and rutting of soils. Increased runoff from bared and compacted soils can increase erosion and sediment delivery to stream channels and wash bottoms.

Eliminating motorized cross-country travel in areas where heavy OHV use occurs on the 700,000 acres currently open to cross country travel on the Payson and Pleasant Valley ranger districts would allow disturbed areas to recover over time. This alternative permits motorized retrieval of elk and bear for up to one mile from both sides of designated roads and motorized trails. There would be a negligible change in impacts compared to the No Action Alternative. This alternative would also permit motorized access for 100 feet from either side of designated roads and motorized trails. Approximately 91,400 acres would be available for motorized dispersed camping. Although motorized dispersed camping can have moderate impacts to watershed conditions at popular dispersed campsites; the limited extent of dispersed camping on a forest wide basis results in only minor impacts overall. Additionally, this alternative would permit motorized fuelwood gathering within 300 feet of either side of a designated road or motorized trail within woodcutting permit areas. The net effect would likely be little difference in watershed impacts between the alternatives.

Alternative D – Direct and Indirect Effects

Table 74 displays road density by ranger district. Changes from existing conditions are also displayed.

Table 74: Route Density by Ranger District—Alternative D

Ranger District	Route Miles	Change From Existing	Route Density (mi/sq mi)	Change From Existing
Cave Creek	856.4	-119.3	0.90	-0.12
Globe	1,024.9	-4.7	1.39	-0.01
Mesa	698.8	-76.3	1.01	-0.11
Payson	1,002.8	-19.3	1.39	-0.03
Pleasant Valley	1,140.5	-43.1	1.67	-0.06
Tonto Basin	1,035.2	-22.9	1.23	-0.03
Total	5,758.7	-285.5	1.24	-0.06

Table 75 displays a summary of water resources effects associated with this alternative.

Table 75: Forestwide Changes from Existing Conditions—Alternative D

Water Resource Feature	Effects from Alternative D	Change in Effects from Existing Conditions
Road Density (mi/sq. mi)	1.24	-0.06
Route Proximity to Water (%)	16.7	-0.9
Watershed Condition Attribute Ratings – Road Density		
Good	70	3
Fair	91	-1
Poor	17	-2
Watershed Condition Attribute Ratings – Proximity to Water		
Good	70	2
Fair	91	-1
Poor	17	-1
Miles of motorized routes within buffer distance (300 ft) of water resource feature		
Perennial Streams	109.7	-10.5
Lakes	29	-0.3
Intermittent & Ephemeral Streams	2,100.8	-105.7
Impaired Water Bodies	73.6	-1.6
Riparian Areas	395.1	-28
Number of Stream Crossings		
Perennial Streams	529	-50

Water Resource Feature	Effects from Alternative D	Change in Effects from Existing Conditions
Intermittent & Ephemeral Streams	6,457	-379
Other Water Resource Impacts		
Number and Area (acres) Open to Motorized Cross Country Travel	4 areas +4 tot lots(6,790)	+4+ 4 tot lots (-693,225)
Number and Area (acres) of Permit Zones	1 (34,720)	0
Area open to Motorized Big Game Retrieval (acres)	2,248,300	+1,548,296
Area open to Motorized Dispersed Camping (acres)	336,000	-364,004
Area open to Motorized Fuelwood Gathering (acres)	1,346,000	0

Little change in road density occurs in this alternative from existing conditions. Forest wide, road density decreases from 1.25 to 1.24 miles per square mile. Applying the road density attribute rating criteria from the WCC Technical Guide (U.S. Forest Service, 2011b) results in a rating of “fair,” which would be unchanged from existing conditions. Small decreases in route density would occur in all districts. The road density attribute rating would improve to “good” in the Cave Creek district (density is less than 1 mile per square mile) but would remain unchanged from existing conditions in the other districts.

Proximity of routes to water would be reduced by five percent from existing conditions in this alternative. On a forest wide basis the proximity to water attribute rating from the WCC Technical Guide (U.S. Forest Service, 2011) would remain in the fair category and be unchanged from existing conditions. Attribute ratings of fair would remain unchanged for all districts. Additionally, this alternative results in small decreases in motorized routes from existing conditions within buffer distances of perennial streams (9 percent), intermittent and ephemeral

As with all the action alternative, cross-country travel would be eliminated under this alternative. The same designated OHV areas in Alternative C are proposed for this alternative; the impacts would be the same as Alternative C. Motorized retrieval of elk, mule deer, white tail deer, and bear would be limited to areas within one mile of either side of designated motorized routes under this alternative. Negligible impacts to watershed conditions would be expected due to the small number of motorized retrievals and the large area available for these retrievals. This alternative would also allow motorized dispersed camping up to 300 feet on both sides of designated roads and motorized trails. Approximately 336,000 acres would be available for this activity. This area is slightly less than half the area open to dispersed camping under existing conditions but greater than the areas open under Alternatives B and C. Although motorized dispersed camping can have moderate effects to watershed conditions at popular dispersed campsites; the limited extent of dispersed camping on a forest wide basis results in only minor effects overall. Finally, impacts associated with fuelwood gathering for this alternative would be the same as Alternative A.

Cumulative Effects for All Alternatives

Vegetation and fuels management are planned to have a net, long-term improvement to soil and water conditions although there may be short-term negative impacts during implementation.

Mitigation measures and Best Management Practices are designed to mitigate any short-term impacts that may occur from project implementation. Livestock grazing activities (past and ongoing) have impacted riparian and water resource conditions but reauthorizations of grazing permits are designed to minimize impacts to these resources.

Route realignment, reconstruction, or decommissioning may occur with future projects and access through or required by other land jurisdictions may impact the Forest. The extent of these changes cannot be predicted or quantified. Future changes to routes would be planned and mitigated to reduce impacts.

Urban development and interface growth would continue on private lands. These would not directly affect National Forest land, but runoff from urban development can cause an increase in erosion and affect water quality on downstream NFS lands.

Future mineral exploration and development, land exchanges, and utility construction are either planned or likely to occur. Disturbance can be relatively minor in some cases such as small utility constructions, but in mineral exploration and development disturbance can be extensive.

Visitor access to The Rolls, St. Clair, and Sycamore sites may be restricted in the future. Restrictions may prevent continued proliferation of unauthorized routes and prevent additional impacts to soil and watershed conditions.

In response to air quality concerns, city/town, county, and state restrictions are in place for use of recreational vehicles on unpaved roads and vacant lots in regions of Maricopa and Pinal counties that are failing to attain Federal Air Quality Health Standards set by the Environmental Protection Agency. Measures implemented on NFS lands to reduce air quality impacts such as road paving, hardening of OHV parking areas, enforcing speed limits on unsurfaced roads, and placing limits on user numbers may also reduce watershed impacts.

A number of major road construction projects are planned by other government entities well into the future. Road construction can have short term impacts on water quality, but impacts are minimized through implementation of BMPs. Over the long term, additional paved surfaces can increase runoff, erosion, and introduction of contaminants into waterways. Construction of the Tonto Creek Bridge may result in reduced watershed impacts, if one or more of the current low water crossings are closed and the site is allowed to revegetate.

Soil Resources

Soil resources and their existing conditions will be analyzed Forest-wide by ranger district. Soil erosivity as measured by the Universal Soil Loss Equation (USLE) “K” factor, soil strength, and road density will be units of measure to analyze effects associated with roads. Soil erosion from roads and motorized trails will be estimated as average annual tons of sediment delivered to stream channels on a forest wide basis using the Water Erosion Prediction Project (WEPP) computer model (U.S. Forest Service, 2000). Soil Condition is not considered in the impact analysis because the subject matter expert who was most familiar with the derivation of the soil condition classes is no longer with the Tonto National Forest. Additional work to model soil erosion has been conducted to improve the analysis of the effects on soils from motorized routes.

Affected Environment

The ecological niche of the Tonto National Forest ranges from Sonoran Desert (hot, dry) at the lowest elevations to mixed conifer forests (cool, moist) at the highest elevations. Sonoran Desert communities, pinyon-juniper woodlands, chaparral, semidesert grasslands, and ponderosa pine forests occupy the largest extent in the Forest while mixed conifer forests, wetland/cienega, and riparian forests are the least extensive on the Forest (U.S. Forest Service, 2007). These life zones form numerous ecological types.

Due to the wide range of elevations, slope, and geological types, existing soils and vegetation are quite variable. The majority of the soils classified fall into Aridisols, Alfisols, and Inceptisols followed by a fairly large amount of Mollisols where past and present herbaceous vegetative cover developed organic surfaces. Poorly developed Entisols occur along drainages. These riparian areas have some of the highest levels of impacts associated with OHV travel.

Most of the soils on the Forest formed in sedimentary rocks including sandstone, limestone, and conglomerate and are generally medium and fine textured throughout their profiles. Soil depths for these soils are generally shallow and moderately deep in most upland positions, but are deeper in low-lying areas. In areas of the Forest not covered by sedimentary rocks a large number of soils are derived from granite. These soils tend to be medium to coarse textured and highly erosive. Recently developed soils (Entisols) are found in fluvial stream systems and are generally coarse textured and rocky throughout their profile.

Precise acres of soils directly impacted from motorized vehicle use are not known and occur throughout the Forest but have been observed to be especially widespread in Sonoran Desert and riparian areas.

The forces generated by wheeled or tracked vehicles repeatedly traveling over the soil can chew up, destroy, and remove the protective layer of vegetation, duff, and biological crusts, exposing and detaching bare soil susceptible to accelerated erosion.

Erosion Risk

Surface-erosion problems are generally worse in highly erodible terrain (soils with High Erosion Risks); particularly landscapes underlain by granite or highly fractured rocks. Roads located on these soils are also primary sediment sources. Soils with moderate erosion are also at risk for accelerated erosion and sediment delivery but to a lesser magnitude than soils with severe erosion hazard (Table 76¹¹⁸). Approximately 70 percent of the Forest is underlain by soils with moderate to high erosion risk.

Table 76: Erosion Risks on Tonto National Forest (Existing Roads)

Ranger District	Not Rated	High	Mod	Low	Total Miles
Cave Creek	84 mi (9%)	71 mi (8%)	560 mi (60%)	226 mi (24%)	939

¹¹⁸ Miles of roads not rated for erosion risk are roads on private lands (that were not rated in the TES or TEUI), roads where TEUI interpretation of the Soil Mapping Unit is in progress, and roads on rock outcrop, badlands/rock outcrop, lakes, rivers, etc., riverwash, or mines.

Ranger District	Not Rated	High	Mod	Low	Total Miles
Globe	81 mi (8%)	153 mi (15%)	501 mi (49%)	289 mi (28%)	1,025
Mesa	72 mi (10%)	104 mi (14%)	438 mi (60%)	114 mi (16%)	728
Payson	62 mi (7%)	566 mi (60%)	185 mi (20%)	133 mi (14%)	947
Pleasant Valley	73 mi (7%)	331 mi (30%)	468 mi (42%)	235 mi (21%)	1,107
Tonto Basin	63 mi (6%)	254 mi (25%)	467 mi (45%)	248 mi (24%)	1,032
Total	434 mi (8%)	1,480 mi (26%)	2,619 mi (45%)	1,245 mi (22%)	5,777

When OHVs travel on steep slopes, they often do so by traveling straight up or down a slope or nearly so to optimize the stability of the vehicle and reduce its chances for rollover. When tires spin and displace soil, tracks are created that may rapidly expand due to the mechanical loosening of the soil and its displacement. These sites are more prone to erosion and sediment delivery from rainfall runoff than adjacent undisturbed sites. Figure 49 displays areas with moderate to high erosion risk on the Forest.

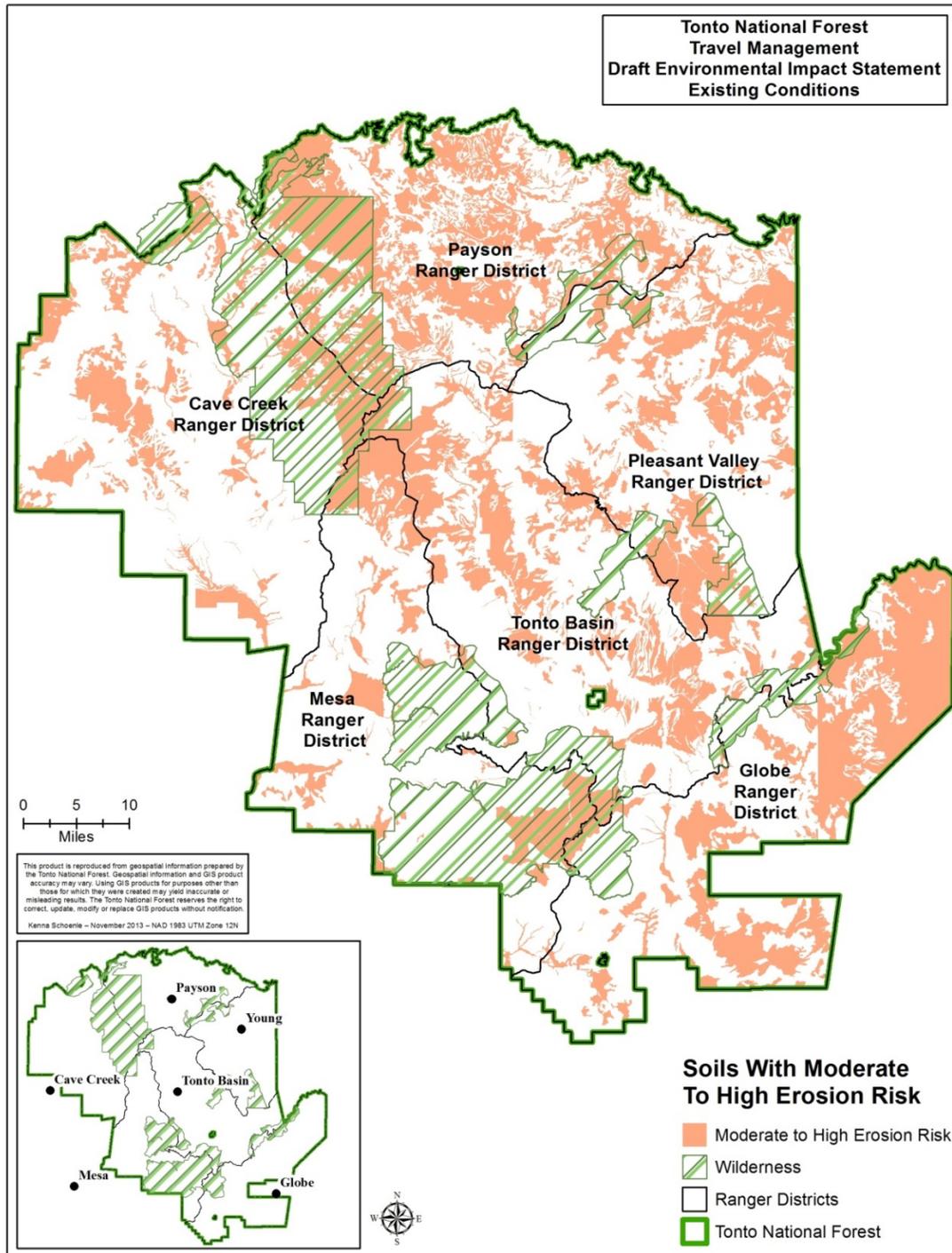


Figure 49: Map of Areas with Moderate to Soil Erosion Risk

Soil Strength

Table 77¹¹⁹ illustrates soil strength on the Forest. Soil strength is an estimation of the bearing strength of soils. Soils with low bearing strength are especially subject to compaction and rutting, especially when soils are wet. Soils with moderate strength are subject to compaction but to a lesser degree than those with low strength.

Table 77: Soil Strength on Tonto National Forest (Existing Roads)

Ranger District	Not Rated	Low	Mod	High	Total Miles
Cave Creek	84 mi (9%)	95 mi (10%)	152 mi (16%)	608 mi (65%)	939
Globe	81 mi (8%)	253 mi (25%)	83 mi (8%)	607 mi (59%)	1,025
Mesa	72 mi (10%)	225 mi (31%)	16 mi (2%)	415 mi (57%)	728
Payson	62 mi (7%)	373 mi (39%)	52 mi (5%)	460 mi (49%)	947
Pleasant Valley	73 mi (7%)	689 mi (62%)	259 mi (23%)	86 mi (8%)	1,107
Tonto Basin	63 mi (6%)	308 mi (30%)	135 mi (13%)	526 mi (51%)	1,032
Total	434 mi (8%)	1,943 mi (34%)	697 mi (12%)	2,703 mi (47%)	5,777

Approximately forty-six percent of the Forest is covered by soils that have low to moderate bearing strength when wet. Ruts are easily created on these soils and on roads that traverse these soils. Ruts created on the driving surface can concentrate water flow that can create gullies on both the road and adjoining land.

Road Density

Sediment production is positively correlated with road length (Ried and Dunne, 1984). Therefore road density can be used as a measure to assess the impacts of roads on erosion. The Tonto National Forest currently has a road density of 1.16 miles per square mile (1.31 miles per square mile when inventoried unauthorized motorized routes are included) of all roads on all lands within the Forest proclamation boundary (includes roads on private lands, state and county highways, and local roads).

The Forest Service Watershed Condition classification Technical Guide (U.S. Forest Service, 2011b) recommends a density of 1 mile per square mile but stresses that "... increasing road density has been correlated with increasing sediment yield in many studies nationwide. However, the true set of environmental conditions that produce sedimentation are complex, unmeasured, or unknown. Numerous other factors including soils, geology, slope, and road condition also influence sediment yield. The result is that road density is not a perfect predictor of the impacts to

¹¹⁹ Miles of roads not rated for erosion risk are roads on private lands (that were not rated in the TES or TEUI), roads where TEUI interpretation of the Soil Mapping Unit is in progress, and roads on rock outcrop, badlands/rock outcrop, lakes, rivers, etc., riverwash, or mines.

sediment yield. While there are no absolute thresholds for acceptable road densities, generally fewer miles of roads/mi² will have a lighter impact.”

Sediment Yield

Sediment Yield was modeled at a broad scale on a forest wide basis. Estimates of the range in sediment delivered to stream channels across buffer distances between roads and stream channels and at road crossings are displayed in Table 78.

Table 78: Sediment Delivery to Streams from Road Buffers and Stream Crossings

Road Type	Range in Average Annual Sediment Transported Across Road Buffers (tons/yr)	Range in Average Annual Sediment Transported to Streams at Stream Crossings (tons/yr)
ML2 and unknown ML	23,080 - 24,300	8,260 - 9,450
ML3	5710 - 6,400	970 - 1,290
Unauthorized	990 - 1110	260 - 430
Total	28,790 - 31,810	9,480 - 11,180

Total sediment delivered to stream channels ranges from 38,270-42,990 tons per year in this alternative.

Unauthorized Routes

An unknown number of Unauthorized Routes occur throughout the Forest. The known length is 672 miles with the majority of these routes occurring either in the Sycamore Creek area of the Mesa Ranger District or the Desert Vista part of the Cave Creek Ranger District. Since Unauthorized Routes are not engineered and many tend to occur on steep slopes and drainages, these routes tend to cause more soil erosion than engineered roads. Assuming an average width of 12 feet, the 672 miles of inventoried unauthorized routes would result in removal of 977 acres of land from the productive land base. This represents 0.03 percent of lands within the Tonto National Forest.

Environmental Effects

Assumptions and Methodology

Terrestrial Ecosystem Survey (TES) and Terrestrial Ecological Unit Inventory (TEUI)

The TES and TEUI are used to map, classify, and evaluate soils on the Forest. They contain predictions and limitations for soils and vegetation for selected land uses. These inventories are mapped at a scale of 1:24,000 and designed for use in a variety of applications including landscape, watershed, and Forest level planning. It is important to acknowledge that many differences in soils can occur, even within short distances. Where site-specific information is required at a finer scale, on-site investigations should be made to validate or refine soil information. Approximately 1.1 million acres of the Forest have a completed and published Terrestrial Ecosystems Survey (U.S. Forest Service, 1985a). Mapping for the draft Terrestrial Ecological Unit Inventory has been completed for most of the remainder of the forest.

Approximately 95 percent of the Forest has been mapped with either the TES or TEUI. The remaining acres to be mapped are primarily unroaded areas that would not be affected by the alternatives analyzed in the travel management assessment process. These acres mapped for the TEUI have been entered into a GIS database but a final correlation and final report have not been completed. The mapping of these acres is still considered tentative and subject to change.

Erosion Risk

Erosion risk interpretations are derived from published TES “K” factors and from calculated “K” factors in the draft TEUI (The soil erodibility factor (K-factor) is a quantitative description of the inherent erodibility of a particular soil; it is a measure of the susceptibility of soil particles to detachment and transport by rainfall and runoff (U.S. Soil Conservation Service, 1993). The “K” factor used in the Universal Soil Loss Equation (USLE) model was used to determine the erosion risk. K factors with a value of 0.10 or less were given a “low” rating, K factors greater than 0.10 but less than 0.20 were rated “moderate,” while K factors of 0.20 or greater were given a “high” rating.

Soil Strength

Soil Strength interpretations are derived from published TES and draft TEUI interpretations. Soil strength was derived from the soil family. Soil strength estimates are based on natural, undisturbed soil profiles. Ratings are for wet soil. Low strength ratings consist of families with fine or clayey-skeletal montmorillonitic or smectitic particle sizes/mineralogy classes. Moderate strength ratings consist of families with fine or clayey-skeletal mixed particle sizes/mineralogy classes. And high strength rating consists of all other soils.

Effects Common to All Alternatives

Under all alternatives use of roads would continue. Roads contribute more sediment to streams than any other land management activity (Gibbons and Salo 1973; Meehan 1991). Roads and, to a lesser extent, motorized trails have three primary effects that can affect erosion: They intercept rainfall directly on the road surface and road cutbanks and intercept subsurface water moving down the hillslope; they concentrate flow, either on the surface or in an adjacent ditch or channel; and they divert or reroute water from flowpaths that it would otherwise take if the road were not present. Concentrated flow can result in an increase in rill and gully erosion. Most of the hydrologic and geomorphic consequences of roads result from one or more of these processes. For example, by intercepting surface and subsurface flow, and concentrating and diverting it into ditches, gullies, and channels, road systems effectively increase the density of streams in the landscape, thereby changing the amount of time required for water to enter a stream channel, altering the timing of peak flows and hydrograph shape (King and Tennyson, 1984; Wemple *et al.*, 1996). Roads directly affect natural sediment and hydrologic regimes by altering streamflow, sediment loading, sediment transport and deposition, channel morphology, channel stability, substrate composition, stream temperatures, water quality, and riparian conditions in a watershed (Gucinski *et al.*, 2000).

Alternative A – Direct and Indirect Effects

Roads and Trails Designated for Motor Vehicle Use

Currently there are no motorized trails. In this alternative, there would 2,307 miles of road maintained for high-clearance vehicles, 645 miles of road maintained for passenger vehicles, 2006 miles of roads open and currently used by the public (maintenance level unknown).

The No Action Alternative presents the environmental effects associated with continued motorized use of unauthorized routes. There are currently 672 inventoried miles. Many additional miles of uninventoried unauthorized routes also exist on the Forest. It is likely that public use of unauthorized routes would continue and that the number and miles of these routes may increase in number. Unauthorized routes present a special problem for soil conditions for several reasons. The roads are not properly engineered, do not have proper drainage and erosion control built into them, often occur on steep, erosive soil, and many are located in sensitive areas such as riparian areas. A large number of routes in the Desert Vista and Lower Sycamore Creek areas have known erosion scars. The existence and proliferation of unauthorized routes will have negative effects on soil condition.

Motorized Cross-country Travel

Under the No Action Alternative, unrestricted, cross-country travel could continue to adversely affect soil condition and soil productivity on the 704,000 acres of the Payson and Pleasant Valley ranger districts where cross-country travel is not prohibited by existing closure.

Repeated tracking by OHV use directly affects the soil by removing the protective vegetation layer to bare soil and loosening soil aggregates through tire churning, rutting and soil displacement thus exposing the soil to accelerated erosion resulting in loss of soil productivity. The impacts are most pronounced during periods when the soil is wet. OHV use indirectly causes accelerated erosion and sediment transport to connected streams following storm events. Repeated OHV travel on soils with moderate or high erosion risk is most likely to cause accelerated erosion, runoff, and sediment delivery into connected stream courses, posing a risk to long-term soil productivity. On soils with slight erosion risk, the direct effect of OHV activity is lower but could cause a loss of soil productivity when vegetative ground cover is removed, soil is compacted, or rutting occurs.

About 52 percent of the portions of the Payson and Pleasant Valley ranger districts that are open to cross-country travel contain soils with moderate and high erosion risks and almost 70 percent of the open areas contain soils with low and moderate strength. These soils are vulnerable to motorized vehicle travel. Motorized vehicle use could result in accelerated soil erosion on areas where repeated OHV use occurs and soils have moderate and high erosion risk.

Soil conditions on the areas open to cross-country travel contain about 25 percent to 30 percent of soils considered to be unsatisfactory or impaired from past disturbances. Continued repeated cross-country motorized travel on these soils would cause accelerated erosion and contribute to reduced long-term soil productivity and vegetative cover.

There are several areas where unauthorized concentrated OHV use is occurring. Approximately 2,500 acres have been disturbed, primarily in the Desert Vista area of the Cave Creek Ranger District and the Lower Sycamore area of the Mesa Ranger District. Resource damage has

occurred in these areas including loss of vegetation, rutting of slopes, and gully erosion. If enforcement is not adequate then these areas would likely expand, causing further soil damage.

Permit Zones

The existing Bulldog Canyon Permit Zone would continue to require a gate combination code and a free permit from the Forest. It is likely that there is little difference between soil conditions within and outside of this permit zones with the exception that users of the permit zones tend to be more aware of restrictions and are more likely to stay on designated routes which is an overall benefit to soil conditions.

Motor Vehicle Use for Big Game Retrieval

Under the No Action Alternative, continued, unrestricted game retrieval would occur only in the areas of the Payson and Pleasant Valley ranger districts, unless otherwise posted. Approximately 704,000 acres could be affected. It is likely that some motorized big game retrieval occurs in ranger districts outside of posted open areas. Payson and Pleasant Valley ranger districts lie within Game Management Units (GMUs) 22 and 23. These game management units also include portions of the Cave Creek, Mesa, and Tonto Basin ranger districts. Motorized big game retrieval estimates for these game management units would overestimate the total number of motorized big game retrievals. The majority of the Cave Creek District in Game Management Unit 22 lies within the Mazatzal Wilderness and wilderness areas have been excluded from the estimates for motorized big game retrieval. Five year average estimates of motorized big game retrieval in GMUs 22 and 23 are 391 retrievals per year. Most motorized game retrieval also involves a single trip with a vehicle (typically an ATV). Webb (1983) found that after a single pass, annual plants on an OHV route remained intact, but most were destroyed after ten passes. We expect perennial plants to be more robust, and therefore perennial plants are likely to also sustain one to two passes. Minimal impacts on vegetative ground cover and soil compaction are expected from motorized retrieval of big game. Based on the low number of trips required for big game retrieval, short distance needed for retrieval, and low number of OHV crossings of a site, motorized big game retrieval has minimal effects on soil conditions. Big game retrieval on upland soils under conditions of dry soils would not be expected to appreciably affect vegetation, soil condition, and productivity. Localized impacts would be most pronounced where motorized traffic occurred on wet soils which could cause soil compaction and loss of vegetation.

Motor Vehicle Use for Dispersed Camping

For this alternative, continued, unrestricted motorized, dispersed camping would occur on the Payson and Pleasant Valley ranger districts where driving off road is permitted by the Forest Plan and in the very limited areas of the southern four districts where off road driving is posted open. In these areas, motorized travel would continue to cause localized impacts to soils, but would be restricted to areas very minor in extent.

Although very limited in extent, motorized dispersed camping could have adverse effects to soil resources where roads provide access to sensitive soils and riparian areas. On wet soils where repeated cross-country travel continues or even where single passes occur, soil damage has been observed and would continue under this alternative. Dispersed camping has the direct effect of disturbing the vegetative ground cover, exposing bare soil, causing soil compaction and rutting on wet soils and causing accelerated sheet and rill erosion. Although motorized dispersed camping

can have moderate impacts to soil conditions at popular dispersed campsites, the limited extent of dispersed camping on a forestwide basis results in only minor impacts overall.

Motor Vehicle Use for Fuelwood Gathering

Personal use fuelwood gathering and gathering of other forest products would continue on approximately 1.35 million acres under this alternative. Approximately 6,000 user days spent gathering fuelwood over this area in 2012 disperse a small number of users over a large area. Permit conditions that require fuelwood gatherers to use the same ingress and egress and to scatter slash over their tracks to reduce soil impacts. Permit conditions that do not authorize fuelwood gathering from January through March when soils are wet also prevent impacts to soils. Overall this activity has minimal effects on soil conditions.

All Action Alternatives – Direct and Indirect Effects

Roads and Trails Designated for Motor Vehicle Use

Under the action alternatives motorcycle trails and ATV trails would be added to the system either by conversion of an unauthorized route or by changing the status of a system road. Alternative B proposes 2,021 miles of motorized trails, Alternative C proposes 2,628 miles, and Alternative D proposes 1,816 miles. Motorized trails (both ATV and motorcycle) are likely to have slightly less of an impact on soil conditions than roads because of a smaller footprint. However, the differences are not measurable at the scale of this analysis; therefore, for the purpose of this assessment, roads, and motorized trails would be assumed to have similar impacts.

The Forest has inventoried about 672 miles of unauthorized routes. Under all Alternatives some of these routes would be converted to system roads or motorized trails. Remaining inventoried unauthorized routes would be decommissioned. Routes not added to the system would not be physically changed on the ground until future site-specific environmental analysis is completed. The effects of adding unauthorized roads to the system cannot be fully evaluated without also looking at the total resulting road density. Unauthorized routes would not be added to the system as roads without following proper mitigation measures and following Best Management Practices (BMPs).

Soil Parameters

Of the action alternatives (alternatives B, C, and D), alternative B has the fewest miles and number of roads occurring on sensitive soils (moderate and high erosion risk and low soil strength). Alternative D has the most miles occurring on sensitive soils. Alternative A has more miles of system roads containing sensitive soils than alternative D when inventoried unauthorized routes are included. Alternative A also has many miles of additional but uninventoried unauthorized routes that impact sensitive soils. Overall alternative B has the lowest impact on sensitive soils. It is likely that alternative A has the greatest impact. Alternative D is similar to alternative A except that improved enforcement should reduce use on uninventoried unauthorized routes. Alternative C is intermediate between alternatives B and D.

Sediment Delivered to Stream Channels

Alternative A produces the greatest amount of sediment. Alternatives B and C produce approximately 50 percent less sediment than Alternative A; while Alternative D produces

approximately 24 percent less. Although the number of road miles and stream crossings remains relatively constant under all Alternatives, sediment delivery differs because decommissioned and administrative only roads receive no or very limited administrative traffic resulting in less soil disturbance and less sediment delivery into connected streams. Under no-traffic conditions, roadbed and road ditches tend to revegetate resulting in greater protective surface cover that reduces water flow, erosion and sediment delivery into connected streams. Over time, recovery of vegetation, soils, and channel crossings on roads designated as decommissioned would reduce sediment delivery below the estimates above. Greatest reductions would occur in Alternative B which would decommission the greatest number of roads (2,367 miles), followed by Alternative C (1,290 miles). The smallest reduction in sediment delivery in the long term would be from Alternative D which would decommission 201 miles of roads.

Areas Designated for Motor Vehicle Use

Under alternatives C and D, motorized cross-country travel would be reduced to four designated motorized cross-country areas and four small tot lots allowing unrestricted cross-country travel on 6,783 acres, or less than 0.25 percent of the Forest. Two designated areas are below the high water marks of Bartlett and Roosevelt Lakes. The other two areas have been heavily impacted in the past from uncontrolled OHV use. The tot lots total less than 12 acres and are also in areas that have received heavy OHV use. The direct effect would be continued erosion and loss of vegetation in these areas. The proposed OHV areas at Bartlett and Roosevelt Lakes are within the “bathtub ring” of these reservoirs. Vegetation at these sites is limited to annual species that pioneer this habitat when water levels are below the conservation pool. Approximately one fourth of the proposed Sycamore OHV area has steep slopes on erosive soil. The other areas are considerably flatter with a lower risk of erosion. An indirect effect may be less off-road OHV use in other parts of the Forest as OHV users may spend more time in designated areas. The net result of these two alternatives would likely be heavy impacts to the OHV areas covering less than 0.25 percent of the Forest and lower impacts to the rest of the Forest.

Under alternative B, motorized cross-country travel would be completely eliminated and would not contribute to degradation of erodible, unsatisfactory, or impaired soils. Soil productivity and functions would improve on impacted soils in both the short-term and the long-term. Under alternative B the designated motorized cross-country areas, heavily impacted in the past, would be allowed to recover. The net result of this alternative would be to greatly reduce impacts to the four designated areas.

Overall, Alternatives C and D would likely minimize impacts to soils from motorized cross-country traffic forest-wide while allowing heavy impacts to the Designated Areas. Alternative B would reduce impacts both to the Designated Areas, and on a forest wide basis.

Permit Zones

Under alternative B four Permit Zones in addition to the existing Bulldog Canyon Permit Zone would be established. Total area included within Permit Zones would be 150,924 acres. Alternative C would establish three Permit Zones in addition to the existing Bulldog Canyon Permit Zone. Total area included within Permit Zones would be 116,797 acres. Under alternative D only the existing Bulldog Canyon Permit Zone would continue to be managed as a Permit Zone. Total area in this Permit Zone is 34,720 acres. These zones restrict motorized public access to 317 miles of roads and motorized trails in alternative B, 326 miles of roads and

motorized trails in alternative C, and 47 miles of roads and motorized trails in alternative D. Motorized users would need to acquire a permit from the Forest to access these zones. The impacts to soils within these areas would be similar to the impacts to soils outside of these Permit Zones where cross-country travel would be restricted.

Motor Vehicle Use for Big Game Retrieval

Motorized, big game retrieval would not be permitted off designated roads and motorized trails in Alternative B; could occur within one mile of either side of designated roads and motorized trails under Alternatives C and D. Under Alternative C motorized cross country retrieval of elk and bear would be allowed within one mile of either side of designated roads and motorized trails and would permit retrieval on approximately 1,293,000 acres. Under Alternative D motorized cross country retrieval of mule and white tail deer as well as bear and elk would be authorized within one mile of either side of designated roads and motorized trails as well and would permit motorized retrieval on approximately 2,067,000 acres. The effects of game retrieval would be similar under Alternatives C and D except that a larger area would be affected in Alternative D than Alternative C. Both alternatives have a larger area open to retrieval than Alternative A (704,000 acres). Based on the low number of trips required for big game retrieval, short distance needed for retrieval, and low number of OHV crossings of a site, motorized big game retrieval would have minimal effects on soil conditions. Big game retrieval on upland soils under dry conditions would not be expected to appreciably affect vegetation, soil condition, and productivity. Localized impacts would be most pronounced where motorized traffic occurred on wet soils which could cause soil compaction and loss of vegetation. The overall impacts would be small and localized in all alternatives except for Alternative B where measurable effects would not occur.

Motor Vehicle Use for Dispersed Camping

Under these alternatives, dispersed camping would be permitted only at designated dispersed sites under alternative B, within 100 feet of designated roads and motorized trails under alternative C, and within 300 feet of designated roads and motorized trails under alternative D. Alternative B would impact approximately 75 acres, alternative C would impact approximately 91,400 acres and alternative C would impact approximately 336,000 acres. All of the action alternatives would limit motorized dispersed camping to fewer acres than the 704,000 acres open to this activity under alternative A. Impacts to soils would be localized and very minor in extent but could occur if access to dispersed camping sites and parking occurs repeatedly in the same area or if soils are wet. The net effect of the action alternatives would be a negligible reduction in impacts when compared to the No Action Alternative.

Motor Vehicle Use for Fuelwood Gathering

Under these alternatives motorized vehicle access for gathering personal use firewood and other forest products is limited to within 300 feet of designated roads and motorized trails in alternatives B and C. Alternative D is similar to alternative A and does not limit motorized vehicle access for persons holding a personal use firewood cutting permit as long as they are within a woodcutting permit area. Approximately 1,346,000 acres would be available for this activity in alternative D. Areas open to fuelwood cutting would be greater in alternative C (161,785 acres) than in alternative B (132,568 acres) because of the greater length of roads and motorized trails open under alternative C. Conditions attached to the fuelwood gathering permit such as using the

same route for entering and leaving a fuelwood gathering site, covering the route with slash or other debris, and not going off road when soils are wet and rutting may occur, limit the impact of this activity on soil conditions. In addition fuelwood gathering is not authorized from January through March when soils are most likely to be wet. Impacts to soils would be localized and very minor in extent but could occur if access to fuelwood gathering sites occurs repeatedly in the same area or if soils are wet. Approximately 1,500 permits resulting in about 6,000 user days for gathering fuelwood disperse a small number of permit holders over a large area. Impacts on soils from this activity are likely to be negligible. Alternatives B and C result in impacts to smaller areas than alternatives A and D but would also tend to concentrate use in these smaller areas.

Cumulative Effects for All Alternatives

The cumulative effects analysis area relevant to soil resources includes the entire Tonto National Forest including private and other public lands that lie within the Forest boundary. Cumulative effects are projected for a 10-year timeframe. Past activities are considered part of the existing condition.

Broad scale activities such as vegetation management, fuels management, and livestock grazing activities have occurred in the past, are occurring, and are reasonably foreseeable actions on the Forest. Vegetation and fuels management are planned to have a net, long-term improvement to soil conditions although there may be short-term negative impacts during implementation. Mitigation measures and Best Management Practices are designed to mitigate any short-term impacts that may occur from project implementation. Livestock grazing activities (past and ongoing) have impacted soil conditions but reauthorizations of grazing permits are designed to minimize these impacts.

Route realignment, reconstruction, or decommissioning may occur with future projects and access through or required by other land jurisdictions may impact the Forest. The extent of these changes cannot be predicted nor quantified. Future changes to routes would be planned and mitigated to reduce impacts.

Urban development and interface growth would continue on private lands. These would not directly affect Forest land but runoff from urban development can cause an increase in erosion on down-gradient Forest lands.

Future mineral exploration, land exchanges, and utility construction are either planned or likely to occur. Disturbance can be relatively minor in some cases such as small utility constructions but in mineral exploration disturbance can be extensive.

Major road projects under construction or planned include State Routes, Forest Roads, and Federal Highways. These projects may add additional miles of roads to the Forest and remove soil from production. Although new roads are designed to minimize and mitigate impacts, newly constructed roads have been known to produce significant erosion and to impact soil condition off site. It is not possible to quantify the effects of new road projects but impacts could be substantial.

Various recreation projects are in the planning stage or are likely to occur. Implementing these projects may cause localized, short-term soil disturbance but are likely to reduced long-term impacts to soils from uncontrolled recreation.

Air Quality

This section documents potential air quality impacts associated with the range of alternatives presented in chapter two of the draft environmental impact statement (DEIS). It identifies areas within the Tonto National Forest that are not meeting current National Ambient Air Quality Standards (NAAQS) and evaluates emissions from Off-Highway Vehicles (OHV) to determine if the proposed action would increase emissions and decrease air quality in the Forest, nonattainment and maintenance areas or class I wilderness areas.

Affected Environment

This section identifies the study areas used in the analysis and presents the baseline emissions levels associated with OHV use for each study area. In particular, it presents the baseline emissions estimates for OHV use within: (1) the Tonto National Forest; (2) each nonattainment and maintenance area; and (3) Class 1 wilderness areas.

In total, there are ten study areas:

- Tonto National Forest: This study area is delineated by the Tonto national Forest administrative boundary.
- Nonattainment and maintenance planning areas: There are five planning areas within the Tonto National Forest, including: three PM₁₀ nonattainment areas, one PM₁₀ maintenance area and one ozone nonattainment area.
- Class I wilderness areas: There are four Class I areas within the Tonto National Forest.

Nonattainment and Maintenance Areas within the Tonto National Forest

There are five air quality control regions within the Forest, including three PM₁₀ nonattainment areas, one PM₁₀ maintenance area and one ozone nonattainment area: Phoenix planning area for 24-hour PM₁₀ Serious nonattainment; Hayden planning area for 24-hour PM₁₀ moderate nonattainment; Miami planning area PM₁₀ moderate nonattainment; Payson planning area for 24-hour PM₁₀ Attainment, limited maintenance; and Phoenix planning area for 8-hour ozone Moderate nonattainment.

PM₁₀ planning areas: are designated by EPA for areas that violate the PM₁₀ NAAQS. Sources of PM₁₀ include: fugitive dust from unpaved roads, vehicle exhaust, construction activities, mining and agricultural activities, industrial sources, fuel combustion from fireplaces and woodstoves as well as prescribed and wildfires.

Ozone areas: are designated by EPA for areas that violate the ozone NAAQS. Ozone formation is driven in part by its precursor emissions of nitrogen oxides (NO_x) and volatile organic compounds (VOC). Main sources of NO_x and VOC emissions include: electrical generation, industrial and mobile sources. However, peak afternoon O₃ is also a function of NO_x and VOC mixing ratios. For example, areas that are NO_x-sensitive (typically rural areas) are associated with high reactivity-weighted VOC/NO_x ratios. Adding more VOC to NO_x-sensitive areas may have little or no effect on ozone production. On the other hand, adding NO_x to the mixture can increase ozone production.

Class I Wilderness Areas

There are four Class I areas within the Forest¹²⁰, including the: Pine Mountain Wilderness; Mazatzal Wilderness; Sierra Ancha Wilderness; and Superstition Wilderness.

Particulates that remain suspended in the atmosphere are efficient at light scattering and contribute to regional haze and reduced visibility (U.S. EPA, 2010). Air quality indicators for Class 1 areas include¹²¹: Particulate concentration – which affects human health and visibility; and Ozone concentration – which affects human health and vegetation;

During July of 1999, the EPA adopted the Regional Haze Rule that set a 60-year timeline for states to improve visibility within mandatory Federal Class I areas. This timeline used visibility monitoring data collected from 2000 to 2004 to set the baseline years, with a goal of Natural Condition by 2064. All Class I areas located within the analysis area are currently within parameters to meet their 2064 Natural Conditions target.

ADEQ is developing a SIP to remedy existing and prevent future visibility impairment at mandatory Class I Federal areas (CIAs). The SIP is required under the contextual requirements defined under 40 CFR Part 51 Section 300 through 309 of the Regional Haze Rule and will provide reasonable progress and long-term strategies for Arizona's twelve Class I areas.

Emissions from Off-Highway Vehicles

Emissions inventories for nonattainment and maintenance areas are required to be updated every three years¹²². The most recent emissions inventories for the Phoenix 24-hour PM₁₀ and 8-hour ozone nonattainment areas provide County-wide emissions estimates for OHV sources. However, the published inventories do not provide the level of detail necessary to determine Forest specific emission estimates for OHV use.

For the Forest areas, baseline and future OHV emissions inventories were developed using engineering methods described in AP-42¹²³ and EPA's NONROAD2008 model documentation. The emissions listed in Table 79 were calculated using AP-42 and conservative estimates for silt and moisture content.

¹²⁰ See figure 1 in chapter 1 of the DEIS for an illustration showing Class I area locations.

¹²¹ More information can be found on the FLAG 2010 website

¹²² "Consolidated Emissions Reporting". 67 Federal Register 111 (June 10, 2002), pp. 39602-39616

¹²³ EPA AP-42 Compilation of Air Pollutant Emission Factors. 13.2.2 Unpaved Roads equation (1b)

Table 79: Miles of Unpaved Roads and Projected 2013 Baseline Uncontrolled Emissions¹²⁴ for Alternative A

Study Areas	Total miles*	% of total miles	Average Daily OHV	Baseline PM ₁₀ (ton/year)	Baseline NO _x (ton/year)	Baseline VOC (ton/year)
Tonto National Forest	5,631	100	89	1,801	0	0
Phoenix 24-hour PM10 nonattainment	605	10.75	10	194	0	0
Miami 24-hour PM10 maintenance	257	4.57	4	82	0	0
Hayden 24-hour PM10 nonattainment	196	3.48	3	63	0	0
Payson 24-hour PM10 nonattainment	321	5.71	5	103	0	0
Phoenix 8-hour ozone nonattainment	1,381	24.53	22	0	35	1,527
Mazatzal Wilderness	203	3.60	3	65	5	224
Superstition Wilderness	137	2.43	2	44	3	151
Sierra Ancha Wilderness	108	1.91	2	34	3	119
Pine Mountain Wilderness	47	0.83	1	15	1	51

*Mileage includes 672.33 miles of unauthorized routes.

The emissions associated with off-road motorcycles (dirt bikes) and all-terrain vehicles (ATVs) vehicles on unpaved roadways include:

- *Fugitive particulate emissions:* from vehicle travel over unpaved surfaces. Fugitive road dust is a result of motor vehicle use when road surfaces are dry; the force of wheels moving across the native surfaces causes pulverization of surface material. Dust is lofted by the rolling wheels as well as by the turbulence caused by the vehicle.
- *Vehicle exhaust emissions:* from off-highway vehicles include nitrogen oxides (NO_x), hydrocarbons (HC) and particulate matter (PM_{2.5/10}). EPA's NONROAD 2008 emissions model provides estimates for HC emissions, which can be used as a surrogate for VOC emissions by way of a conversion factor¹²⁵.

¹²⁴ Emissions estimates use conservative assumptions for soil moisture and silt. Further, the emissions reported represent uncontrolled emissions and may differ from emissions estimated reported in the SIP emissions inventories.

¹²⁵ Conversion Factors for Hydrocarbon Emission Components online at [EPA 2010](#)

Environmental Effects

This section evaluates the potential impacts to air resources for each alternative. Total net emissions from off-highway vehicle use are estimated to determine if OHV emissions will decrease the air quality within the Forest. In general, for emissions that are shown to increase, air quality is expected to decrease. The opposite is similar. For emissions that are shown to decrease, air quality is expected to increase or no adverse impact to air quality is expected.

Assumptions and Methodology

The analysis was completed using the process outlined in EPA's General Conformity Guidance and on the basis that the General Conformity Analysis provides direction for determining emissions impacts under NEPA.

The method for estimating emissions from off-road recreational vehicles includes the following steps:

1. Identify any nonattainment or maintenance areas within the Forest.
2. Develop baseline and future emissions inventories for each nonattainment and maintenance area identified in step 1 and calculate the total direct and indirect emissions for each alternative.
3. If the total direct and indirect emissions from step 2 are below the emissions levels specified under 40 CFR 93.153(b)(1) and (2), then the proposed action is not expected to cause significant air quality impacts. Table 80 illustrates threshold emission levels.

Table 80: General Conformity Emissions Thresholds by SIP Planning Area

Region/Pollutant	Designation	Threshold* (tons per year)
Phoenix Planning Area/ PM ₁₀	Serious Nonattainment	70
Hayden Planning Area/ PM ₁₀	Moderate Nonattainment	100
Miami Planning Area/ PM ₁₀	Limited Maintenance Plan and request for redesignation to attainment (ADEQ 2008).	100
Payson Planning Area/ PM ₁₀	Limited maintenance area	100
Maricopa County/ Ozone	Nonattainment	100 [^]

*Threshold value source: 40 CFR 81, Threshold – 40 CFR § 93.153(b)(1) and (2).

[^](NO_x or VOC)

Nonattainment and Maintenance Areas Included in Analysis

In the first step, GIS analysis was used to determine that five air quality planning areas are located within the Forest's administrative boundary¹²⁶. Further, GIS analysis was used to

¹²⁶ A detailed explanation of the calculations used in the analysis can be found in the Air Quality Specialist Report in the project record.

determine the distribution of roadways used by OHVs within the Forest and each air quality planning area.

In the second step the 2008 baseline and 2013 future OHV emissions were estimated for each planning area and each alternative. For each nonattainment or maintenance area, we require OHV emissions estimates for the *no action* alternative and OHV estimates for each alternative (A, B, and C). The emissions estimates are projected from the 2008 baseline inventory year to the 2013 future baseline inventory year. The no action emissions estimates are representative of OHV activities during the 2013 future baseline year before the proposed action will occur, while the OHV emissions for each alternative are representative of the 2013 future year inventories, after the proposed action will occur.

In the third and final step, the total net emissions for each alternative and each nonattainment or maintenance area are then compared to emissions threshold levels to determine if the proposed action would cause or contribute to a NAAQS violation. The criterion for determining significance of the proposed action on air quality is as follows:

- If the proposed action emission is below the emissions threshold, then significant air quality impacts are not expected.
- If the proposed action emission is above the emissions threshold, then significant air quality impacts are expected.

The results indicate a reduction in emissions for each of the alternatives under consideration. Further, the General Conformity Applicability Analysis indicates a reduction in criteria pollutant emissions within each nonattainment and maintenance areas. Therefore significant adverse air quality impacts are not expected.

Cumulative Effects of All Proposed Alternatives

Present and reasonably foreseeable actions within the project area include: recreational OHV use; smoke from wildland and prescribed fires; wood burning; dust and pollution from urban development; dust from agricultural fields, disturbed areas and vacant lots lifted by elevated winds and seasonal thunderstorm outflows; and emissions from motorized vehicle use.

Fugitive dust emissions from unpaved roads; windblown dust; industrial development are the primary contributors to poor air quality within the PM₁₀ nonattainment areas. Outside of the PM₁₀ nonattainment areas and in the higher elevations of the Forest, particulate emissions from smoke due to wood burning and prescribed and wildland fires are the primary culprits. Ozone precursor emissions from mobile sources, including OHVs, tend to be more problematic for the 8-hour Phoenix ozone nonattainment area.

Increases in population and recreation will impact air quality by increasing particulate and ozone precursor emissions within the Forest. It is expected that present activities and their air emissions will persist in the reasonably foreseeable future. However, air emissions from regulated activities are managed under State and County air quality rules, regulations and attainment plans, which require emissions reductions within nonattainment areas in order to meet federal air quality standards. Therefore, cumulative air emissions from regulated activities within the nonattainment areas are expected to decrease over time.

Under the No Action Alternative (Alternative A), cumulative emissions in the nonattainment areas are expected to decrease in accordance with regulatory programs under the Clean Air Act. However, projected growth in population for the Phoenix Metro Area and increasing demand for recreational resources may tend to increase OHV use in more remote Forest areas, which may increase air pollutant emissions and degrade air quality within other areas of the Forest.

Particulate emissions within all PM₁₀ nonattainment areas, Class I areas and forest wide, would be substantially less under all alternatives compared to Alternative A. Cumulative ozone precursor emissions are also substantially less under all alternatives compared to Alternative A for the 8-hour ozone nonattainment area, Class I areas and forest wide. Therefore, cumulative air quality impacts are also likely to be less.

General Conformity Determination

The results indicate a reduction in emissions for each of the alternatives under consideration. Further, the general conformity applicability analysis indicates a reduction in criteria pollutant emissions within each nonattainment and maintenance area. Therefore a general conformity determination is not required for the actions associated with the project.

Climate Change Affected Environment

The Southwestern Regional Office planning program has summarized some ecological and socioeconomic effects of climate change (U.S. Forest Service, 2010). This document suggests the state of knowledge needed to address climate change at the forest scale is still evolving. Most global climate models are not yet suitable to apply to land management at the forest scale. This limits regional analysis of potential effects especially for a specific project. Climate modelers generally agree that the Southwestern United States is experiencing a drying trend that will continue into the latter part of 21st century. Climate model scenarios suggest the warming trend observed in the last 100 years may continue into the next century with the greatest warming occurring during the winter. Some climate models predict 2-3 degree temperature changes in the next 20 years. Some potential ecological implications of climate change trends include (U.S. Forest Service, 2010):

- More extreme disturbance events, including wildfires and intense rain and flashfloods and wind events (Swetnam *et al.*, 1999).
- Greater vulnerability to invasive species, including insects, plants, fungi, and vertebrates (Joyce *et al.*, 2007).
- Long-term shifts in vegetation patterns (Westerling *et al.*, 2006; Millar *et al.*, 2007).
- Cold-tolerant vegetation moving upslope, or disappearing in some areas. Migration of some tree species to the more northern portions of their existing range (Clark, 1998).
- Potential decreases in overall forest productivity due to reduced precipitation (U.S. Forest Service, 2005).
- Shifts in the timing of snowmelt (already observed) in the American West, which, along with increases in summer temperatures, have serious implications for the survival of fish

species, and may challenge efforts to reintroduce species into their historic range (Joyce *et al.*, 2007; Millar *et al.*, 2007).

- Effects on biodiversity, pressure on wildlife populations, distribution, viability, and migration patterns, because of increasing temperatures, water shortages, and changing ecological conditions.

Environmental Effects

Effect of the Proposal on Climate Change

Agency direction defines the emission of greenhouse gases and effects to carbon cycling as the direct climate change effects of a project. The interaction of emissions with atmospheric concentrations of greenhouse gasses such that they impact the climate is defined as the potential indirect climate change effect (U.S. Forest Service, 2009a).

Under this definition, there is no direct effect associated with any of the proposed actions considered in any of the alternatives. These alternatives do not authorize the emission of greenhouse gasses; the action alternatives do not limit the emission of greenhouse gasses; the action alternatives are unlikely to change carbon cycling or the emission of greenhouse gasses as compared to the no action alternative.

Regarding indirect effects, Agency direction states, "Because greenhouse gases mix readily into the global pool of greenhouse gases, it is not currently possible to ascertain the indirect effects of emissions from single or multiple sources (projects). Also, because the large majority of Forest Service projects are extremely small in the global atmospheric CO₂ context, it is not presently possible to conduct quantitative analysis of actual climate change effects based on individual projects" (USDA Forest Service 2009a).

Based on this guidance, Alternatives B, C, and D do not have measurable indirect effects as compared with the No Action Alternative (Alternative A).

Effect of Climate Change on the Proposal

Alternative A

This alternative has more miles of motorized routes than any of the alternatives. It also permits the greatest area of off road vehicle use for firewood gathering, motorized big game retrieval, dispersed camping and general off road vehicle use of any of the alternatives. Increased intensity of storm events expected from climate change would increase erosion and sedimentation from exposed road surfaces. The large number of stream crossings in this alternative reduces the resilience of channels and riparian areas to resist the erosive effects of floods. The larger mileage of roads in this alternative also provide a greater number of pathways for nonnative species to be introduced to native ecosystems which are more susceptible to non- native species due to stress from warmer temperatures and reduced water availability.

Alternative B

This alternative would designate for decommissioning the greatest mileage of motorized routes of all alternatives. This alternative also results in the minimum area of off road disturbance of any of the alternatives for motorized dispersed camping, firewood gathering, and motorized big game

retrieval. Reduced mileage of motorized routes area open to cross country travel reduces erosion potential from high intensity storms. The reduced number of stream crossings improves stability of channels and aquatic habitat and provides greater resilience to channel and riparian areas from flooding. Reduced mileage of roads reduces pathways for introducing non-native species to climate change stressed ecosystems. Cumulatively these effects result in greater landscape level resilience to climate change. Eventual revegetation of decommissioned routes may provide negligible sequestration of carbon. Reduced mileage of roads may also reduce greenhouse gas emissions if fewer vehicle miles are driven on motorized routes on the Forest.

Alternative C

Impacts would be similar to Alternative B but at a smaller scale due to designating fewer miles of roads for decommissioning and greater areas open to off road travel for motorized dispersed camping, firewood gathering, and motorized big game retrieval.

Alternative D

Impacts would be greater than Alternatives B and C but less than Alternative A due to designating even fewer miles of roads for decommissioning than in Alternatives B and C, and permitting off road motorized travel in larger areas for motorized big game retrieval, firewood gathering, dispersed camping, and general off road motorized travel in designated OHV areas. Impacts would be less than Alternative A.

Short-term Uses and Long-term Productivity

NEPA requires consideration of “the relationship between short-term uses of man’s environment and the maintenance and enhancement of long-term productivity” (40 CFR 1502.16). As declared by Congress, this includes using all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans (NEPA Section 101).

The change in driving on National Forest System roads and trails created by any of the action alternatives does not jeopardize the long-term productivity of the Tonto National Forest. As described throughout chapter 3, implementing any of the action alternatives would generally improve resources when compared to the current condition.

However, in the case of motor vehicle use for personal use fuelwood gathering, there are anticipated effects in the short-term use and long-term productivity. The Tonto National Forest generates 400,000 to 500,000 cubic feet of available dead and down fuelwood annually. Available fuelwood is the result of both natural occurring events and management activities. Many local small business and residents rely on this fuelwood to heat their homes and business, offsetting the cost associated with other heat sources. For many residents, this may be their only heat source and wood gathering becomes a family event and recreational activity. The Forest benefits by the removal of scattered fuel accumulations that under natural fire regimes would be removed through frequent fire. Personal use fuelwood gathering allows the general public to be directly involved with the management of their National Forest while removing products that contribute directly to their social and economic wellbeing.

Natural events or disturbances that result in the creation of fuelwood include but are not limited to wildfire, insect outbreaks, droughts, and heavy snowfalls. These occur to varying degrees across the forest in an extremely random pattern. Areas affected can range from small scattered patches to large landscape scales. Resulting fuel loads are also extremely variable, ranging from high concentrations of mortality and breakage to very light and scattered accumulations. Access to these areas is currently provided by both system and non-system roads and often extends for great distances away from roads and trails.

Management activities that generate available fuelwood include prescribed fire, range improvement cuttings, timber stand improvement cuttings and restoration activities. After these treatments are completed, slash and associated breakage becomes available for fuelwood gathering. Treatment areas range in size from 50 to 1000 acres or more in size. Treatments are usually followed several years later by prescribed fire to reduce the increased fuel load to more manageable levels. Personal use fuelwood gathering allows the public to assist land managers by removing valuable products from these areas before burning. This reduces the intensity of the resulting fire making it easier to manage. Access to these areas is also provided by both system and non-system roads and often extends for great distances away from roads and trails.

Fuelwood gathering during the spring and summer is often concentrated near system roads where concentrations of fuelwood can be seen from the vehicle. Available fuelwood in these areas can quickly become depleted requiring fuelwood gatherers to scout the surrounding terrain to find wood. As areas where disturbances have occurred are located, fuelwood gatherers begin to move off roads and trails to take advantage of these concentrations. Under alternatives A and D this practice would continue, allowing personal use fuelwood gatherers to spread out across the permitted areas to obtain their wood. Alternatives B and C would restrict fuelwood gathers to within 300 feet on both sides of designated roads and trails where availability of fuelwood may become scarce over time. This can lead to concentrated use in some areas, effectively removing all available fuelwood. In areas further away from the roads and trails, concentrations of dead and down fuel would start to accumulate over time, increasing the risk of uncharacteristically intense fire behavior. As the season progresses and the weather turns cool, individuals may have trouble locating areas to legally gather fuelwood and fill their permits.

Historically, along the sides of roads gets cleared of dead and down fuelwood each year by late August, five months into the nine month season. The majority of permits are sold in the latter portion of the season generally from late August through November, as temperatures drop and people begin to focus on heating their homes. There have even been cases where some people wait until the last minute and purchase permits in December.

One possible option for enabling the 600 foot corridor to meet the needs that are accomplished yearly by the current fuelwood gathering program would be to move wood outside of the corridor into that corridor. To do this efficiently would require equipment to make repeated trips back and forth across the treatment area and would have a much larger impact on soils and residual vegetation than random trips into the area by individual wood cutters. These wood cutters tend to pick their individual trails directly to their spots and tend to only make one trip to each area they cut.

It would take several years for fuels to begin to build up across the landscape, say five to seven years (normal burn cycle) under “normal” conditions. When treatments occur or there is die off due to drought or insects the time for fuel accumulation can shorten considerably. Insects can

create fuel hazards in a single year as evident by the bark beetle outbreak near Pine in the early 2000s.

While it is acknowledged that very few wood cutters will physically haul wood over 100 feet to their truck and even fewer use wheelbarrows to gather wood, they do frequently use old skid trails or gaps in the forest to work their vehicles into the forest a considerable distance where they can load wood directly into their trucks or trailers without having to carry the wood by hand. ATVs with trailers have greatly increased the distances they are able to reach. The larger the tree, the further the wood cutter is often willing to drive off the road. Some wood cutters travel 500 to 1000 feet off the road to gather a large juniper that has burned down. While most of the wood cutters that receive one of the 1,500 permits issued yearly would stay within 300 feet of designated routes, the more experienced cutters rarely cut near the road, and regularly venture beyond 300 feet. A conservative estimate of these wood cutters would be 30 percent of regular permit holders or approximately 300 individuals.

Unavoidable Adverse Effects

Implementation of any of the alternatives would result in some unavoidable adverse environmental effects. Although formation of the alternatives included avoidance of some effects, other adverse effects could occur that cannot be completely mitigated. The environmental effects for each resource area in this chapter discuss these effects in greater detail.

Irreversible and Irretrievable Commitments of Resources

An irreversible commitment of a resource is one that cannot be regained, such as the extinction of a species. An irretrievable commitment is one where the value of the resource is lost for a period of time, such as the loss of soil productivity from the existence of a road.

The no action could result in the irreversible loss of cultural resource sites, as cross-country travel is currently permitted on the Payson and Pleasant Valley Ranger Districts. By definition, cultural resource sites and traditional cultural properties are not renewable and damage to them cannot be reversed. By following the programmatic agreement discussed in the Heritage Resources section of this chapter, the action alternatives would have no irreversible commitments of resources.

All the alternatives would result in the irretrievable commitment of some of the forest's soil productivity. This commitment, however, would be negligible when considered at the scale of the forest. All action alternatives designate unauthorized routes, which commits the soil to use as a route rather than for growing plants. Additionally, the action alternatives would continue to allow camping, which also tends to commit soil to that use. Alternatives C and D, which are expected to result in more bare ground from motorized dispersed camping, could irretrievably reduce visual quality in some places. The environmental effects for each resource area in this chapter discuss these effects in greater detail.

Chapter 4. Consultation and Coordination

Preparers and Contributors

The following is a list of contributors to this draft environmental impact statement. Numerous other people have also contributed in many ways to this document. Their help is greatly appreciated.

Bray G. Addison Jr., Patrol Captain, Central Arizona Zone, Law Enforcement Officer

Education: BS and MS degrees in Wildlife Management

Experience: Bray Addison, served 4 years on active duty in the U.S. Army as a Field Artillery officer. After getting his Arizona POST certification as a police officer, he served 8 years as a Wildlife Manager for the Arizona Game and Fish Department. He has been a U.S. Forest Service Law Enforcement Officer on the Tonto National Forest for 11 years, with the last 4 years as the Patrol Captain.

Kenna Belsky, Forest GIS Specialist, Tonto National Forest

Education: M.A.S. in Geographic Information Systems and B.S.P. in Urban Planning from Arizona State University

Experience: Kenna has worked for the Forest Service for the past three years. Her career started in the recreation department doing special use permits on the Mesa Ranger District. She has been a Forest GIS Specialist for over two years working on various forestwide projects and helping to grow the GIS program on the Forest.

Patti R. Fenner, Noxious Weed Program Manager, Tonto National Forest

Education: BS Botany from Arizona State University; MS in Natural Resource Management from Arizona State University

Experience: Patti was a Range Conservationist with the Forest Service for 23 years, managing livestock allotments and range vegetation. She has been in her current position as the forest Noxious Weed Program manager for 10 years.

Tim Holt, Wildlife Manager Supervisor, Arizona Game and Fish Department

Education: B.S. Biology (Fish and Wildlife Management), Northern Arizona University

Experience: Tim Holt has worked for the Arizona Game and Fish Department for 13 years in the southwestern, northern, and central portions of Arizona. He has served as a Wildlife Manager, Wildlife Specialist, and currently as a Wildlife Manager Supervisor in Region 6 of the Arizona Game and Fish Department.

Patti Johnston, Recreation Specialists Detail to Tonto National Forest

Education: B.S. Agricultural Business Management, California Polytechnic State University; Range Management classes, New Mexico State University.

Experience: Patti has worked with Forest Service for 31 years in Regions 1, 3 and 6.

Kimber Jones, Forest Landscape Architect, Tonto National Forest

Education: Bachelor of Landscape Architecture, Iowa State University

Experience: Kimber, a registered Landscape Architect, has worked for the Tonto National Forest for 24 years designing recreation sites, overseeing the design and construction of highways crossing through the forest, and is responsible for scenery management.

Grant Loomis¹²⁷, Forest Hydrologist, Tonto National Forest

Education: B.A. Economics, UC Davis; MS (all but thesis) Hydrology and Water Resources, University of Arizona.

Experience: Grant has been the hydrologist for the Tonto National Forest for the past 26 years. Prior to that, he was the hydrologist on the Bureau of Land Management's Glenwood Springs Resource Area in Colorado for 6 years. He was also an economist/hydrologist on the Bureau of Land Management's Winnemucca District in Nevada for 2 years.

Leonard Montenegro (Contractor), Air Quality Scientist, numAIRic Inc.

Education: B.S. Chemistry, Arizona State University.

Experience: Leonard has worked for fifteen years in the areas of air quality assessment and modeling. He has five years as a professional consultant providing clients with air quality research and analysis necessary to comply with governmental regulations. He was head of evaluation for Arizona's Air Quality Division and has carried out a variety of air quality assessments in Arizona.

Justin Mouton, Forestry Technician, Tonto National Forest

Education: B.S. Urban Forestry, Southern University, and A&M College

Experience: Justin has worked for the Forest Service for nearly 3 years, working on the Deschutes National Forest and the Tonto National Forest. A product of the STEP/SCEP program, he worked on various internships as a seasonal firefighter and technician before accepting a position after graduating from college.

Ryan Nicholas, Natural Resource Specialist (Pathways Intern), Tonto National Forest

Education: M.S. Urban Forestry, Southern University and A&M College; B.S. Plant and Soil Science, Southern University and A&M College

Experience: Ryan has worked for the Forest Service for seven years, working on the Willamette National Forest and the Tonto National Forest. In the past he has worked as a soil science SCEP on both the Willamette National Forest and the Tonto National Forest. Currently he is a Natural Resource Specialist for the Tonto National Forest. He is also in his last year of college pursuing a PhD in Urban Forestry.

¹²⁷ Grant Loomis also revised the Soils Report and authored the Climate Change section in Chapter 3.

Kay Nicholson (Contractor), Senior Biologist, Logan Simpson Design Inc.

Education: M.S. Environmental Resources, Arizona State University; B.S. Animal Science, Oregon State University.

Experience: Kay has worked as a wildlife biologist for fourteen years. She has twelve years experience as a consultant preparing Endangered Species Act and National Environmental Policy Act compliance documents for project proponents on projects throughout the western United States. She was the Intermountain Biology Team Leader for Entrix Environmental Consultants, and was a Senior Biologist at Aztec Engineering. Currently, she is a Senior Biologist for Logan Simpson Design Inc.

Richard Remington (Contractor), Senior Biologist, Logan Simpson Design Inc.

Education: Certified Public Manager, Arizona State University; B.S. Wildlife Biology, Arizona State University

Experience: Formerly the Arizona Game and Fish Department regional supervisor for northeastern Arizona, Richard is a wildlife biologist with more than 35 years of experience. Since joining Logan Simpson Design Inc. in 2004 as a senior biologist, Richard has managed many biological resources analyses and assessment projects.

Lonny Rollins, Roads Manager, Tonto National Forest

Education: BS Civil Engineering, University of Arizona

Experience: Lonny has worked for the Tonto for over four years as a civil engineer. He has worked on many different development projects throughout the Forest. He is currently the Roads Manager for the Tonto National Forest.

Anne Thomas, Social Scientist and Team Leader, Tonto National Forest

Education: M.S. Human Dimensions of Ecosystem Science and Management, Utah State University; B.S. Environmental Science, Concordia University at Austin.

Experience: Anne has worked for the Forest Service for six years, working on the Wasatch-Cache National Forest, the Intermountain Regional Office, the Humboldt-Toiyabe National Forest, the Sequoia National Forest, and the Tonto National Forest. She has been an interdisciplinary team leader for the Giant Sequoia National Monument Plan and a district NEPA coordinator. Currently she is the NEPA Coordinator for the Tonto National Forest.

Jon Scott Wood, Forest Archaeologist, Tonto National Forest

Education: BS and MS degrees in Archaeology from Arizona State University

Experience: 38 years working as an archaeologist on the Tonto National Forest.

Nathan Yorgason, acting Wildlife Program Lead, Tonto National Forest Service

Education: GIS Certification, Utah State University; B.S. Wildlife and Range Management, Brigham Young University.

Experience: Nate has worked for the Forest Service for 15 years, working on the Dixie National Forest, Lewis and Clark National Forest and the Pike and San Isabel National Forest as a Wildlife Biologist. Nate has served on several Interdisciplinary teams for a variety of projects and has acted as Interdisciplinary Team Leader for large Vegetation Management projects. Currently Nate is the acting Wildlife Program Manager on the Tonto National Forest.

Distribution of the Draft Environmental Impact Statement

This draft environmental impact statement has been distributed to individuals who specifically requested a copy of the document. In addition, copies have been sent to the following Federal agencies, federally recognized tribes, State and local governments, and organizations representing a wide range of views regarding travel management:

ABA Arizona Bowhunters	Arizona Cattle Grower's Association
Adair Desert Tours	Arizona City Gem and Mineral Society
Agua Fria Intergroup	Arizona Commission of Agriculture and Horticulture
Agua Fria National Monument	Arizona Department of Agriculture
Airpark Auto	Arizona Department of Agriculture, Animal Services
Arizona Repeater Association	Arizona Department of Emergency & Military Affairs
Alan Benoit Photography	Arizona Department of Environmental Quality
All Wet Scuba, LLC	Arizona Department of Environmental Quality – Water Quality Division
Alltel	Arizona Department of Environmental Quality - Emergency Response
AMA	Arizona Department of Mines and Mineral Resources
American Bass Association	Arizona Department of Public Safety
American Fisheries Society	Arizona Department of Transportation
American Motorcycle Association	Arizona Department of Transportation, Maintenance Office
American Rivers	Arizona Department of Water Resources
Americon Realty	Arizona Division of Emergency Management
AnasArizonai Foundation, Inc.	Arizona Elk Society
Animal and Plant Health Inspection Service	Arizona Game and Fish Department
Animal Defense League of Arizona	Arizona Game and Fish Department - Law Enforcement Branch
Antenna Sites, Inc.	Arizona Game and Fish Department - Radio Dispatch
Antlers	Arizona Game and Fish Department - Regional VI Headquarters
Apache Bass Club	Arizona Game and Fish Department - WMHB
Apache County ATV Roughriders	Arizona Game and Fish Department- Adopt-A-Ranch Program Manager
Apache County Development and Communication Services	Arizona Game and Fish Department - Region 6 HQ
Apache Junction Chamber of Commerce	Arizona Geological Survey
Apache Junction Rock and Gem Club, Inc.	Arizona GrArizonaing Clearinghouse
Apple Hill Enterprises	Arizona Great Outdoors
Archaeological Consulting Services, LTD	Arizona Guide Association
Arizona Anglers Family Fishing	Arizona House of Representatives
Arizona Archaeology Society - Phoenix Chapter	Arizona Iceman
Arizona Association of Conservation Districts	Arizona Iron Supply, Inc.
Arizona Association of Counties	Arizona Livestock Board
Arizona ATV Riders, Inc.	Arizona Native Plant Society
Arizona Auto Association	Arizona Navy
Arizona Awareness Desert Jeep Tours, Inc.	Arizona Office of Tourism
Arizona Bass Club	
Arizona Beemers	
Arizona Board of Regents - KAET ASU	
Arizona Bound Jeep Tours	
Arizona Bowhunters	
Arizona Cattle Growers Association	

Arizona OHV Association	Audubon Society-Tucson
Arizona OHVC	Bank One
Arizona OHVC, Arizona Rock Rats	Bar Eleven Land and Cattle Company
Arizona Outdoor Journal	Bar X Ranch Conservatory, Inc.
Arizona Outdoors Club at ASU	Barro's Pizza
Arizona Partnership for Forest Health	Bartlett Lake Marina
Arizona Public Service	Barton, Venable, Gullette and Randall
Arizona Public Service - Childs Power Plant	Bat Conservation
Arizona Public Service - Forestry and Special Programs	Bat Conservation International
Arizona Ranch Management	Beaver Valley Improvement Association
Arizona Repeater Association	Biff Miller and Regina Durbin
Arizona Rivers Coalition	Big River Films
Arizona Senate	Bill Johnson's Big Apple Restaurant
Arizona Small Mine Operators Association	Black Brush Ltd. Partnership
Arizona Sportsmasters	Black Canyon City Chamber of Commerce
Arizona State Association of 4-Wheel Drive Clubs	Black Mountain Coffee Shop
Arizona State Land Department	Black Mountain Lions Club
Arizona State Land Office	Black Mountain Mining Corp
Arizona State Lands - State	BLM - Arizona Strip Field Office
Arizona State Mine Inspector	BLM, Arizona State Office
Arizona State Parks	Blue Ribbon Coalition
Arizona State Parks - Division of Planning	Bob Lee and Sons Tree Services
Arizona State Parks Board	Bordges Timber, Inc.
Arizona State Senate	Boyce Thompson Arboretum
Arizona State Treasurer	Braggin Rock Club
Arizona Trail Riders, Inc.	Bray Creek Ranch
Arizona Trout Unlimited	Brown and Bain
Arizona Unique Buggy Adventures, Inc.	Bubbles Up Drive and Travel
Arizona State University	Bullock Logging
Arizona State University - College of Law	Bureau of Indian Affairs
Arizona State University - Global Institute of Sustainability	Bureau of Indian Affairs - Navajo
Arizona State University - Morrison School of Agribusiness	Bureau of Indian Affairs - San Carlos
Arizona State University - Department of Zoology	Bureau of Land Management
Arizona State University - Disability Resource Center	Bureau of Reclamation
Arizona State University - Global Institute of Sustainability	C.A.S.T. (Central Arizona Spouse Teams)
Arizona State University Hayden Library - Government Documents	Cable One
Arizona State University - Libraries	Cactus Shadows High School
Arizona State University - Plant Biology	Camelback Adventures
Arizona State University - Zoology Department	Camp Creek Association
Arizona State University - School of Earth and Space Exploration	Camp Creek Homeowners Association
Arizona Virtual Jeep Club	Camp Creek Residence Association
Arizona Water Company	Camp Verde Chamber of Commerce
Arizona Wholesale Fuelwood	Canyon Bass Association
Arizona Wilderness Coalition	Canyon Bass Club
Arizona Wildlife Federation	Canyon de Chelly National Monument
Arizona Wool Producers	Cave Creek Building Supply
Armstrong Living Trust	Cave Creek Outfitters
Arrowhead Canyon Homeowners Association	Cave Creek Saddle Club
ASA4WDC Conservation	Cave Creek Unified School District
ASARCO, Inc.	Cave Creek/Carefree Chamber of Commerce
ASARCO, LLC	Center for Biological Diversity
Audubon Expedition Institute	Central Arizona Association of Governments
Audubon Society	Central Arizona Project
	Central Arizona Trail Hounds
	Chamber of Commerce
	Chandler Bass Assn
	Chaparral Guides and Outfitters
	Chino Winds NRCD
	Christopher Creek Homeowners Assn
	CHRJ Partners

Chapter 4. Consultation and Coordination

Chuckwalla Wilderness Adventures
Cierra Medical Walk-In
Citizens for a Better Young
City of Apache Junction
City of Flagstaff
City of Globe
City of Hildale
City of Kanab
City of Mesa
City of Mesa, District 5
City of Page
City of Payson
City of Prescott
City of Scottsdale
City of Sedona
City of St. George
City of Williams
Civil Air Patrol
Clarkdale Chamber of Commerce
Coconino County - District 1
Coconino County - District 2
Coconino County - District 3
Coconino County - District 4
Coconino County - District 5
Coconino County - Planning and Zoning
Coconino County Cooperative Extension Office
Coconino County Public Works Department
Coconino Natural Resource Conservation District
Cold Springs Ranch
Community Television Project, Inc.
Continental Mining Inc.
Cooper's Hay Hook Ranch
Copper Hills ATV Riders Association
Copperstate Bass Club
Cottonwood Chamber of Commerce
Creation Research Society
Croman Corporation
CTW Cattle Company
Dames and Moore
Defenders of Wildlife
Del Norte Bass Club
Del Shay Ranch, Inc.
Department of Water Resources
Desert Bighorn Sheep Society
Desert Botanical Garden
Desert Dog Hummer Adventures
Desert Mountain Properties
Desert Southwest Region
Desert Storm Hummer Tours, Inc.
Desert Foothills Medical Center
Destination West, Inc.
D'Eugenio Investment Enterprises, Inc.
Diamond A Ranch Corporation
Diamond Point Homeowners Association
Dirty SW Offroad Badboys Society
Dons of Arizona
Dorothy Cline Wells Trust
Dos S Ranch
Durham Communications
East Maricopa NRCDC
East Valley Tribune
East Verde Mine Patents
East Verde Park HOA
East-West Productions
EECO and ECO
El Mar Diving (Tierra Mar)
Eloy Enterprise
Environmental Information Center
Environmental Planning Group
Environmental Services Department - Division of
Water and Waste Management
Environmental Strategies, Inc.
EPA - Region 9
Equipment Maintenance Service
ERA - Young Realty
Extreme Arizona
Farm Services Agency
Federal Aviation Administration
Federal Bureau of Investigation
Fenn Land and Cattle Company, LLC
First Western Resources Inc.
Fisher Wireless Services, Inc.
Five County Association of Governments
Flagstaff Activist Network
Flagstaff Area National Monuments
Flagstaff Gem and Mineral Society
Flowing Springs
Foothills Equipment Rental RSC
Foothills Photo
Forest Guardians
Forest Permittee
Fort Apache Timber Company
Foundation for Biodiversity
Fredonia Fire Department
Freedom Wireless Gila, Inc.
Freelance Productions
Freeman McQue Public Relations
Friends of Agua Fria National Monument
Friends of Arizona Rivers
Friends of Pinto Creek
Friends of Sycamore
Friends of the Goldfields
FSEEE
Ft. McDowell Tribal Council
Ft. McDowell Yavapai Nation
General Metals Manufacturing and Supply
Gila County
Gila County Board of Supervisors, District 1
Supervisor
Gila County Board of Supervisors, District 3
Supervisor
Gila County Cattle Growers
Gila County Community Development
Gila County Cooperative Extension
Gila County Emergency Management
Gila County Extension Service
Gila County Planning & Zoning Commission
Gila County Public Works
Gila County Sheriff's Office
Gila County Trails

Gila National Forest	Lawman Bass Club
Gila River Cellular General Partnership	Legislative Council
Gila River Cellular General Partnership	Liars Korner
Gila River Indian Community	Living Proof, Inc.
Girl Scouts Arizona Cactus-Pine Council	Logan Simpson Design, Inc.
Glendale Chamber of Commerce	Magma Copper Company
Globe-Miami Regional Chamber of Commerce and Economic Development Corporation	Malcolm Pirnie, Inc.
Goldfield Ghost Riders	Maricopa Audubon Society
Governor's Forest Health Councils	Maricopa County
Governor's Office	Maricopa County Board of Supervisors
Grand Canyon Chamber of Commerce	Maricopa County Cooperation Extension Service
Grand Canyon Council	Maricopa County Department of Transportation
Grand Canyon Council, Inc. Camp Geranimo	Maricopa County Supervisor's Office Lake Patrol Division
Grand Canyon National Park	Maricopa Lapidary Society, Inc.
Grand Canyon Wildlands	Martin Ranch, Inc.
Grand Canyon-Parashant National Monument	Mayer Area Chamber of Commerce
Grand County Justice Court	Mayo Clinic
Greater Arizona Bicycle Association	McDowell Sonoran Land Trust
Green Valley Lapidary Club	Mesa 4-Wheels
Greenback Valley Ranch	Mesa Chamber of Commerce
GTWA	Mesa East Rock Club
H&E Ranch	Mesa Four Wheelers
Happy Jack Information Center	Mesa Tribune Newspaper
Hardscrabble GrArizonaing Allotment	Mesa Varmint Callers
HEAT Dirt Riders	Mid Week Bass Anglers
Hebbard and Webb Inc.	Mineral Resources
Heritage Camp Timber	Mingus Gem and Mineral Club
High Desert Investment Company	M-L Arizonay-S Cattle Co.
Holliday Timber Products	Mogollon Sportsman's Assoc.
House of Representatives	Mohave County - District 1
Houston Creek Ranch, LLC	Mohave County - District 2
Houston Mesa General Store	Mohave County - District 3
Huachuca Mineral and Gem Club	Mohave County Planning/Zoning
Hyatt Regency Scottsdale	Mojave Electric Coop
Hyland Bay Company	Montgomery and Interpreter, PLC
Intermountain Resources	Motorola Rockhound Club
Integrity Land and Cattle, LLC	Mountain Bike Association of Arizona
International Association F&W Agencies	Mueller Revocable Trustees
International Llama Association	Muleshoe X Cattle Company
Irving Power Plant	National Park Service
Isabelle Hunt Memorial Public Library	National Wildlife Federation
J Bar B Cattle Company	Native Ecosystems
Jack Arizona Bass	Nature Conservancy - Northern Arizona Program
Jerome Chamber of Commerce	Navajo Nation
JF Ranch	Navajo Army Depot
Johnson Cattle Company	Navajo National Monument
Johnson Ranch Partnership	Nelson Timber
Johnston Farms, Ltd. Partnership	Nevada Department of Wildlife
Joseph Auza Sheep Company	New Mexico State University - Agriculture and Economic Department
K&K Lumber Co, LLC	New River/Desert Hills Community Association
Kampgrounds of America	New World Communications of Phoenix, Inc.
Kane County Planning/Zoning	Northcott, Inc.
Keep Sedona Beautiful, Inc.	Northern Arizona Audubon Society
Kelly Clark Automotive	Northern Arizona Council of Governments
Kendell Family Revocable Trust	Northern Arizona University - Department of Geology
KMOG-Radio	Northern Arizona University - Forest ERA
Lake Havasu Gem and Mineral Society, Inc.	Office of Senator Jon Kyl
Lakeview Lapidary Club	
LArizonay H Cross Ranch	

Chapter 4. Consultation and Coordination

Offroad Passport
Old Pueblo Bass Anglers
Old Pueblo Lapidary Club, Inc.
OMYA
Orotex, Inc.
Outback Safari Company Inc.
Outdoors Now
OW Ranch
Oxbow Estates RV
P Diamond, LLC
P.V. Trail Riders
Pacific Legal Foundation
Page Land and Cattle Company
Pago Bass Club
Palo Verde Sierra Club
Patty Ryan Living Trust
Paul Bunyan's Firewood, Inc.
Pauline Peters Living Trust
Pay Dirt MagArizona
Payson Chamber of Commerce
Payson Parks, Recreation, and Tourism Department
Payson Police Department
Payson Public Library
Payson Rimstone Rock Club
Payson Roundup
Payson Verde River Ranch, LLC
People for the West
Perimeter Bicycling Association of America
Permagrin Canoe and Kayaking School
Petrified Forest National Park
Phelps Dodge Corp
Phelps Dodge Miami Inc.
Phillips Outdoor Program Center
Phoenix Bassmasters
Phoenix Junior Bassmasters
Phoenix Ski Club
Phoenix Zoo
Pinal County Board of Supervisors
Pinal Mountain Cabin Owners
Pine/Strawberry Fire Department
Pine/Strawberry Water Improvement District
Pleasant Valley Community Council
PNRS
Police Department - Homeland Security/CT102
Ponderosa Fire Department
Precision Marine
Precision Pine and Timber, Inc.
Prescott Bass Club
Prescott Chamber of Commerce
Prescott College
Prescott National Forest Friends
Prescott Valley Economic Development Foundation
Probation Department, County of Gila
Public Lands Information Center
Pueblo of Zuni Heritage and Historic Preservation Office
Qwest Communications
R.A.M. Inc.
Rafter Cross Cattle Company
Rambo Realty and Investment
Rancher ASP Board OHV Advisor
Recon Environmental Inc.
Red Creek Ranch, LLC
Red Mountain Mining, Inc.
Reevis Mountain School
Renegy LLC
Resolution Copper Company
Riding Arizona
Rim Tours Inc.
Rimwood, Inc.
Rio Verde Horsemen's Association
Roadrunner 4 Wheel Drive Club
Roadrunners Prospecting Club
Rock Art Signs
Rock House Grocery
Rockstars Motorcycle Offroad
Rocky Mountain Elk Foundation
Roosevelt Marina, LLC
Roosevelt Residents Organization
Rooster Tails West Bass Club
Rooster Tales West Bass Club
RPAP
Saguaro 4x4s
Saguaro Amateur Remote Base Association, Inc.
Saguaro Bassmasters
Saguaro Dive and Travel
Saguaro Lake Marina
Saguaro Lake Ranch, Inc. (Cimarron A & R. C. Sublease River Running)
Saguaro National Monument
Salt River Pima- Maricopa Indian Community
Salt River Project
Salt River Project - Environmental Services Department
Salt River Project - Water Rights Division
San Carlos Apache Timber Products Company
San Carlos Apache Tribe
San Carlos Apache Tribe -Forest Resources Program
Sanborn Land and Cattle Company
Santa Rita Ranches, Inc.
Save the Peaks Coalition
SBA ONRSA
Scottsdale Artist School, Inc.
Scottsdale Department of Planning and Economic Development
Scottsdale Osborn Trauma Center
Scottsdale Shea Hospital
Scuba Science, Inc.
SEC, Inc.
Sedona Chamber of Commerce
See Canyon Homes
Sheep Springs Sheep Company
Sierra Club
Sierra Club - Grand Canyon Chapter
Sierra Club - Southwest Office
Silvery Colorado River Rock Club
Slat River Canoe and Kayak
Sleep Inn
Soil and Moisture Conservation Program
Southern Gila County Economic Development Corp.

Southwest Forest Products	Tri Star Logging
Southwest Forest Science Complex	Trial Horse Adventures
Southwest Natural History Association	Triangle P Ranch
Southwest Network	Tri-Valley Bass Club
Southwestern Biological Institute	Tucson District Office
Spectrum Aerospace	Tucson Gem and Mineral Society
SpringHill Suites by Marriott	Tusayan Fire Department
Spur Cross Ranch Conservation Area	Tuzigoot National Monument
State Historic Preservation Officer	U.S. Army Corps of Engineers
Station Manager, TV4	U.S. Customs and Border Protection
Stewart – Martin	U.S. Environmental Protection Agency
Stone Container Corp.	U.S. EPA Region 9
Sun City Rockhound Club	U.S. Fish and Wildlife Service
Sunny Mesa Realty	U.S. Geological Survey
Sunsites Gem and Mineral Club	U.S. Geological Survey, Southwest Biological
Superhook Towing	Science Center
Superior Development Company	U.S. Senate
Superstition O.K. Corral Stables, Inc.	Union Pacific Railroad
Superstition Area Land Trust	United Association Plumbers and Pipefitters
Superstition Mountain Adventures, Inc. dba Apache	University of Arizona
Trail Tours	University of Arizona - Ecology and Evolutionary
SW Adventure, Inc.	Biology
SW Transmission	University of Arizona - Gila County Cooperation
Telespectra	Extension
Telluride White Water	University of Arizona, Department of Geosciences
The Arizona Trail Association	University of Arizona at NAU
The Griffin Cattle Ranch	University of Arizona -Cooperation Extension
The Hopi Tribe	University of Arizona School of Renewable Natural
The Hopi Tribe - Hopi Cultural Preservation	Resources
The Hopi Tribe Preservation Office	Univision
The Nature Conservancy, Regional Conservation	UpsJeep
Manager	USDA NRCS
The Sparks Law Firm P.C.	USDA, Fish and Wildlife Service
The Wilderness Society -Arizona Chapter	USDA-APHIS-PPQ, Plant health director
The Wilderness Society	USDI, Bureau of Reclamation
The Zia Connection	Utah Division of Wildlife Resources
Thunder Mountain Adventures	Verde Glen Property Association
Timbersource.com	Verde Natural Resource Conservation District
Tonto Apache Tribal Police Department	Verde NRC
Tonto Apache Tribe	Verde Ranger District
Tonto Basin Kiwanis Club	Verde Valley Forum for Public Affairs
Tonto Creek Estates	Virtual Jeep Club
Tonto Hills Homeowners Association	W.J. Cattle Co.
Tonto National Monument	Walgreens
Tonto Natural Bridge State Park	Wally Smith Logging, Inc.
Tonto NRC	Walt's Kawasaki-Yamaha
Tonto Recreation Alliance	WAPA
Tonto Rim Sports Club	WAPA - Desert SW Region
Town of Big Water	Waste Management
Town of Carefree	Way Out West Off Road Expeditions
Town of Cave Creek	West Side Bassmasters
Town of Chino Valley	Western Area Power
Town of Clarkdale	Western Land Exchange Project
Town of Colorado City	Western States Public Lands Coalition
Town of Fredonia	Western Technologies, Inc.
Town of Miami	Western Watersheds Project
Town of Payson	White Mountain Apache Tribe
Town of Prescott Valley	White Mountain Apache Tribe Legal Department
Town of Superior	White Mountain Apache Tribe, Tribal Attorney
Trails 'n Tails LLC	White Mountain Conservation League

Chapter 4. Consultation and Coordination

Wickenburg Gem and Mineral Society, Inc.
Wild Earth Guardians
Wild West Jeep Tours
WildEarth Guardians
Wilderness Aware
Wilderness Watch
Wildland Fire Advisory Council
Williams Fire Department
Willow Hill Ranch
Windwalker Expeditions, Inc.
Winkelman NRC
Winters Company
Withycombe Family, LLC
Yavapai County - District 1
Yavapai County - District 2
Yavapai County - District 3
Yavapai County Board of Supervisors
Yavapai - Apache Nation
Yavapai - Prescott Tribe
Yuma Gem and Mineral Club
Zuni Pueblo

Glossary of Terms

36 CFR 212: 2005 Travel Management Rule which replaced CFR 295.

36 CFR 261: Establishes prohibitions necessary to manage and control use on National Forest development trails.

36 CFR 293: Prohibits motorized use in wilderness and primitive areas.

36 CFR 800: Implementing regulations for *Section 106 of the NHPA*

Adaptive management: A system of management practices based on clearly identified intended outcomes and monitoring to determine if management actions are meeting those outcomes; and, if not, to facilitate management changes that will best ensure that those outcomes are met or re-evaluated. Adaptive management stems from the recognition that knowledge about natural resource systems is sometimes uncertain (*36 CFR 220.3*).

Administrative unit: A National Forest, a National Grassland, a purchase unit, a land utilization project, Columbia River Gorge National Scenic Area, Land Between the Lakes, Lake Tahoe Basin Management Unit, Midewin National Tallgrass Prairie, or other comparable unit of the National Forest System.

Administrative use only (Admin Use): motorized access is restricted, often with a locked gate, to Forest Service personnel or those that hold an authorized use permit to access the road or trail. These routes would not show up on the motor vehicle use map. Motorized user not authorized to be on these routes would be cited for being in violation.

Alluvial: Pertaining to processes or materials associated with transportation or deposition by running water.

Annual maintenance: Work performed to maintain serviceability or repair failures during the year in which they occur. Includes preventive and/or cyclic maintenance performed in the year in which it is scheduled to occur. Unscheduled or catastrophic failures of components or assets may need to be repaired as a part of annual maintenance.

Aquatic: Growing or living in or frequenting water; taking place in or on water.

Aquatic ecosystem: A stream channel, lake or estuary bed, the water itself, and the biotic (living) communities that occur therein.

Archaeological survey: A systematic, intensive inspection of the landscape in order to identify, inventory, and evaluate archaeological sites, which are defined as locations of purposeful prehistoric or historic human activity.

Area: A discrete, specifically delineated space that is smaller, and in most cases much smaller, than a Ranger District.

Arterial road: Classified road that provides service to large land areas; arterial roads are usually developed and operated for long-term land and resource management purposes and constant service.

Aspect: The direction a slope faces. For example, a hillside facing east has an eastern aspect.

Buffer: A zone of a specified distance around a linear or area feature.

Code of Federal Regulations: A codification of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the Federal Government.

Collaboration: Managers, scientists, and citizens working together to plan, implement, and monitor national forest management. The intention is to engage people who have information, knowledge, expertise, and an interest in the health of national forest ecosystems and nearby communities.

Collector roads: Classified roads serving smaller land areas than arterial roads; collector roads collect traffic from local roads and usually connect to forest arterial roads or state and county highways. They are operated for either constant or intermittent service depending on land use and resource management objectives.

Council on Environmental Quality (CEQ): The Council on Environmental Quality established by *Title II of NEPA (40 CFR 1508.6)*.

Critical habitat: Areas designated for the survival and recovery of federally listed threatened or endangered species.

Cumulative effects (or impacts): The effect on the environment, which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or nonfederal) or person undertakes such other actions. Cumulative effects can result from individually minor, but collectively significant, actions taking place over a period of time (*40 CFR 1508.7*).

Decommissioned (roads or trails): Demolition, dismantling, removal, obliteration, and /or disposal of a deteriorated or otherwise unneeded asset or component, including necessary cleanup work. This action eliminates the deferred maintenance needs for the fixed asset. Portions of an asset or component may remain, if they do not cause problems or require maintenance.

Deferred maintenance: Maintenance activities that can be delayed without critical loss of facility serviceability until the work can be economically or efficiently performed.

Degradation: Reduction in quality. The process whereby the water quality and chemical, physical, or biological integrity of a water body is decreased. Habitat quality can be changed by certain management activities. If the quality is reduced, then habitat degradation has occurred.

Designated road, trail, or area: A National Forest System road, a National Forest System trail, or an area on National Forest System lands that is designated for motor vehicle use pursuant to § 212.51 on a motor vehicle use map.

Draft environmental impact statement (DEIS): A detailed written statement as required by section 102(2) (C) of the *NEPA (40 CFR 1508.11)* that is released to governmental agencies and the general public for review and comment.

Designated road, trail, route, or area: A National Forest System road, trail or area that is designated for motor vehicle on a motor vehicle use map (*36 CFR 212*).

Desired conditions: Land or resource conditions that are expected to result based on goals and objectives.

Ecology/ecological: The interrelationships of living things to one another and to their environment, or the study of these interrelationships.

Ecosystem: An arrangement of living and nonliving things and the forces that move them. Living things include plants and animals. Nonliving parts of ecosystems may be rocks and minerals. Weather and wildfire are two of the forces that act within ecosystems.

Endangered species: Those plant or animal species that are in danger of extinction throughout all or a significant portion of their range. Endangered species are identified by the Secretary of the Interior in accordance with the *Endangered Species Act of 1973*.

Endemic: When referring to a species, means living in defined geographic area: such as a species of organism that is confined to a particular geographic region like an island or river

Environmental impact statement (EIS): A detailed written statement as required by section 102(2) (C) of NEPA (CFR 1508.11).

Ephemeral stream: Streams that flow only as the direct result of rainfall or snowmelt. They have no permanent flow.

Executive orders: United States Presidents issue executive orders to help officers and agencies of the executive branch manage the operations within the federal government itself. Executive orders have the full force of law[1] when they take authority from a power granted directly to the Executive by the Constitution, or are made in pursuance of certain Acts of Congress which explicitly delegate to the President some degree of discretionary power (delegated legislation). Like statutes or regulations promulgated by government agencies, executive orders are subject to judicial review, and may be struck down if deemed by the courts to be unsupported by statute or the Constitution

Executive Orders (EO) 11644 and 11989: These orders provide direction for Federal agencies to establish policies and provide for procedures to control and direct the use of OHVs on public lands so as to: 1) protect the resources of those lands; 2) promote the safety of all users of those lands; and 3) minimize conflicts among the various users on those lands. Section 3(1) establishes that “Areas and trails shall be located to minimize damage to soil, watershed, vegetation, or other resources of the public lands.” Section 9(a) allows the agency head to close trails to use if the use is causing effects to the soil, vegetation, and other resources until the adverse effects have been eliminated and measures are implemented to prevent future recurrence.

Executive Order 11990 of May 24, 1977: This order requires each agency to take action to minimize destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands.

Executive Order 13007: Each executive branch agency with statutory or administrative responsibility for the management of Federal lands shall, to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions, (1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid

adversely affecting the physical integrity of such sacred sites. Where appropriate, agencies shall maintain the confidentiality of sacred sites.

Executive Order 13112, issued by the President in 1999: a species is considered invasive if it: 1) is nonnative to the ecosystem under consideration and 2) its introduction causes or is likely to cause economic or environmental harm or harm to human health. The Tonto National Forest has not been intensively surveyed for noxious weeds. Populations of some noxious weeds have been known for nearly 30 years and have spread considerably since they were first identified. Others are still being found in small infestations.

Executive Order 13443: The purpose of this order is to direct Federal agencies that have programs and activities that have a measurable effect on public land management, outdoor recreation, and wildlife management, including the Department of the Interior and the Department of Agriculture, to facilitate the expansion and enhancement of hunting opportunities and the management of game species and their habitat.

Fauna: Animal life

Flora: Plant life

Forest road or trail: A road or trail wholly or partly within or adjacent to and serving the National Forest System that the Forest Service determines is necessary for the protection, administration, and utilization of the National Forest System and the use and development of its resources (*36 CFR 212*).

Forest transportation atlas: A display of the system of roads, trails, and airfields of an administrative unit.

Forest transportation facility: A forest road or trail or an airfield that is displayed in a forest transportation atlas, including bridges, culverts, parking lots, marine access facilities, safety devices, and other improvements appurtenant to the forest transportation system.

Forest transportation system: The system of National Forest System roads, National Forest System trails, and airfields on National Forest System lands (*36 CFR 212*).

Four County Area: Refers to the four counties that overlap with the Tonto National Forest: Gila, Maricopa, Pinal, and Yavapai.

Fuels: Plants and woody vegetation, living and dead, which are capable of burning.

Fuelwood: Wood cut into short lengths for burning in a fireplace, woodstove or fire pit.

Geographic information system (GIS): A computer system capable of storing, manipulating, analyzing, and displaying geographic information.

Habitat: The area where a plant or animal lives and grows under natural conditions.

Herbaceous: A plant having little or no woody tissue.

Heritage: Refers to historic preservation, prehistoric, and historic cultural resources and cultural traditions.

Highway: Highway is a way or a place of whatever nature publicly maintained and open to the use of the public for purposes of vehicular travel. The term “highway” does not include fire trails, logging roads, service roads regardless of surface composition, or other roughly graded trails and roads upon which vehicular travel by the public is permitted.

Image: A graphic representation of a person or thing, typically produced by an electronic device. Common examples include remotely sensed data and photographs.

Interdisciplinary team (IDT): A group of professional resource specialists who analyze the effects of alternatives on natural and other resources. Through interaction, participants bring different points of view and a broader range of expertise.

Intermittent stream: A stream that flows only at certain times of the year, when it receives water from streams or from some surface, such as melting snow.

Inventoried roadless area (IRA): areas identified in a set of inventoried roadless area maps, contain in Forest Service Roadless Area Conservation, Final Environmental Impact Statement, Volume 2, dated November 2000, which are held at the National Headquarters office of the Forest Service, or any subsequent update or revision of those maps.

Irretrievable: A term that applies to the loss of production, harvest, or use of natural resources. For example, some or all of the timber production from an area is lost irretrievably, while an area is serving as a winter sports site. The production lost is irretrievable, but the action is not irreversible. If the use changes, it is possible to resume timber production.

Irreversible: A term that describes the loss of future options. The term applies primarily to the effects of use of nonrenewable resources, such as minerals or cultural resources, or to those factors, such as soil productivity, which are renewable only over long periods of time.

Landscape: A large land area composed of interacting ecosystems which are repeated due to factors such as geology, soils, climate, and human impacts.

Maintenance: The upkeep of the entire forest transportation facility including surface and shoulders, parking and side areas, structures, and such traffic-control devices, as are necessary for its safe and efficient utilization (*36 CFR 212*).

Maintenance levels: The Forest Service currently classifies maintenance of National Forest System roads by five maintenance levels. According to the Tonto National Forest Plan, they are defined as follows:

- Level 1: Roads are not open to traffic; they are maintained to protect the road investment and its surrounding resources. These roads may be opened for a specific activity and returned to Level 1 upon completion of the project.
- Level 2: Roads are maintained open for limited passage of traffic. Roads in this maintenance level are primitive type facilities intended for high clearance vehicles. Passenger car traffic is not a consideration.
- Level 3: Roads are maintained open and safe for travel by a prudent driver in a passenger car. However, user comfort and convenience is not considered a priority.

- Level 4: Roads are maintained to provide a moderate degree of user comfort and convenience at moderate travel speeds.
- Level 5: Roads are maintained to provide a high degree of user comfort and convenience. These roads are normally two lanes with aggregate or paved surface.

Management action: Any activity undertaken as part of the administration of the National Forest.

Meadow: Areas of moist low lying and usually level grasslands. Generally, the water table is just below the surface of the soil and the most abundant vegetation is usually favored by wet, but not constantly, flooded soil.

Mesic: Moderately moist climates or environments. In vegetation it generally refers to vegetation found in moist environments. In soils it refers specifically to soils with mean annual temperatures of 8 to 15 degrees centigrade.

Mitigation: Avoiding the impact altogether by not taking a certain action or parts of an action through:

- Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- Compensating for the impact by replacing or providing substitute resources or environments.

Motor vehicle: Any vehicle which is self-propelled, other than: (1) a vehicle operated on rails; and (2) any wheelchair or mobility device, including one that is battery-operated, that is designed solely for use by a mobility-impaired person for locomotion, and that is suitable for use in an indoor pedestrian area (*36 CFR 212*).

Motor vehicle use map (MVUM): The management of all the various renewable surface resources of the national forests, so that they are utilized in the combination that will best meet the needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some land will be used for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output (*Multiple-Use Sustained-Yield Act; Public Law 86-517*).

Motorized big game retrieval corridor: defined by the Travel Management Rule as “the designation of the limited use of motor vehicles within a specified distance of designated routes, and if appropriate, within specified time periods solely for purposes of “...retrieval of a downed big game animal by an individual who has legally taken that animal” (*36 CFR 212.51 (b)*).

Motorized dispersed camping corridor: defined by the Travel Management Rule as “the designation of the limited use of motorized vehicles within a specified distance of certain designated routes, and if appropriate within specified time periods, solely for the purpose of dispersed camping.” (36 CFR 212.51 (b)).

Motorized trail: Can range from single tack, that would accommodate a dirt bike, to the width of a standard dirt road, that could be driven by any vehicle with high enough clearance or appropriate suspension.

National Environmental Policy Act (NEPA): Codifies the national policy of encouraging harmony between humans and the environment by promoting efforts to prevent or eliminate damage to the environment, thereby enriching our understanding of ecological systems and natural resources. It declares the federal government to be responsible for: (a) coordinating programs and plans regarding environmental protection; (b) using an interdisciplinary approach to decision-making; (c) developing methods to ensure that non-quantifiable amenity values are included economic analyses; and (d) including in every recommendation, report on proposals for legislation, or other major federal actions significantly affecting the quality of the environment a detailed environmental impact statement (EIS).

National Forest System (NFS): As defined in the *Forest Rangeland Renewable Resources Planning Act*, the National Forest System includes all national forest lands reserved or withdrawn from the public domain of the United States, all national forest lands acquired through purchase, exchange, donation, or other means; the national grasslands and land utilization projects administered under title III of the *Bankhead-Jones Farm Tenant Act* (50 Stat. 525, 7 U.S.C. 1010-1012); and other lands, waters, or interests therein which are administered by the Forest Service or are designated for administration through the Forest Service as a part of the system (36 CFR 212).

National Forest System road: Defined by the Travel Management Rule as a “forest road other than a road which has been authorized by a legally documented right-of-way held by a State, county, or other local public road authority” (36 CFR 212.1). In addition, a road is defined as “a motor vehicle route over 50 inches wide, unless identified and managed as a trail” (36 CFR 212.1).

National Forest System trail: A forest trail other than a trail which has been authorized by a legally documented right-of-way held by a state, county or other local public authority (36 CFR 212).

National Register of Historic Places (NRHP): List of historic resources (districts, sites, buildings, structures, objects, etc.) deemed worthy of preservation. This register is maintained by the Department of Interior. A number of criteria must be met for a resource to be deemed eligible to the NRHP.

Natural resource: A feature of the natural environment that is of value in serving human needs.

Noxious weeds: Aggressive, nonnative plant species that have been introduced. They can be difficult to manage, poisonous, toxic, parasitic, or carrier of insects or disease. Examples of noxious weeds are scotch broom, yellow star thistle, and cheatgrass.

Off-highway vehicle (OHV): Any motor vehicle designed for or capable of cross country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain (*36 CFR 212*).

OHV recreation: Recreation activities that are conducted, using off-highway vehicles. Activities include riding ATVs, hunting, riding motorcycles, driving for pleasure, and rock crawling (*36 CFR 212*).

Open to public use: Except during scheduled periods, extreme weather conditions, or emergencies, open to the general public for use with a standard passenger auto, without restrictive gates or prohibitive signs or regulations, other than for general traffic control or restrictions based on size, weight, or class of registration (*23 CFR 660.103*).

Objective maintenance level: The objective maintenance level may be the same as, or higher or lower than, the operational maintenance level. The transition from operational maintenance level to objective maintenance level may depend on reconstruction or disinvestment (*FSH 7709.58.12.3.1*).

Obliteration: A form of decommissioning that recontours and restores natural slopes.

Operational maintenance level: The operational maintenance level is the maintenance level currently assigned to a road considering today's needs, road condition, budget constraints, and environmental concerns; in other words, it defines the level to which the road is currently being maintained (*FSH 7709.58.12.3.1*).

Other Power-Driven Mobility Device: Any mobility device powered by batteries, fuel, or other engines—whether or not designed primarily for use by individuals with mobility disabilities—that is used by individuals with mobility disabilities for the purpose of locomotion, including golf carts, electronic personal assistance mobility devices (EPAMDs), such as the Segway®PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning of this section. This definition does not apply to Federal Wilderness Areas; wheelchairs in such areas are defined in section 508(c)(2) of the ADA, 42 U.S.C. 12207(c)(2).

Over snow vehicle (OSV): A motor vehicle that is designed for use over snow and that runs on a track or tracks and/or a ski or skis, while in use over snow (*36 CFR 212*).

Patch: An area of vegetation, similar in structure and composition.

Perennial stream: A stream that typically has running water on a year-round basis.

Permit zone: Motorized vehicle users are required to obtain a permit to access the designated permit zone area which has locked gates and barriers restricting non-permitted motorized access. Cross-country travel is not allowed within the permit zone and vehicles are restricted to designated routes.

Pothunting: A form of vandalism against historic and prehistoric resources, where items are taken from a site.

Proposed action: A proposal made by the Forest Service to authorize, recommend, or implement an action to meet a specific purpose and need.

Protected activity centers (PACs): Designated areas that are afforded protection to specific species by restricting certain management activities. For example, Mexican spotted owl PACs protect owl habitat and breeding areas by restricting timber harvest.

Public involvement: The use of appropriate procedures to: inform the public, obtain early and continuing public participation, and consider the views of interested parties in planning and decision-making.

Public land: Land for which title and control rests with a government – Federal, state, regional, county, or municipal.

Public road: Roads under the jurisdiction of and maintained by a public authority that are open to public travel (*23 U.S.C 101(a)*).

Reasonably foreseeable actions: Those Federal or non-Federal activities not yet undertaken, for which there are existing decisions, funding, or identified proposals. Identified proposals for Forest Service actions are described in *220.4(a) (1) (36 CFR 220.3)*.

Recreation Opportunity Spectrum (ROS): A land classification system which categorizes National Forest land into six classes, each class being defined by its setting and by the probable recreation experiences and activities it affords. The six classes in the spectrum are: primitive, semi-primitive non-motorized, semi-primitive motorized, roaded natural, rural, and urban as defined below from the Forest Plan:

Primitive (P): Area is characterized by essentially unmodified natural environment of fairly large size. Interaction between users is very low and evidence of other users is minimal. The area is managed to be essentially free from evidence of human-induced restrictions and control. Motorized use within the area is not permitted.

Semi-primitive non-motorized (SPNM): Area is characterized by a predominantly natural or natural-appearing environment of moderate-to large size. Interaction between users is low, but there is often evidence of other users. The area is managed in such a way that minimum on-site controls and restriction may be present, but are subtle. Motorized use is not permitted.

Semi-primitive motorized (SPM): Area is characterized by a predominantly natural or natural-appearing environment of moderate-to large size. Concentration of users is low, but there is often evidence of other users. The area is managed in such a way that minimum on-site controls and restriction may be present, but are subtle. Motorized use is permitted.

Roaded natural (RN): Area is characterized by predominantly natural- appearing environments with moderate evidences of sight and sounds of man. Such evidences usually harmonize with the natural environment. Interaction between users may be low to moderate, but with evidence of other users prevalent. Resource modification and utilization practices are evident, but harmonize with the natural environment. Conventional motorized use is provided for in construction standards and design of facilities.

Rural (R): Area is characterized by substantially modified natural environment. Resource modification and utilization practices are to enhance specific recreation activities and to maintain vegetative cover and soil. Sight and sounds of humans are readily evident, and the interaction between users is often moderate to high. A considerable number of facilities are designed for use by a large number of people. Facilities are often provided for special activities. Moderate densities are provided for away from developed sites. Facilities for intensified motorized use and parking are available.

Urban (U): Area is characterized by a substantially urbanized environment, although the background may have natural-appearing elements. Renewable resources modification and utilization practices are to enhance specific recreational activities. Vegetative cover is often exotic and manicured. Sights and sounds of humans, on-site, are predominant. Large numbers of users can be expected, both on-site and in nearby areas. Facilities for highly intensified motor use and parking are available, with forms of mass transit often available to carry people throughout the site.

Responsible official: The Agency employee who has the authority to make and implement a decision on a proposed action (*36 CFR 220.3*).

Riparian area: The area along a watercourse or around a lake or pond.

Riparian ecosystem: The ecosystem around or next to water areas that support unique vegetation and animal communities as a result of the influence of water.

Road: A motor vehicle route over 50 inches wide, unless identified and managed as a trail (*36 CFR 212*).

Road construction or reconstruction: Supervising, inspecting, actual building, and incurrence of all costs incidental to the construction or reconstruction of a road.

Road management objective (RMO): Documentation of the intended purpose of an NFS road based on management area direction and access management objectives; enumerating design, operation, and maintenance criteria and documenting traffic management strategies for each vehicle class and season of use, if applicable, on an NFS road. It also documents forest orders and permits associated with the road.

Route: A road or trail.

Scope: The range of actions, alternatives, and impacts to be considered in an environmental impact statement (*40 CFR 1508.25*).

Scoping: An early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action (*40 CFR 1501.7*).

Sensitive species: Plant or animal species which are susceptible to habitat changes or impacts from activities. The official designation is made by the U.S. Forest Service at the regional level and is not part of the designation of threatened or endangered species made by the U.S. Fish and Wildlife Service.

Single track trails: Trail tread width is generally from 18 inches to 60 inches. Designated use can be for hiker, pedestrian, pack and saddle, bicycle, or motorcycle.

Snag: A standing dead tree. Snags are important as habitat for a variety of wildlife species and their prey.

Species: A class of individuals having common attributes and designated by a common name; a category of biological classification ranking immediately below the genus or subgenus; comprising related organisms or populations potentially capable of interbreeding.

Standards and guidelines (S&Gs): The primary instructions for land managers. Standards address mandatory actions, while guidelines are recommended actions necessary to a land management decision.

Suitability: The appropriateness of certain resource management to an area of land. Suitability can be determined by environmental and economic analysis of management practices.

Sustainability: The ability of an ecosystem to maintain ecological processes and functions, biological diversity, and productivity over time.

Sustainable: The yield of a natural resource that can be produced continually at a given intensity of management is said to be sustainable. Recreation activities are sustainable if the human activity does not reduce ecologic sustainability.

Taxa: The name applied to any one group or entity in the scientific classification system.

Temporary road of trail: A road or trail necessary for emergency operations or authorized by contract, permit, lease, or other written authorization that is not a forest road or trail and that is not included in a forest transportation atlas.

Threatened species: Those plant or animal species likely to become endangered throughout all or a specific portion of their range within the foreseeable future as designated by the U.S. Fish and Wildlife Service under the *Endangered Species Act of 1973*.

Traditional cultural property (TCP): Areas which have cultural significance or are sacred to a Native American Tribe or group. May include areas used for gathering traditional foodstuffs, archaeological sites, or sacred sites or areas.

Trail: A route 50 inches or less in width or a route over 50 inches wide that is identified and managed as a trail (*36 CFR 212*).

Travel management atlas: An atlas that consists of a forest transportation atlas and a motor vehicle use map or maps.

Unauthorized road, route, or trail: A road or trail that is not a forest road or trail or a temporary road or trail and that is not included in a forest transportation atlas.

Understory: The trees and woody shrubs growing beneath branches and foliage formed collectively by the upper portions of adjacent trees.

Utility terrain vehicle (UTV): A type of off-highway vehicle that travels on four or more low-pressure tires, has a steering wheel or tiller, provides side-by-side seating, and is of various widths (*FSH 2309.18, FSM 2353.05*).

Visual quality: The forest visual resources; terrain, geological features, or vegetation.

Visual resource management: The art and science of planning and administering the use of National Forest land in such ways that visual effects maintain or upgrade man's psychological welfare. The planning and design of visual aspects of multiple-use land management (Tonto National Forest Plan, p. 234-6).

Watershed: The entire region drained by a waterway, lake, or reservoir. More specifically, a watershed is an area of land above a given point on a stream that contributes water to the streamflows at that point.

Wetlands: Areas that are inundated by surface or ground water with a frequency sufficient to support (and that under normal circumstances do or would support) a prevalence of vegetation or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction.

Wild and Scenic Rivers: The National Wild and Scenic River System was created by Congress in 1968 (Public Law 90-542; 16 U.S.C. 1271 et seq.) to preserve certain rivers with outstanding natural, cultural and recreational values in a free-flowing condition for the enjoyment of present and future generations. Wild river areas are those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shoreline essentially primitive and waters unpolluted. These represent vestiges of primitive America. Scenic river areas are those rivers or sections of rivers that are free of impoundments, with shorelines or watershed still largely primitive and shorelines largely undeveloped, but accessible in places by road.

Wilderness: Per the 1964 Wilderness Act, a wilderness is undeveloped Federal land retaining its primeval character and influence without permanent improvements or human habitation. No motorized activities are permitted within Wilderness. Public Law 98-406 added additional Wilderness Areas within the Tonto National Forest to the Wilderness Preservation System in Arizona.

Wildland: An area in which development is essentially nonexistent, except for roads, railroads, powerlines, and similar transportation facilities.

Xeric: A soil moisture regime common to Mediterranean climates that have moist cool winters and warm dry summers. A limited amount of water is present, but does not occur at optimum periods for plant growth.

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Appendix A: Proposed Changes to the Forest Plan

In order to comply with the Travel Management Rule, Tonto National Forest Plan would need to be amended to state “Motor vehicle use off the designated system of roads is prohibited, except as identified on the Motor Vehicle Use Map¹²⁸.” Specific changes to the Plan are listed in Table 81.

Table 81: Specific Changes to the Tonto National Forest Plan Related to ORV and Cross Country Use

Section	Page	Text to be Removed
Public Issues and Management Concerns	13	The section under Fifth Period that refers to areas and miles of road available for ORV use, as well as how the ORV policy will be implemented.
Management Prescriptions Applicable to All Forest Areas	38	Annually review and review off-road vehicle (ORV) maps. Inform the public to ensure maximum volunteer compliance of motor vehicle restrictions.
Management Prescriptions Applicable to All Management Areas	48	Maintain all trails with numbers from 500 to 999 to maintenance level 1 (except those which are to be closed or are under permit) after all other trails have been maintained to their called-for maintenance level.
Management Prescriptions Applicable to All Analysis Areas in Management Area 1D	60	Area is closed to off-road vehicle use, unless posted as open.
Management Prescriptions Applicable to Analysis Areas 3100, 3200, 3201, and 3600 in Management Area 1E	62	ORV use prohibited, unless posted as open.
Management Prescriptions Applicable to All Analysis Areas in Management Area 1F	Replacement Page 67	ORV use prohibited, unless posted as open.
Management Prescriptions Applicable to All Management Areas in 2D	Replacement Page 82	ORV use prohibited, unless posted as open.
Management Prescriptions Applicable to All Analysis Areas in Management Area 2F	86	ORV use prohibited, unless posted as open.
Management Prescriptions Applicable to All Analysis Areas in Management Area 3F	105	ORV use prohibited, unless posted as open.
Management Prescriptions Applicable to All Analysis Areas in Management Area 4D	Replacement Page 129	ORV use allowed (except as noted above), unless posted as closed.
Management Prescriptions Applicable to All Analysis Areas in Management Area 4F	Replacement Page 140	ORV use prohibited unless posted as open.
Management Prescriptions Applicable to All Analysis Areas in Management Area 5D	Replacement Page 153	ORV use allowed, unless posted as closed.

¹²⁸ This change would be necessary regardless of which action alternative is selected.

Section	Page	Text to be Removed
Management Prescriptions Applicable to Analysis Areas 5506, 5512, 5530, 5536, 5542 in Management Area 5D	Replacement Page 159	Do not exceed more than seven (7) miles of arterial and collector roads in each 5,000 acre management unit. Additional local or feeder roads necessary for timber harvest will be closed, waterbarred, and blocked with logging slash, when no longer required for post-sale activities
Management Prescriptions Applicable to All Management Areas in 5G	Replacement Page 165	ORV use prohibited, unless posted as closed.
Management Prescriptions Applicable to Analysis Areas 3100, 3200, 3201, and 3600 in Management Area 6F	Replacement Page 180	ORV use prohibited, unless posted as open.
Management Prescriptions Applicable to All Analysis Areas in Management Area 6J	Replacement Page 194	ORV use prohibited, unless posted as open.

Table 82 shows the specific changes to the Tonto National Forest Plan relating to the Recreation Opportunity Spectrum (ROS)—P is short for primitive, SPNM for semi primitive nonmotorized, SPM for semi primitive motorized, RN for roaded natural, R for rural, and U short for Urban¹²⁹.

Table 82: Specific Changes to the Tonto National Forest Plan Related to Recreation Opportunity Spectrum

Mngt. Area	Forest Plan ROS Page	Current ROS Text	Proposed Amendment Language		
			Alternative B	Alternative C	Alternative D
1A; 1B; 1C; 1D	N/A*	----	----	----	----
1E	62	P: 2% SP[NM]: 4% SPM: 70% RN: 24%	P: 0.92% SPNM:55.63% SPM: 12.26% RN: 31.19%	SPNM: 37.36% SPM: 30.09% RN: 32.56%	SPNM: 27.19% SPM: 40.64% RN: 32.18%
1F	67	P: 4% SP[NM]: 40% SPM: 38% RN: 18%	P: 3.54% SPNM: 55.73% SPM: 31.62% RN: 9.10%	P: 0.63% SPNM: 44.44% SPM: 42.66% RN: 12.27%	P: 0.06% SPNM: 37.32% SPM: 49.25% RN: 13.38%
1G	37 [†]	N/A	SPNM: 26.69% RN: 73.31%	SPNM: 0.06% SPM: 26.63% RN: 73.31%	SPNM: 0.06% SPM: 41.91% RN: 58.03%
2A; 2B	N/A	----	----	----	----
2C	79	P: 2% SP[NM]: 98%	SPNM: 100%	SPNM: 94.75% SPM: 5.25%	SPNM: 57.90% SPM: 42.10%

¹²⁹ For more information about the ROS classification system, see the Recreation Resources section of Chapter 3 of this document.

Appendix A: Proposed Changes to the Forest Plan

Mngt. Area	Forest Plan ROS Page	Current ROS Text	Proposed Amendment Language		
			Alternative B	Alternative C	Alternative D
2D	82	SP[NM]: 2% SPM: 58% RN: 40%	SPNM: 56.22% SPM: 6.29% RN: 37.48%	SPNM: 32.73% SPM: 25.52% RN: 71.75%	SPNM: 21.39% SPM: 36.64% RN: 41.97%
2E	84	SPM: 100%	SPNM: 83.71% SPM: 9.47% RN: 6.82%	SPNM: 83.71% SPM: 9.47% RN: 6.82%	SPNM: 71.67% SPM: 21.53% RN: 6.80%
2F	86	SP[NM]: 35% SPM: 39% RN: 24% R: 1% U: 1%	P: 0.02% SPNM: 40.65% SPM: 34.93% RN: 19.59% R: 1.59% U: 3.21%	SPNM: 34.78% SPM: 41.15% RN: 19.27% R: 1.59% U: 3.21%	SPNM: 19.58% SPM: 57.73% RN: 17.89% R: 1.59% U: 3.21%
3A; 3B; 3C; 3D	N/A	-----	-----	-----	-----
3E	103	SP[NM]: 100%	SPM: 91.26% RN: 8.74%	SPM: 91.26% RN: 8.74%	SPM: 91.26% RN: 8.74%
3F	105	SP[NM]: 24% SPM: 21% RN: 55%	P: 0.03% SPNM: 32.64% SPM: 5.27% RN: 60.92% R: 1.13%	SPNM: 30.84% SPM: 6.34% RN: 61.69% R: 1.13%	SPNM: 25.73% SPM: 7.85% RN: 65.28% R: 1.13%
3H	110	SP[NM]: 100%	SPNM: 39.20% RN: 60.80%	SPNM: 39.20% RN: 60.80%	SPNM: 33.94% RN: 66.06%
3I	113	P: 1% SP[NM]: 42% SPM: 36% RN: 21%	P: 0.84% SPNM: 53.91% SPM: 25.51% RN: 19.74%	P: 0.41% SPNM: 35.99% SPM: 41.70% RN: 21.90%	P: 0.32% SPNM: 27.67% SPM: 46.50% RN: 25.50%
3J; 4A; 4B; 4C	N/A	-----	-----	-----	-----
4D	129	SP[NM]: 1% SPM: 55% RN: 38% R: 2% U: 4%	P: 2.69% SPNM: 31.89% SPM: 37.12% RN: 18.05% R: 4.22% U: 6.02%	P: 2.69% SPNM: 21.63% SPM: 32.43% RN: 33.19% R: 4.22% U: 5.83%	SPNM: 18.45% SPM: 32.41% RN: 39.09% R: 4.22% U: 5.83%
4E	137	SP[NM]: 100%	SPNM: 100%	SPNM: 100%	SPNM: 100%
4F	140	SP[NM]: 24% SPM: 46% RN: 26% R: 2% U: 2%	P: 2.64% SPNM: 23.70% SPM: 50.09% RN: 14.57% R: 4.25% U: 4.75%	P: 1.27% SPNM: 12.20% SPM: 60.82% RN: 17.89% R: 3.05% U: 4.77%	P: 0.07% SPNM: 5.91% SPM: 64.21% RN: 20.79% R: 3.05% U: 4.77%
5A; 5B; 5C	N/A	-----	-----	-----	-----

Appendix A: Proposed Changes to the Forest Plan

Mngt. Area	Forest Plan ROS Page	Current ROS Text	Proposed Amendment Language		
			Alternative B	Alternative C	Alternative D
5D	153	SP[NM]: 23% SPM: 40% RN: 36% U: 1%	P: 0.38% SPNM: 37.44% SPM: 39.56% RN: 22.03% R: 0.59%	SPNM: 7.62% SPM: 62.40% RN: 29.39% R: 0.59%	SPNM: 1.74% SPM: 71.45% RN: 26.22% R: 0.59%
5E	161	SP[NM]: 27% SPM: 32% RN: 41%	SPNM: 32.41% SPM: 5.27% RN: 62.31%	SPNM: 19.89% SPM: 27.43% RN: 52.68%	SPNM: 10.17% SPM: 57.42% RN: 32.41%
5F	163	SPM: 100%	SPNM: 81.79% RN: 18.21%	SPNM: 81.79% RN: 18.21%	SPNM: 72.72% SPM: 9.07% RN: 18.21%
5G	165	SP[NM]: 41% SPM: 46% RN: 12% U: 1%	P: 1.64% SPNM: 39.74% SPM: 43.14% RN: 12.87% R: 2.60%	P: 0.03% SPNM: 21.41% SPM: 62.59% RN: 13.38% R: 2.60%	P: 0.03% SPNM: 16.47% SPM: 75.72% RN: 5.19% R: 2.60%
6A; 6B	N/A	-----	-----	-----	-----
6C	175	SP[NM]: 63% SPM: 37%	P: 1.01% SPNM: 64.03% SPM: 25.41% RN: 9.55%	SPNM: 59.76% SPM: 26.18% RN: 14.07%	SPNM: 49.67% SPM: 39.57% RN: 10.77%
6D	177	SP[NM]: 80% SPM: 20%	P: 71.31% SPNM: 28.69%	P: 71.31% SPNM: 28.69%	P: 71.31% SPNM: 28.69%
6E	178	SP[NM]: 80% SPM: 20%	SPNM: 49.79% SPM: 26.59% R: 23.62%	SPNM: 76.38% R: 23.62%	SPNM: 46.47% SPM: 25.18% R: 28.34%
6F	180	SP[NM]: 1% SPM: 14% RN: 84% R: 1%	P: 1.46% SPNM: 8.82% SPM: 0.38% RN: 88.20% R: 1.14%	P: 0.80% SPNM: 9.48% SPM: 0.38% RN: 88.20% R: 1.14%	P: 0.76% SPNM: 8.60% SPM: 0.45% RN: 89.04% R: 1.14%
6G; 6H; 6I	N/A	-----	-----	-----	-----
6J	194	SP[NM]: 37% SPM: 33% RN: 27% R: 3%	SPNM: 34.50% SPM: 44.14% RN: 18.08% R: 3.28%	SPNM: 25.90% SPM: 46.40% RN: 24.42% R: 3.28%	SPNM: 20.42% SPM: 51.39% RN: 24.90% R: 3.29%
6K	N/A	-----	-----	-----	-----

† Acreage for this area included Management Areas 1E and 1F.

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GILA COUNTY
BOARD OF SUPERVISORS
1400 E. Ash Street
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September 16, 2014

Tonto National Forest: Travel Management Comments
2324 E. McDowell Road
Phoenix, AZ 85006
comments-southwestern-TMRTonto@fs.fed.us

Re: Gila County comments on the Draft Environmental Impact Statement for Travel Management on the Tonto National Forest.

Dear Responsible Official:

The Gila County Board of Supervisors would like to offer comments on the above referenced Draft Environmental Impact Statement.

Since the *Draft Environmental Impact Statement for Travel Management on the Tonto National Forest* will establish the management decisions and actions regarding the Tonto National Forest Public Motorized Travel Management Plan, it is appropriate for Gila County to communicate its motorized travel and recreation management objectives, to comments on the Alternatives listed in the Draft Environmental Impact Statement, and to request that the Responsible Official for the Tonto National Forest Travel Management Plan conduct the statutorily required consistency analysis, coordination action and conflict resolution between the Tonto National Forest Travel Management Plan and the Gila County Motorized Travel And Recreation Management Objectives as expressed in the County plans and policies and as contained in this document.

Importance of dispersed motorized travel and recreation for Gila County

The number of off-highway vehicles (OHVs) used in Arizona has risen dramatically. Almost 500,000 households within the State have at least one OHV, and as many as 30,000 new ATVs and motorcycles

are purchased annually (Arizona State Parks, 2009). While the use of OHVs is increasing statewide, OHV recreation is disproportionately important to the economy of rural counties such as Gila County. A survey conducted in 2003 by the Arizona State Parks identified the recreation impact of OHV recreation on Gila County as follows:

- 36% of households in Gila County are OHV users, compared to the state percentage of 21%.
- 8% of all Arizona OHV trip destinations for past 12 months were to Gila County.
- 1,262,607 OHV Recreation Days occur annually in Gila County, of which:
 - 228,071 OHV Recreation Days (18%) are from Gila County residents;
 - 1,034,536 OHV days (82%) are from other Arizona residents traveling to Gila County.
- 60% of Gila County OHV households are satisfied with their overall OHV experience.

Additionally, the 2003 Arizona State Parks survey identified a major direct annual economic impact of motorized travel and recreation and OHV related annual expenditures in Gila County as follows:

- OHV Trips - Fuel/Gasoline: \$16.7 M
- Lodging/Campgrounds: \$12 M
- Restaurants/Bars: \$11.5 M
- Groceries/Liquor: \$13.3 M
- Other (event fees, souvenirs, etc.): \$13.6 M

The total OHV recreation trips expenditures in Gila County total \$67.1 M annually, to which must be added expenditures on off-highway vehicles: \$16.9 M, tow-vehicles and trailers: \$9.4 M, OHV equipment: \$27.1 M, for a total OHV expenditures of \$120.5 million and a total impact, including the multiplier effect, of \$137.6 million in Gila County annually.

The economic impact of an annual OHV expenditure of \$120.5 million in Gila County translates in the injection of \$22.3 million in salaries and wages annually, resulting in the sustaining of 1,322 full-time and part-time jobs in Gila County. In any economy, 1,322 jobs are significant in Gila County, and in the current economy they are critical.

It must be noted that 77% of the vehicles used in the OHV trips reported in Gila County on the 2003 Arizona State Parks survey are four wheel drive pickup truck (50%) and sport utility vehicle or Jeep (27%), besides specialized cross-country all-terrain vehicles (ATV) or motocross motorcycles, and that almost 64% of the recreational activities involved some level of dispersed access to the Tonto National Forest lands:

- Sightseeing 15%
- Hunting 14%
- Driving back roads 13%
- Camping 12%
- Fishing 10%

Circumstantial constraints and challenges for the Gila County AND the Tonto National Forest planning efforts

Gila County understands and appreciates that in December 2005, the Forest Service issued a regulation at the national level, known as the Travel Management Rule (TMR), developed in response to the increasing effects of OHV recreation and the potential for OHV use to adversely affect forest and grassland resources, and that the Tonto National Forest Travel Management Plan team is under direct

instructions to implement a public motorized travel management plan that will designate roads, trails, and areas where motorized vehicle use can occur and eliminate most motorized cross-country travel.

Gila County further understands and appreciates the fact that irresponsible OHV use can indeed adversely affect forest and grassland resources, and that the popularity of this new mode of recreation may require reasonable regulations in order to maintain a well-considered balance between the enjoyment of the Tonto National Forest visitors, and the need to preserve and conserve the resources contained in the Tonto National Forest for the enjoyment of future generations.

Gila County is therefore NOT advocating for the Tonto National Forest team to disregard the Travel Management Rule or for the continuation of unregulated and ever increasing motorized cross-country travel and the continued proliferation of unauthorized user-created routes. However, Gila County is advocating for a SENSIBLE APPROACH to implementing the Travel Management Rule requirements in the Final Environmental Impact Statement for the Tonto National Forest Travel Management Plan, that address the preservation and conservation needs of the resources, comply with the national Travel Management Rule and still allow the Gila County residents and visitors to recreate sensibly using motorized transportation.

Land suitability analysis

Gila County understands the difference that exists between motorized cross-country travel, to which the vast majority of the Tonto National Forest lands are currently open and to which most of the Tonto National Forest land will be closed (aside from specially designed OHV areas) as the result of the implementation of the national Travel Management Rule, and motorized on-trail travel, to which varying areas of the Tonto National Forest lands will remain suitable for future consideration under Alternative B, C or D.

However, Gila County is concerned by the creeping trend that characterizes public land management in the West in general, in the national forests of the West in particular and specifically in the Arizona national forests toward an ever increasing limitation of motorized access to and motorized travel in (NOT including cross-country travel) the public lands under management by federal agencies. Specifically, under Alternative C, the Preferred Alternative, 1,290 miles of roads would be decommissioned. This is a drastic closure from the current level and the closure considered under Alternative D (194 miles).

Based on the merit of the action alternatives presented, and in further consideration of the monumental change that the elimination of indiscriminate cross-country travel will represent for the culture and custom of the residents of and visitors to the County, Gila County wants to register its objection to the approximately 2,367 miles of roads decommissioning proposed in Alternative B.

Gila County Motorized Travel and Recreation Management Objectives

The Gila County Motorized Travel and Recreation Management Objectives for the upcoming planning cycle include, among others:

- 1) Authorize dispersed and safe motorized camping consistent with the reasonable enjoyment of safety, privacy, comfort, custom and culture.

The authorized dispersed and safe motorized camping allows the parking of motorized vehicles and/or trailers at a distance of 300 feet from the closest legally open road or trail. 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. is allowed.

- 2) Authorize motorized big game retrieval for all species of game meeting the definition of 'big game' in the Arizona Game and Fish Department hunting regulations, or alternatively for all 'big game' animals requiring a hunting tag, with the exception of turkeys.
The authorized motorized big game retrieval consists of 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.
- 3) Authorize dispersed motorized collection of firewood. The authorized motorized collection of firewood consists of the minimum number of trips each way, as defined based on the transport capacity of the vehicle and the trailer, from the downed tree to the closest legally open road or trail, regardless of distance, in the authorized firewood collection area, by the most direct route compatible with safety and the preservation of other values such as riparian areas, archeological sites, etc.
- 4) Authorize dispersed recreational shooting.
The authorized motorized dispersed recreational shooting consists of one trip each way from the natural or artificial obvious terrain feature used as a backstop, such as pit, berth or features similar in their functionality as relates to safe dispersed shooting, to the closest legally open road or trail, regardless of distance but not more than one mile, by the most direct route compatible with safety and the preservation of other values such as riparian areas, archeological sites, etc.
- 5) Implement sensible restrictions on indiscriminate cross-country travel in order to preserve and conserve the resources contained in the Tonto National Forest for the enjoyment of future generations.
Indiscriminate cross-country travel consists of traveling cross-country in a motorized vehicle not intended to reach a specific dispersed camp site, downed animal, downed tree in an authorized firewood collection area, or terrain feature used as a shooting backstop, or not required for an emergency response to a specific justifiable circumstance such as danger to limb or life. Motorized scouting for a site is considered different from reaching a specific site and is not authorized.
- 6) Retain the suitability for future consideration of new motorized areas and trails of at least 75% of the Tonto National Forest.

Gap between the Tonto National Forest Travel Management Plan and the Gila County objectives, plans and policies

Alternative B and A

Based on the above, Gila County wants to communicate unambiguously to the Tonto National Forest its opposition to Alternative B.

Gila County understands the NEPA requirement for the Tonto National Forest to analyze several significantly different alternatives, and Gila County acknowledges and appreciates the existence of constituencies favoring alternatives such as Alternative B. However, Gila County cannot support an alternative that would result, among others, in the closing of approximately 2,367 miles of roads, in the suppression of dispersed motorized camping, and in the suppression of motorized big game retrieval. This alternative is so departed from the Gila County residents' past, current, and foreseeable future custom, culture and economic well-being needs, and from the Gila County Motorized Travel and Recreation Management Objectives, that it does not warrant any further discussion from the County's perspective.

Also, because the implementation of the national Travel Management Rule is not an option but a requirement for the Tonto National Forest Responsible Official, Alternative A, the no action alternative that would continue to allow cross-country travel in most area, is not really a viable alternative. It therefore does not warrant any further discussion from the County's perspective.

Alternative C and D

Because all of the action alternatives would prohibit motorized cross-country travel, except where authorized, and because the major differences between Alternative C and Alternative D are:

- I. the mileage of roads considered for decommissioning: approximately 1,290 miles in Alternative C, and 194 miles in Alternative D;
- II. the designation of big game authorized for motorized retrieval: elk and bear only in Alternative C, and elk, bear and deer in Alternative D;
- III. the area allowed for motorized big game retrieval: 1,293,178 acres (45% of the Tonto National Forest total area) in Alternative C, and 2,068,208 acres (72% of the Tonto National Forest total area) in Alternative D;
- IV. the width of the corridor on both sides of designated roads and motorized trails for dispersed camping: 100 feet on both sides of designated roads and motorized trails in Alternative C, and 300 feet on both sides of designated roads and motorized trails in Alternative D;

Gila County would like to focus its comments on Alternatives C and D as relates to motorized travel and recreation, on the issue of *authorized* cross-country travel.

Authorized cross-country travel

Based on the recent implementation of the national Travel Management Rule in neighboring national forests (Coconino National Forest, Kaibab National Forest), or on the ongoing NEPA processes for the implementation of the national Travel Management Rule (Apache/Sitgreaves National Forest), Gila County would like to share the following concerns with the Tonto National Forest Travel Management Plan team regarding the specificities in the Draft Environmental Impact Statement for the Tonto National Forest Travel Management Plan as relates to motorized cross-country travel:

- *The travel management plan DEIS limits the species of big game allowed for motorized big game retrieval to elk, bear and deer only (Alternative D), or even elk and bear only (Alternative C).*

Gila County believes that the limitation of motorized big game retrieval to only a few species is arbitrary and does not meet the intent of the motorized big game retrieval exemption mechanism. Specifically, other big game species such as, but not limited to, sheep, antelopes, mountain lions, javelina, etc. may in the present and/or in the future be hunted within the confine of the Arizona national forests and should qualify for motorized big game retrieval.

- *The travel management plan DEIS limits motorized big game retrieval to a one mile corridor on both sides of designated roads and motorized trails, resulting in 1,293,178 acres (45% of the Tonto National Forest total area) in Alternative C, and 2,068,208 acres (72% of the Tonto National Forest total area) in Alternative D.*

Gila County believes that corridor width is only one of two criteria that must be considered in order to meet the intent of the motorized big game retrieval exemption mechanism. Specifically, the intent of the exemption mechanism is not to define corridor width, but land coverage, therefore the intent can only be met and the analysis can only be completed if the density of the allowed road network is taken into consideration. For example, road networks such as the ones present in the Williams or Tusayan districts of the Kaibab National Forest allow for a one mile corridor off either side of allowable roads to cover the vast majority of the acreage of the districts and therefore do not in effect limit unduly the ability of hunters to retrieve big game with motorized vehicles. Simply said, if roads exist every two miles, a one mile corridor on each side of each road makes a one mile corridor rule viable. If roads only exist every 10 miles, the same one mile corridor becomes unviable. Therefore, the width of the corridor off either side of allowable roads allowed for motorized big game retrieval should not be constant from one forest to the next or one district to the next, given possible variation in allowed road network density. Gila County therefore requests that an analysis of land coverage resulting from the combined values of corridor width AND road network density be performed, and that if necessary districts featuring a lower density of roads be managed with either no corridor, or wider corridors as required in order to allow motorized big game retrieval to happen on at least 95% of the hunting areas in each districts.

- *The travel management plan DEIS limits dispersed camping to a 100 feet corridor on both sides of designated roads and motorized trails (Alternative C).*

Gila County believes that the limitation to a 300 feet corridor off either side of the edge of designated roads or trails is inadequate because it restricts access to numerous camping sites in the Tonto National Forest that have become deeply ingrained in the custom and culture of the residents of and visitors to Gila County. It is widely recognized that the legislators' intent was for the National Environmental Policy Act (NEPA) processes to clearly integrate an assessment of the social impacts of a proposed action or project. Further, it is widely recognized that the Council on Environmental Quality (CEQ) has made unambiguous interpretations of the law in its implementation guidance, to the effect that Forest Service Environmental Impact Statements (EIS) must integrate the impact of proposed actions on the custom and culture of the counties. Gila County therefore believes that the implementation of the Travel Management Rule would fail to meet the requirements to reasonably accommodate the culture and custom of the residents of and visitors to Gila County if such historically popular motorized camping sites were artificially outlawed due to their inaccessibility in a new travel management

plan. Therefore, Gila County believes that authorized dispersed motorized camping must allow the parking of motorized vehicles and/or trailers at a distance of 300 feet from the closest legally open road or trail, AND allow 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.

- *The travel management plan DEIS limits personal use fuel wood gathering in permitted areas to a 300 feet corridor on both sides of designated roads and motorized trails (Alternative C and D).*

Firewood gathered in the Tonto National Forest is an important and necessary energy resource to many residents of Gila County. Gila County therefore recommends that motorized access be allowed for the purpose of firewood gathering in areas specifically designated for motorized firewood gathering, or that the authorized motorized collection of firewood consist of the minimum number of trips each way, as defined based on the transport capacity of the vehicle and the trailer, from the downed tree to the closest legally open road or trail in the authorized firewood collection area, by the most direct route compatible with safety and the preservation of other values such as riparian areas, archeological sites, etc.

- *The travel management plan DEIS does not address specifically dispersed shooting.*

Yet, the Forest Service in its own analysis states: “Ceasing or limiting off-road vehicle use of the ASNFs would limit or restrict most dispersed recreational shooting to areas along roads open for public use, increasing the risk to human health and safety” (Draft Environmental Assessment Second Knoll Shooting Range p. 27). Gila County believes that not every recreational shooter will use the developed shooting facilities such as the Second Knoll Shooting Range, especially when such facilities are located more than half an hour to an hour or more travelling distance. Therefore, Gila County believes that for safety reasons dispersed shooting should be included in the provisions of authorized cross-country travel with the following restrictions: the authorized motorized dispersed recreational shooting consists of one trip each way from the natural or artificial obvious terrain feature used as a backstop, such as pit, berth or terrain feature similar in their functionality as relates to safe dispersed shooting, to the closest legally open road or trail, not more than one mile away, by the most direct route compatible with safety and the preservation of other values such as riparian areas, archeological sites, etc.

Suitability for future consideration of new motorized areas and trails

- *The travel management plan DEIS does not accommodate enough the economic impact of implementing the national Travel Management Rule on Gila County.*

Yet, it is widely recognized that the legislators’ intent was for the National Environmental Policy Act (NEPA) processes to clearly integrate an assessment of the economic impacts of a proposed actions or projects. Further, it is widely recognized that the Council on Environmental Quality (CEQ) has made unambiguous interpretations of the law in its implementation guidance to the effect that Forest Service Environmental Impact Statements must integrate the impact of proposed actions on the economic well-being needs of the counties. Gila County recognizes and understands the importance of protecting the national forests natural resources while providing access and opportunities to the public as well as to those whose livelihoods depend on the

national forest lands. Simultaneously, Gila County must operate under the economic constraint of 95% of the land in the County being designated as federal land or under federal management, and exempt from local taxation. Historically, the Gila County economy and the Gila County residents have depended heavily on both natural resources-based industries and recreation opportunities. The ability of Gila County to maintain a robust and diverse economy has been eroded over the last forty years, in large part due to the restrictions of access to and use of the lands under federal management. Gila County is keenly aware of the detrimental effects caused by national forests rules and management plans restricting business and outdoors recreational opportunities. Additional roadless areas designations and/or roads closure and/or limitation of suitability for future consideration of new motorized areas and trails and/or indiscriminate cross-country motorized travel restrictions would further decrease the recreational opportunities that Gila County is able to offer to its residents and visitors, further constraining an already difficult economic outlook.

Requested and Suggested corrective action for the Final Environmental Impact Statement for the Tonto National Forest Travel Management Plan

Gila County respectfully requests that Alternative C in the Draft Environmental Impact Statement for the Tonto National Forest Travel Management Plan be rejected as relates to motorized travel and recreation. Specifically, under Alternative C:

- 1) Approximately 1,290 miles of roads are scheduled for decommissioning.
- 2) The travel management plan DEIS limits the species of big game allowed for motorized big game retrieval to elk and bear only.
- 3) The travel management plan DEIS limits motorized big game retrieval to a one mile corridor on both sides of designated roads and motorized trails, resulting in only 1,293,178 acres (45% of the Tonto National Forest total area) being reachable.
- 4) The travel management plan DEIS limits dispersed camping to a 100 feet corridor on both sides of designated roads and motorized trails.
- 5) The travel management plan DEIS limits personal use fuel wood gathering in permitted areas to a 300 feet corridor on both sides of designated roads and motorized trails.
- 6) The travel management plan DEIS does not address specifically dispersed shooting.

Gila County therefore respectfully requests that the Selected Alternative for the Final Environmental Impact Statement for the Tonto National Forest Travel Management Plan be based on Alternative D, and include the following modifications:

- 1) Not more than approximately 194 miles of roads scheduled for decommissioning.
- 2) Motorized big game retrieval allowed for all species of game meeting the definition of 'big game' in the Arizona Game and Fish Department hunting regulations, or alternatively for all 'big game' animals requiring a hunting tag, with the exception of turkeys.
- 3) Motorized big game retrieval allowed to consist of 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) Dispersed motorized camping allowed in a 300 feet corridor on both sides of designated roads and motorized trails, AND in 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.

- 5) Personal use fuel wood gathering in permitted areas allowed to consist of the minimum number of trips each way, based on the transport capacity of the vehicle and the trailer, from the downed tree to the closest legally open road or trail, regardless of distance, in the authorized firewood collection area, by the most direct route compatible with safety and the preservation of other values such as riparian areas, archeological sites, etc.
- 6) A new category of motorized dispersed recreational shooting authorized to consists of one trip each way from the natural or artificial obvious terrain feature used as a backstop, such as pit, berth or features similar in their functionality as relates to safe dispersed shooting, to the closest legally open road or trail, regardless of distance but not more than one mile, by the most direct route compatible with safety and the preservation of other values such as riparian areas, archeological sites, etc.

Gila County appreciates that the Tonto National Forest developed Alternative D in response to public comments received on the proposed action and to provide the highest level of motorized recreation opportunities and access across the forest. The County believes that the suggested changes are reasonable and not of a nature to prevent the Tonto National Forest to implement effectively the requirements of Executive Order 11644, as amended by Executive Order 11989, and the Travel Management Rule regulations (36 CFR 212, Subpart B).

Thank you for your consideration,

Respectfully submitted,

 Michael A. Pastor
 Chairman
 Gila County Board of Supervisors

 Date

ATTEST

 Marian Sheppard
 Clerk of the Board
 Gila County Board of Supervisors

 Date

 Bryan Chambers
 Deputy County Attorney/Civil Bureau Chief

 Date

ARF-2774

Regular Agenda Item 3. J.

Regular BOS Meeting

Meeting Date: 09/16/2014

Submitted For: Jacque Griffin, Asst. County Manager/Librarian
Submitted By: Jacque Griffin, Asst. County Manager/Librarian, Asst County Manager/Library District

Department: Asst County Manager/Library District

Information

Request/Subject

Submit Board of Supervisors' comments on the Draft Environmental Impact Statement for the Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf (*Canis Lupus Baileyi*) and the proposed revision to the Mexican Wolf 10(j) rule.

Background Information

The U.S. Fish and Wildlife Service (USFWS) has proposed new revisions to the existing nonessential experimental population designation of the Mexican wolf (*Canis lupus baileyi*) under section 10(j) of the Endangered Species Act of 1973, as amended, and has announced the reopening of the public comment period and held two public hearings on the proposed rule. In addition, the USFWS has announced the availability of a draft environmental impact statement on the proposed revisions to the existing nonessential experimental population designation of the Mexican wolf, and an amended required determinations section of the proposal. The USFWS reopened the comment period to allow all interested parties an opportunity to comment simultaneously on the proposed rule, the associated draft environmental impact statement, and the amended required determinations section. Comments previously submitted need not be resubmitted, as they will be fully considered in preparation of the final rule. The notice regarding the proposed revision to the rule was published on July 25, 2014, and the Draft Environmental Impact Statement was released on July 16, 2014.

On September 2, 2014, the Board of Supervisors submitted a letter to the USFWS requesting an extension of the public comment period and a request for additional public hearings; however, since that request has not been responded to at this time, submitting comments that fall within the existing comment period is advisable. This comment period closes before midnight on September 23, 2014.

Evaluation

Information from the USFWS regarding this proposed action:

"Identifying Zones 1, 2, and 3 as different management areas within the MWEPA and discontinuing the use of the term Blue Range Wolf Recovery Area (BRWRA) part of (Figure 2).

Zone 1 is an area within the MWEPA in Arizona and New Mexico where Mexican wolves may be initially released or translocated, and includes all of the Apache, Gila, and Sitgreaves National Forests; the Payson, Pleasant Valley, and Tonto Basin Ranger

Districts of the Tonto National Forest; and the Magdalena Ranger District of the Cibola National Forest.

Zone 2 is an area within the MWEPA where Mexican wolves will be allowed to naturally disperse into and occupy, and where Mexican wolves may be translocated. On Federal land in Zone 2, initial releases of Mexican wolves are limited to pups less than 5 months old, which allows for the cross-fostering of pups from the captive population into the wild, as well as enables translocation-eligible adults to be re-released with pups born in captivity. On private and tribal land in Zone 2, Mexican wolves of any age, including adults, can also be initially released under a Service- and State-approved management agreement with private landowners or a Service-approved management agreement with tribal agencies. The northern boundary of Zone 2 is Interstate Highway 40; the western boundary goes south from Interstate Highway 40 and follows Arizona State Highway 93, Arizona State Highway 89/60, Interstate Highway 10, and Interstate Highway 19 to the United States-Mexico international border; the southern boundary is the United States-Mexico international border heading east, then follows New Mexico State Highway 81/146 north to Interstate Highway 10, then along New Mexico State Highway 26 to Interstate Highway 25; the boundary continues along New Mexico State Highway 70/54/506/24; the eastern boundary follows the eastern edge of Otero County, New Mexico, to the north and then along the eastern edge of Lincoln County, New Mexico, until it intersects with New Mexico State Hwy 285 and follows New Mexico State Highway 285 north to the northern boundary of Interstate Highway 40. Zone 2 excludes the area in Zone 1.

Zone 3 is an area within the MWEPA where neither initial releases nor translocations will occur, but Mexican wolves will be allowed to disperse into and occupy. Zone 3 is an area of less suitable Mexican wolf habitat and where Mexican wolves will be more actively managed under the authorities of this rule to reduce human conflict. We expect Mexican wolves to occupy areas of suitable habitat where ungulate populations are adequate to support them and conflict with humans and their livestock would be low. If Mexican wolves move outside areas of suitable habitat, they will be more actively managed. Zone 3 is two separate geographic areas on the east and west sides of the MWEPA. One area of Zone 3 is in western Arizona and the other in eastern New Mexico. In Arizona, the northern boundary of Zone 3 is Interstate Highway 40; the eastern boundary goes south from Interstate Highway 40 and follows State Highway 93, State Highway 89/60, Interstate Highway 10, and Interstate Highway 19 to the United States-Mexico international border; the southern boundary is the United States-Mexico international border; the western boundary is the Arizona-California State border. In New Mexico, the northern boundary is Interstate Highway 40; the eastern boundary is the New Mexico-Texas State border; the southern boundary is the United States-Mexico international border heading west, then follows State Highway 81/146 north to Interstate Highway 10, then along State Highway 26 to Interstate Highway 25, the southern boundary continues along State Highway 70/54/506/24; the western boundary follows the eastern edge of Otero County to the north and then along the eastern edge of Lincoln County until it follows State Highway 285 north to the northern boundary of Interstate Highway 40."

As previously discussed, this DRAFT EIS does not evaluate the alternative that was created with substantial effort by several of the various agencies and entities that will be affected by any changes to the management of the Mexican Wolf, and submitted for formal review.

Conclusion

Some of the specific concerns with this DRAFT EIS is that it does not meet all of the requirements under the National Environmental Policy Act (NEPA) and the Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf (10(j) rule) does not meet all of the requirements under the Endangered Species Act (ESA).

The Eastern Counties Organization (ECO) of which Gila County is a member has spent considerable effort in drafting a response on behalf of ECO, as well as working on comments on behalf of each of the member counties. This effort has also included extensive cooperative work with Cochise County, although it is not a part of ECO, will be similarly affected by the outcome of this proposed action.

The draft letters for each County have not been finalized; however, they will follow the format and points made in the draft ECO comments, which are attached. Once the draft letter for Gila County has been received, it will be attached to this agenda item, which will be prior to this meeting.

Recommendation

Staff recommends that the Board approve comments for submission to the USFWS regarding the Draft EIS for the Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf.

Suggested Motion

Information/Discussion/Action to consider issuing official comments from the Board of Supervisors regarding the U.S. Fish and Wildlife Service's Proposed Revision of the Nonessential Experimental Population of the Mexican Wolf published in the Federal Register on July 25, 2014 (79 Fed. Reg. 43358) and the Draft Environmental Impact Statement for the Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf (Canis Lupus Baileyi) dated July 16, 2014. **(Jacque Griffin)**

Attachments

DEIS Comments

USFWS Notice on Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf

DEIS Mexican Wolf

Letter to Jewell and Ashe

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GILA COUNTY
BOARD OF SUPERVISORS
1400 E. Ash Street
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September 16, 2014

Public Comments Processing
Attn: FWS-R2-ES-2013-0056
Division of Policy and Directives Management
U.S. Fish and Wildlife Service Headquarters
MS: BPHC
5275 Leesburg Pike
Falls Church, VA 22041-3803.

Electronic filing: <http://www.regulations.gov> FWS-R2-ES-2013-0056

Re: Gila County comments on:

1. Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf. Federal Register / Vol. 79, No. 143 / 43358 / Friday, July 25, 2014.
2. Draft Environmental Impact Statement for the Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf (Canis Lupus Baileyi), July 16, 2014.

Dear Responsible Official,

Gila County has been a stakeholder in the efforts to develop and implement landscape scale forested ecosystems restoration; watersheds restoration; endangered and threatened fauna and flora protection; and, natural resources management for the last two decades. Gila County is actively involved as stakeholder, cooperating agency and coordinating local government in federal and state projects such as, among others, the Collaborative Forest Landscape Restoration Program (CFLRP); the Western Watershed Enhancement Partnership (WWEP); the Mexican Gray Wolf Recovery Program (MGWRP); and, numerous state or local scale natural resources management projects and natural resources-based economic development initiatives.

Gila County is uniquely affected by the *Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf* used to implement the *Mexican Wolf Recovery Plan* in Arizona and New Mexico; and by the *Draft Environmental Impact Statement for the Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf (Canis Lupus Baileyi)*, due to the fact that a large portion of the proposed revised Mexican Wolf Experimental Population Area (MWEPA) would be located within the county.

Gila County generally supports the Fish and Wildlife Service (the Service) recovery of the Mexican Wolf. Gila County has been actively involved as a member of the Mexican Wolf MOU Executives and the Mexican Wolf Middle Management Team (MMT). Gila County is participating in the *Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf* as a cooperating agency, and Gila County submitted a NEPA alternative for the *Draft Environmental Impact Statement for the Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf (Canis Lupus Baileyi)*.

However, Gila County is concerned that:

1. The *Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf* (10(j) rule) does not meet all the requirements under the Endangered Species Act (ESA); and,
2. The *Draft Environmental Impact Statement for the Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf (Canis Lupus Baileyi)* (DEIS) does not meet all the requirements under the National Environmental Policy Act (NEPA).

Specifically, in broad terms, Gila County is concerned that:

- I. **The proposed regulation does not, to the maximum extent practicable, represent an agreement between the Fish and Wildlife Service, the affected State agencies, the local counties and other stakeholders** holding an interest in the land that will be affected by the revision of the experimental population rule.
- II. **The purpose and need for the proposed action are problematic.** The proposed action is part of the recovery effort undertaken under the Recovery Plan but the purpose and need are not supported by the current (1982) Recovery Plan prime objective. Alternatively, the reasonably foreseeable revision of the Recovery Plan has not been completed. Consequently, the purpose and need are unsupported; the proposed action is incorrectly considered for decision prior to the Recovery Plan revision being completed; and, the proposed Rule is predecisional to the revision of the Recovery Plan.
- III. **The proposed action is connected to the Recovery Plan revision.** Both are interdependent parts of the larger Mexican Wolf Recovery Program and depend on the larger action for their justification. Consequently, the cumulative effects of the proposed 10(j) revision and the reasonably foreseeable Recovery Plan revision must be analyzed in a single environmental impact statement.
- IV. **The scoping and the alternatives selection criteria for the proposed action are problematic.** The 2007 scoping conducted to reform the operation of the Adaptive Management Oversight Committee (AMOC) is not related to the proposed 10(j) action; and, the 2012/13 scoping is

perfunctory to the point of deficiency as reflected in alternatives selection criteria that essentially preclude any real alternative to the proposed action, and in the resulting absence of a broad range of alternatives, or even at least one real alternative to the proposed action.

- V. **The DEIS does not rigorously explore and objectively evaluate all the reasonable alternatives to the proposed action.** Only one action alternative - split into 3 pseudo different alternatives due to minor differences - is analyzed. Among others, the cooperating agencies alternative submitted by Gila County is not considered; and, most importantly, a reasonably foreseeable required alternative addressing a different population projection model with a higher wolf population growth rate and a higher number of wolves, and a different population distribution model with wolves shifting partially or totally habitat from forests to woodlands, and shifting partially or totally prey base from wild ungulates to domestic cattle, is not analyzed.

- VI. **The analysis of the adverse environmental effects is inadequate** in respect to the limitation of the environmental impact analysis to one population distribution model; the limitation of the environmental impact analysis to one population projection model; the no action alternative; only one action alternative being analyzed – although artificially split into 3 similar versions resulting in exactly the same findings; the findings of no, or less than, significant adverse direct or indirect impact; etc.

- VII. **The proposed rule and the DEIS do not meet other ESA and NEPA requirements** of, among others, releases in suitable natural habitat and probable historic range; resolution of inconsistency of the proposed action with approved local plans; completeness of information provided; full and fair discussion of significant environmental impacts; data and analyses commensurate with the importance of the impact; etc.

Therefore, Gila County would like to submit the following comments and suggested remedies.

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Requirements under the Endangered Species Act

Agreement

“Any regulation promulgated pursuant to this section shall, to the maximum extent practicable, represent an agreement between the Fish and Wildlife Service, the affected State and Federal agencies and persons holding any interest in land which may be affected by the establishment of an experimental population” (ESA, 50 CFR § 17.81 (d)).

Comment: The regulation proposed to be promulgated does not, to any extent, represent an agreement between the Service, the affected State and local government agencies and persons holding an interest in the land which will be affected by the revision of the experimental population rule. Although the Service went through the minimum required motions (notices, limited public meetings, limited IPT meetings, etc.) no real good faith attempt has been made by the Service to develop an agreement between the Service, the affected state and local government agencies, and persons holding an interest in the land which will be affected by the revision of the experimental population rule.

Specifically, to date, the Service actions, or lack thereof, do not represent a genuine good faith attempt to develop an agreement, or even to actually work with the state and tribal agencies, local governments, and stakeholders. On one hand, as a Cooperating Agency in the *Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf*, Gila County has expended a substantial amount of time and money to provide personnel, expertise, comments, and travel funds to attend Mexican Wolf EIS Interdisciplinary Planning Team (IPT) meetings and Mexican wolf public hearings; review and comment on relevant Federal Register documents; review and comment on draft proposed 10(j) rule and draft EIS chapters; and research of numerous scientific and socioeconomic documents. On the other hand, the Service’s actions have been limited to only three cooperating agencies IPT meetings that have been one-way downloads of predecisional determinations by Service personnel with virtually no opportunity for Gila County or other cooperating agencies and stakeholders to provide effective input into the proposed 10(j) rule and the analysis process.

The Mexican Wolf EIS Development Meeting held on August 8 and 9, 2013, and the Mexican Wolf EIS Cooperating Agencies IPT Meetings held on December 10, 2013 and April 15, 2014 did not allow adequate time on the agendas, and virtually any time at all in the actual conduct of the meetings, for anything except Service personnel reciting to cooperating agencies decisions they had already made in regard to Mexican wolf management and the proposed revision of the 10(j) rule. The August 8 & 9, 2013 meeting had only 1.5 hours out of 16 hours, set aside on the agenda to receive input from cooperating agencies. Less than 45 minutes were actually dedicated to that purpose in the actual meeting. The remainder of the agenda was filled with Service personnel projecting endless PowerPoint slides depicting decisions already made by the Service for the proposed revision of the 10(j) rule. The December 10, 2013 meeting had no time at all listed on the agenda for cooperating agencies input. The April 15, 2014 agenda had only 1 hour allocated at the very end of the day for cooperating agencies

interventions, to be divided between all State, Tribal and local government agencies of both Arizona and New Mexico, resulting in only a few minutes for each cooperating agency to speak in a superficial 'round robin' format.

Any attempt by individual cooperating agencies or groups of cooperating agencies at any time during the meetings to substantially address any issue was forcibly halted and dismissed by the Service under pretense of needing to follow the agenda or respect the timetable. At the end of the April 15, 2014 meeting when cooperating agency members voiced their continued and growing frustration over the one-sided meetings, the Service's Mexican Wolf Recovery Coordinator who chaired the meeting explicitly stated that cooperating agencies had been invited to Albuquerque to be told what the Service had done to date; that the cooperating agencies IPT meetings were meant to be informative, not deliberative; and, once again, that the tight agenda and schedule did not allow for discussion of the Service presentations. When Gila County suggested that in such case more cooperating agencies IPT meetings were needed, the Service retorted that the tight timeline to meet the January 2015 deadline did not allow for any additional meeting.

In all three cooperating agencies IPT meetings, Gila County and the majority of other counties serving as cooperating agencies voiced incredulity, annoyance and concerns about the lack of opportunity to discuss issues and provide expertise, and directly questioned the compliance of the proceedings with the requirement under 50 CFR § 17.81 (d) and NEPA. Gila County specifically observed that the counties had demonstrated an inordinate amount of civic leadership and political courage in signing the required Cooperating Agency Memorandum of Understanding (MOU), in the face of steep and vocal opposition by a vast majority of their constituents, and that the Service was making a mockery of the ESA and NEPA requirements and processes, by 'checking cooperative boxes' in lieu of making a genuine attempt to develop agreement with the affected State agencies, local governments and stakeholders. When the Arizona Cooperating Agencies Alternative was submitted at the April 15, 2014, which itself required Gila County and other counties to vehemently insist and force-fit this item in the meeting agenda, the Service only allowed 15 minutes for submission and refused to allow discussion of the alternative, despite the fact that this was a cooperating agencies alternative submitted during a cooperating agencies meeting; that it represented a good faith effort by the Arizona counties, supported by the Arizona Game & Fish Department to develop a viable public policy solution that met the ESA recovery requirements (proposed three-fold increase of the Mexican wolf population, and proposed nine-fold expansion of the MWEPA, etc.); and, that it afforded the Service a unique opportunity to develop a regulation that would represent an agreement between the Service, the affected State agencies, local governments and stakeholders having a direct interest in the land which is affected by the revision of the Mexican wolf experimental population rule, exactly as intended under 50 CFR § 17.81 (d).

At all three cooperating agencies IPT meetings, the Service PowerPoint presentations were provided to the cooperating agencies prior to the meeting, and cooperating agencies were required to come prepared. Time did not need to be used for virtually entire days on four different days by the Service to read slides that the cooperating agencies had already read prior to the meetings. Time should have been used to

develop the information, answer questions, provide clarification in an interactive format, seek resolution of points of concern, discuss the contribution of the cooperating agencies alternative, explore the synergies and divergences between the cooperating agencies alternative and the proposed action, and forge agreement. Instead, none of this happened. The meetings were a pro-forma exercise of going through the motions of the ESA and NEPA requirements without the Service intending to actually meet their substantial meaning. In addition, rather than being used, as intended, for an earnest and honest attempt to find agreement, the written comments on the *Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf*, Preliminary Draft EIS Chapters 1 & 2 and the *Implementation Management Plan Outside the MWEPA*, submitted by Gila County and numerous cooperating agencies, other counties, and other stakeholders were marginalized, or completely ignored, in the Service scoping document provided to the cooperating agencies at the April 15, 2014 meeting.

It was the expectation of Gila County when it signed the Cooperating Agencies MOU that this resources and political capital investment would result in the utilization of the counties jurisdiction by law and special expertise to actively participate in the NEPA process at the earliest possible time; participate in the scoping process; and assume responsibility for developing information and preparing environmental analyses, including portions of the environmental impact statement of which each cooperating agency has special expertise. As agreed to in the Cooperating Agencies MOU, Gila County made available staff resources and designated representatives to represent it on the Interdisciplinary Planning Team. Gila County has met its Cooperating Agencies MOU obligations to ensure a productive working relationship with the Service in the development of an agreement with the Service as required under 50 CFR § 17.81 (d). Factually, Gila County has far exceeded its Cooperating Agencies MOU obligations by co-developing and co-submitting with other counties an Arizona Cooperative Agencies Alternative that objectively fulfills the ESA Mexican wolf recovery mandate, and arguably laid out the framework of an agreement between the Service, the affected State and Federal agencies, local governments, and persons holding an interest in the land. Gila County also provided information, data and supporting analyses, comments, and resources for the development of proper NEPA documentation in the EIS; timely review of the first two chapters of the EIS; and timely comments on the various Federal Register publications. Gila County helped collect socioeconomic data to the maximum extent possible afforded by the limited amount of information shared by the Service about their plans for the revision of the Mexican wolf reintroduction plan and rule in Arizona, despite being hampered by the Service steadfast refusal to communicate a wolf target population despite numerous and insistent requests by the cooperating agencies. Gila County further requested to be included in; attempted to provide special expertise in order to assist the Service for; and attempted to participate in discussions about data assessment and technical reports, alternatives selection, evaluation of the effectiveness of alternatives, environmental impact analysis, etc. but to no avail. All along the proposed revision to the nonessential experimental population of the Mexican Wolf, the Service has unilaterally rewritten alternatives, chastised cooperating agencies and stakeholders for attempting to submit their own alternatives, discouraged and ignored input from cooperating agencies and stakeholders, and unilaterally made decisions outside of the NEPA process on major federal actions that have significant adverse effects on the environment.

As a further illustration of the Service failure to comply with the requirements of ESA under 50 CFR § 17.81 (d), although compliance with the June 2010 Mexican Wolf Cooperators MOU is not a requirement for the EIS process, it is revealing of the Service lack of attempt at a good faith effort to reach agreement with the affected state and local government agencies. Despite “the primary purpose of this agreement [being] to provide a framework for collaboration that is based in sound science and which enables the Signatories to develop a mutually-agreeable, long-term collaboration in reintroduction of Mexican wolves in Arizona and New Mexico,” the June 2010 MOU Mexican Wolf cooperators have been entirely ignored as a coherent group in the entire proposed revision of the nonessential experimental population of the Mexican Wolf, in as much as no attempt was made by the Service to engage the June 2010 MOU Mexican Wolf cooperators to develop an agreement with the Federal, State and local government signatories, or for any other purpose.

The revision of the nonessential experimental population of the Mexican Wolf 10(j) rule process is fatally flawed. The Service has abrogated its duty to use the best scientific data available and made a number of politically expedient decisions such as suspending the revision of the Mexican Wolf Recovery Plan; refusing to develop population goals for the proposed expanded MWEPA under the proposed 10(j) rule revision; discontinuing the development of a *Mexican Wolf Management Plan Outside of the MWEPA*; and, ignoring the input of cooperating agencies with special expertise and jurisdiction by law. In its single-minded haste to comply with the consent decree January 12, 2015 deadline, the Service is directly violating the requirement under ESA that: “Any regulation promulgated pursuant to this section shall, to the maximum extent practicable, represent an agreement between the Fish and Wildlife Service, the affected State and Federal agencies and persons holding any interest in land which may be affected by the establishment of an experimental population” (50 CFR § 17.81 (d)).

Remedy:

The Service must comply with the ESA requirements and make a genuine attempt to develop an agreement with the affected local government agencies and persons holding an interest in the land which will be affected by the revision of the experimental population rule. This involves completing the revision of the Recovery Plan and nesting the revision of the nonessential experimental population of the Mexican Wolf 10(j) rule within the prime objective of the revised recovery plan, including a clear quantified population objective; complying with the NEPA requirements regarding work with the cooperating agencies; completing a full and fair analysis of the alternative proposed by the Arizona cooperating agencies, and of a reasonably foreseeable required alternative addressing a higher wolf population growth rate, a higher number of wolves, and the distribution of the wolves through and outside of the MWEPA according to domestic prey base availability in addition to wild prey base availability; completing a full and fair analysis of the environmental impacts of a meaningful range of alternatives; and, making a good faith attempt at resolving the inconsistency, reducing the conflicts, and reconciling the proposed action with the local government plans or laws, and the interests of people holding an interest in the land which will be affected.

Releases habitat & range

Releases in suitable natural habitat

“The Secretary may designate as an experimental population a population of endangered or threatened species that has been or will be released into suitable natural habitat” (ESA, 50 CFR § 17.81 (a)).

Comment #1: Initial releases are authorized in 17% of Zone 1 where there is no suitable habitat. Further, Zone 1 is expanded in high human population density areas (Sitgreaves National Forest around Show Low and Heber; Coconino National Forest in the Rim Lake recreation area; Tonto National Forest around Payson; etc.), which do not constitute suitable natural habitat.

Remedy #1: Initial releases must be prohibited in areas of Zone 1 that do not have suitable habitat or that are located in high human population density areas (Sitgreaves National Forest around Show Low and Heber; Coconino National Forest in the Rim Lake recreation area; Tonto National Forest around Payson; etc.).

Comment #2: Translocation releases are authorized in 73% of Zone 2 where there is no suitable habitat.

Remedy #2: Translocation releases must be prohibited in areas of Zone 2 that do not have suitable habitat.

Releases in probable historic range

“The Secretary may designate as an experimental population a population of endangered or threatened species that has been or will be released into suitable natural habitat outside the species' current natural range (but within its probable historic range, absent a finding by the Director in the extreme case that the primary habitat of the species has been unsuitably and irreversibly altered or destroyed)” (ESA, 50 CFR § 17.81 (a)).

Comment: Translocation releases are authorized in 73% of Zone 2 that do not have suitable habitat and that are located outside of the probable historic range. Further, post-releases inhabitation is authorized in 99% of Zone 3 that do not have suitable habitat and that are located outside of the probable historic range.

Remedy: Translocation releases must be prohibited in 73% of Zone 2 that do not have suitable habitat and that are located outside of the probable historic range, and post-releases inhabitation must be prohibited in 99% of Zone 3 that do not have suitable habitat and that are located outside of the probable historic range.

Requirements under the National Environmental Policy Act

Purpose and need

“The statement shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action” (CEQ, 40 CFR § 1502.13).

Comment: The DEIS states “We are proposing revisions to the regulations established for the Mexican wolf reintroduction in the 1998 Final Rule and the Mexican Wolf Recovery Program’s section 10(a)(1)(A) research and recovery permit (TE-091551-8 dated 04/04/2013)” (DEIS, Chap. 1, p. 16). The 1998 Final Rule was established pursuant to the November 1996 Final Environmental Impact Statement (FEIS) *Reintroduction of the Mexican Wolf Within its Historic Range in the Southwestern United States*, itself conducted under the auspices of the 1982 *Mexican Wolf Recovery Plan*. The Prime Objective of the Recovery Plan was identified as “[t]o conserve and ensure the survival of *Canis lupus baileyi* by maintaining a captive breeding program and re-establishing a viable, self-sustainable population of at least 100 Mexican wolves in the middle to high elevations of a 5,000-square-mile area within the Mexican wolf’s historic range” (1982 Recovery Plan, p. 23). In addition: “Two factors enter into this quantified objective: (1) the estimated area needed to support one Mexican wolf in average habitat available in this wolf’s historic range, and (2) the number of wolves deemed advisable for adequate genetic diversity in an interbreeding population” (1982 Recovery Plan, p. 23).

The Recovery Plan number of 100 wolves is specifically based on “the number of wolves deemed advisable for adequate genetic diversity in an interbreeding population,” which is indeed around a hundred animals based on best available science. It is clear that the intent of the Recovery Plan was not to infer that “at least 100 Mexican wolves” could mean 300 or 800 wolves for example. It is plain, owing to the rationale invoked for “at least 100 Mexican wolves,” that “at least 100 Mexican wolves” meant just that: a number in the vicinity of 100+ wolves. Say, for example, 105 to 110 wolves, or even 120 maybe, but certainly not 300. If 300 wolves were needed, the Recovery Plan would have said “at least 300 Mexican wolves,” and the rationale of “the number of wolves deemed advisable for adequate genetic diversity in an interbreeding population” would not have been invoked to justify a number of 300 since it far exceeds the 100 number generally accepted in the literature as the minimum for adequate genetic diversity in an interbreeding population. Per the Service own statements, the January 2015 count of the 2014 population is expected to be approximately 91 animals (DEIS, Appendix F, Table F-2, p. 6), “with a potential for an additional 10% of wolves being missed during the census” (DEIS, Appendix F, p. 3). This means an actual population in the wild by January 2015 of approximately 100 wolves.

The Recovery Plan area requirement of 5,000 square miles is specifically based on “the estimated area needed to support one Mexican wolf in average habitat available in this wolf’s historic range.” Consistent with the prime objective of the 1982 Mexican Wolf Recovery Plan, the Blue Range Wolf Recovery Area (BRWRA) currently “consists of all of the Apache and Gila National Forests” (DEIS, p. IV). The Gila National Forest covers 4,235

square miles. The Apache National Forest covers 2,035 square miles. Hence the BRWRA currently extends over 6,270 square miles.

Therefore, the quantified objectives of the 1982 Recovery Plan are essentially met at the expected time of decision for the proposed action, and the absence of a completed revision of the recovery plan renders the proposed action purpose “Our Purpose: To Further the Conservation of the Mexican Wolf” (DEIS, Chap. 1, p. 17) no more grounded in rigorous planning, as the proposed action need: “Our Need: Population Growth, Distribution and Recruitment” (DEIS, Chap. 1, p. 17). In so many words, the purpose and need are not supported by the current (1982) Recovery Plan prime objective. If the prime objective of the current Recovery Plan is deemed inadequate by the Service, revised objectives should be outlined in the revision of the Recovery Plan, and action should be proposed based on the revised Recovery Plan. In the meantime, the purpose and need invoked for the proposed action are not supported by the prime objective of the existing Recovery Plan, which has arguably been met.

Remedy: If the prime objective of the current Recovery Plan is deemed inadequate by the Service, revised objectives should be outlined in the revision of the Recovery Plan, and action should be proposed subsequent to the adoption of a revised Recovery Plan, and based on the revised Recovery Plan.

Commitment of resources prejudicing selection of alternatives

“Agencies shall not commit resources prejudicing selection of alternatives before making a final decision (Sec. 1506.1)” (CEQ, 40 CFR § 1502.2 (f)).

Comment: As stated in the DEIS, “The U.S. Fish and Wildlife Service (Service) appointed a new Recovery Team to develop a revision to the 1982 Mexican Wolf Recovery Plan that will include recovery criteria. A revised Recovery Plan is expected to be completed following the issuance of a revised final rule and 10(a)(1)(A) permit” (DEIS, Appendix G, p. 4). Therefore, unless the ‘no action’ alternative is selected in the *Revision to the Nonessential Experimental Population of the Mexican Wolf*, the proposed action will unavoidably commit resources prejudicing selection of alternatives before making a final decision in the revision of the Recovery Plan.

Remedy: If the prime objective of the current Recovery Plan is deemed inadequate by the Service, revised objectives should be outlined in the revision of the Recovery Plan, and action should be proposed subsequent to the adoption of a revised Recovery Plan, and based on the revised Recovery Plan.

Connected actions

“Actions are connected if they are interdependent parts of a larger action and depend on the larger action for their justification” (CEQ, 40 CFR § 1508.25 (a) (iii)).

The Service states that “a revised Recovery Plan is expected to be completed following the issuance of a revised final rule and 10(a)(1)(A) permit” (DEIS, Appendix G, p. 4). Therefore, the proposed action is connected with the reasonable foreseeable Recovery Plan revision. Both are interdependent parts of the larger Mexican Wolf Recovery Program and depend on the larger action for their justification.

Evaluation of related actions in a single impact statement

“Proposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action shall be evaluated in a single impact statement” (CEQ, 40 CFR § 1502.4 (a)).

Comment: Per the Service own statements the proposed action is part of the recovery effort undertaken under the Recovery Plan: “In 1998 we began reintroducing captive-bred Mexican wolves into the wild in the Blue Range Wolf Recovery Area (BRWRA) in Arizona and New Mexico *as part of our strategy to recover the Mexican wolf*” (DEIS, Chap. 1, p. 1 – emphasis added). The Service states that “a revised Recovery Plan is expected to be completed following the issuance of a revised final rule and 10(a)(1)(A) permit” (DEIS, Appendix G, p. 4). The proposed action is incorrectly considered for decision and implementation prior to and independently from the Recovery Plan revision environmental impact statement being completed.

Remedy: The proposed action and the Recovery Plan revision must be evaluated in a single environmental impact statement.

Discussion of cumulatively significant impacts in a single impact statement

“Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement” (CEQ, 40 CFR § 1508.25 (a) (iii)).

Comment: Both the reasonably foreseeable Recovery Plan revision and the proposed action are interdependent parts of the larger Recovery Program and have cumulatively significant impacts. The environmental impact statement incorrectly omits the discussion of the cumulative actions and cumulatively significant impacts.

Remedy: The cumulatively significant impacts of the proposed action and the Recovery Plan revision must be discussed in a single environmental impact statement.

Scoping

“As soon as practicable after its decision to prepare an environmental impact statement and before the scoping process the lead agency shall publish a notice of intent (Sec. 1508.22) in the Federal Register except as provided in Sec. 1507.3(e)” (CEQ, 40 CFR § 1501.7).

“As part of the scoping process the lead agency shall determine the scope [the range of actions, alternatives, and impacts to be considered in an environmental impact statement] (Sec. 1508.25) and the significant issues to be analyzed in depth in the environmental impact statement” (CEQ, 40 CFR § 1501.7 (a)).

Comment: The *Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf (Canis lupus baileyi)* was published in the Federal Register / Vol. 78, No. 150 / 47268 / Monday, August 5, 2013. Despite the fact that the Service states “continuing the scoping process for this EIS that we began in 2007” (DEIS, Chap. 6, p. 3), it is problematic whether the “twelve public scoping meetings attended by 1,286 people” and the “13,598 comments” (DEIS, Chap. 6, p. 3) received in 2007, six years earlier, at a time when the existing wolf population was significantly different, and in answer to a different proposed action essentially aimed at reforming the operation of the Adaptive Management Oversight Committee (AMOC), are current with, or even relevant to the 2013 proposed action to revise the 10(j) rule at a time when the prime objective of the Recovery Plan is essentially met.

CEQ is explicit about a notice of intent needing to be published prior to scoping being conducted (CEQ, 40 CFR § 1501.7). The fact that the Service felt the need to conduct new public hearings and to solicit new comments substantiates the problematic nature of the 2007 scoping relating to the 2013 proposed action, not to mention the fundamentally different proposed actions being scoped in 2007 and 2013. In as much, the scoping for the current proposed action is arguably deficient. Only one public hearing was scheduled, on November 20, 2013, in Albuquerque NM, a place so far removed from the affected communities that it all but guaranteed virtually no attendance by persons holding a direct interest in the land which may be affected, and the disproportionate attendance of urbanites holding no direct interest in the land which may be affected. This contrasts sharply with the 12 public scoping meetings organized in 2007. Only one EIS development meeting was held, in Albuquerque NM, on August 8 & 9, 2013, and only two Interdisciplinary Project Team (IPT) meetings with cooperating agencies, tribes and representatives from stakeholder counties were held, in Albuquerque NM, on December 10, 2013 and April 15, 2014. Notes from all meetings convey an overwhelming use of the time (90%) being used by the Service for prepared presentations, 10% of the time being used by stakeholders asking questions and voicing suggestions or concerns, and a 0% being used by the Service to discuss stakeholders suggestions or concerns, or answer questions asked by the attendees. A second public hearing held in Pinetop, AZ on December 3, 2013 as a result of massive complaints to the Service by representatives of Federal, State and local government, and vast numbers of involved stakeholders, was just as perfunctory.

When viewed in combination:

- i. the lack of a relevant Recovery Plan - the Service advocates the obsolescence of the essentially completed 1982 Recovery Plan but has not completed its revision (see above section);
- ii. the open-ended nature of the purpose and need (see above section);
- iii. the predeterminism of the alternatives selection criteria (see below section);

- iv. the lack of a range of alternatives (see below section);
 - v. the perfunctory nature of the public and cross agencies meetings (see above);
- all point toward a superficial and mechanical progression through the motions of scoping, without meeting the intent of the law that scoping be used to “determine [the range of actions, alternatives, and impacts to be considered] and the significant issues to be analyzed in depth in the environmental impact statement” (CEQ, 40 CFR § 1501.7 (a)).

For example, one of the most significant issues to be analyzed in depth in the environmental impact statement is the issue of wolf population. The Service methodically stonewalled the issue of a population objective through the scoping and DEIS development process, and as a result the scoping, and consequently the DEIS fail to consider a population objective, rendering illusory any meaningful environmental impact analysis despite a population “projection” that the Service states is “not intend(ed) to serve as a population target” (DEIS, Appendix F, p. 2), but is nonetheless used “in order to analyze the environmental consequences of the implementation of our proposed action” (DEIS, Appendix F, p. 1). Furthermore, the Service’s non-target projection is based on a 10% population growth rate that is inconsistent with the facts. “Over the reintroduction time frame (1998 to 2013), the Mexican wolf population exhibited an average annual increase of 33% per year” (DEIS, Appendix F, p. 1). The Service claims that “the projected baseline population growth rate (11%) we estimate for the Mexican wolf experimental population would exhibit similar growth as the naturally recovering populations of northwestern Montana and Wisconsin (Figure 1- Appendix F) when these populations were fully protected as endangered species” (DEIS, Appendix F, p. 2). However, the Montana Fish, Wildlife & Parks Department *Minimum Wolf Count in Montana*, indicates that over the 12 years that preceded the delisting in May 2011, the annual growth rate was an average of approximately 22%. This corresponds to the period when the minimum Montana population count started to grow from approximately 75 gray wolves in 1999, which is the most comparable period to the current Mexican Wolf situation in Arizona when the exponential nature of population growth becomes apparent due to the increase of the base population.

Remedy: The range of actions, alternatives, and impacts to be considered and the significant issues to be analyzed in depth in the environmental impact statement, i.e. the scoping, need to be extended to include alternative population projections, including 20 year projections that almost triple the short term projection offered by the Service; and projections using growth rates in a range up to 25% that approximately quadruple the Service projection within only 10 years.

Alternatives selection criteria

“The range of alternatives discussed in environmental impact statements shall encompass those to be considered by the ultimate agency decision maker” (CEQ, 40 CFR § 1502.2 (e)).

Comment: The DEIS states: “We used the following criteria to evaluate whether a proposed alternative or a proposed component part of an alternative (i.e. a proposed modification to the geographic boundaries or to the regulations under which the Reintroduction

Project manages the experimental population of Mexican wolves), substantially meets the purpose of, and need for, the Proposed Action” (DEIS, Chap. 2, p. 2).

Therefore, the criteria for alternatives selection were designed to serve a blanket need for “Population Growth, Distribution and Recruitment” (DEIS, Chap. 1, p. 17), despite the quantified prime objective of the existing Recovery Plan being already substantially met (expected 2014 population count of 91 animals + 10% under count (DEIS, Appendix F, pp. 3 & 6) = 100 animals), and no specific quantified objective having been defined for the announced revision of the recovery plan. In so many word, alternatives selection criteria were selected toward serving open-ended unrestricted population growth, distribution and recruitment, regardless of other reasonable alternatives also serving the purpose to “Further the Conservation of the Mexican Wolf” (DEIS, Chap. 1, p. 17).

Remedy: If the prime objective of the current Recovery Plan is deemed inadequate by the Service, revised objectives should be outlined in the revision of the Recovery Plan, and the alternatives selection criteria for actions taken to implement the revised Recovery Plan should be proposed subsequent to the completion of the revision of the Recovery Plan, and based on the revised Recovery Plan prime objective. Such alternatives selection criteria should allow the analysis of all reasonable alternatives serving the purpose of Mexican wolf conservation and not make an end-run around NEPA by artificially constraining the selection of alternatives to only those that advocate open-ended population growth, distribution and recruitment.

Alternatives

The limitation of the environmental impact analysis to essentially only one alternative is problematic in regards to a series of NEPA requirements.

Range of alternatives

“The range of alternatives discussed in environmental impact statements shall encompass those to be considered by the ultimate agency decision maker” (CEQ, 40 CFR § 1502.2 (e)).

Comment #1: In essence, only one action alternative is analyzed, which is substantially identical through Alternatives 1, 2 and 3, except for minor variations. Alternative 2 is identical to Alternative 1 minus the expansion of the Blue Ridge Wolf Recovery Area (BRWRA). “This alternative mirrors Alternative One in all provisions except for the geographic designation of Zone 1: in this Alternative, the Tonto, Sitgreaves, and Cibola National Forests would be in Zone 2” (DEIS, Appendix F, p. 8). Alternative 3 is identical to Alternative 1 minus changes to the ‘take’ provisions. “This alternative mirrors Alternative One in all provisions except that the two take provisions discussed under Alternative One would not be allowed” (DEIS, Appendix F, p. 9).

Revealing of the substantial unicity of Alternatives 1, 2 and 3, the summary of environmental impacts is exactly the same for Alternatives 1, 2 and 3 for Land

Use; Biological Resources (wild ungulate prey, other predator, scavenger and non-ungulate wild prey species, special status and listed T/E species); Economic Activity (ranching/livestock production, hunting, tourism and outdoor recreation); Human Health/Public Safety; Short-Term Uses and Long-term Productivity; Irreversible and Irretrievable Commitment of Resources.

Comment #2: Although the Service specifically states that “we do not intend for our population projection to serve as a population target,” it also adds that it is intended “as a basis for analyzing the effects of our proposed action and alternatives in the project study area” (DEIS, Appendix F, p. 2). The population projection is therefore of critical importance as it subtends the entire environmental impact statement. To complete their projection, the Service decided to use an annual population growth rate of ~10% (Alternative 1, 2, 3 and 4).

The Service goes to great length to explain why they use a growth rate of ~10% in their projection (DEIS, Appendix F, pp. 1-4), but the bottom line is that they are “using the 2008-2013 period (0.095, or 9.5%) as a starting point from which to develop our estimate” (DEIS, Appendix F, p. 1). Further, the Service states “the projected baseline population growth rate (11%) we estimate for the Mexican wolf experimental population would exhibit similar growth as the naturally recovering populations of northwestern Montana and Wisconsin (Figure 1-Appendix F) when these populations were fully protected as endangered species” (DEIS, Appendix F, p. 2).

However, this statement does not match the information provided by the Montana Fish, Wildlife & Parks Department. The Department’s graph of the *Minimum Wolf Count in Montana* indicates that in the 12 years that preceded the delisting in May 2011, which correspond to a similar recovery period when the minimum population count similarly grew from approximately 75 in 1999, the approximate annual growth rate was an average of 22%.

Using the Montana 22% growth rate over a similar period, and starting with a similar minimum count number, the Arizona / New Mexico population is expected to grow to over 1,200 animals by the year 2026. This is almost 4 times as much as the Service’s projected total of 287. An alternative addressing the possibility of a population growth similar to that of Montana clearly should be encompassed with “those to be considered by the ultimate agency decision maker.”

Reasonable alternatives

- 1) “Federal agencies shall to the fullest extent possible use the NEPA process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment” (CEQ, 40 CFR § 1500.2 (e)).

- 2) “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” (CEQ, 40 CFR § 1502.1).
- 3) “Sec. 1502.14 Alternatives including the proposed action. This section is the heart of the environmental impact statement. In this section agencies shall rigorously explore and objectively evaluate all reasonable alternatives” (CEQ, 40 CFR § 1502.14 (a)).

Comment: The reasonable alternative submitted by the Arizona cooperating agencies and endorsed by the Arizona Game & Fish Department, and a reasonably foreseeable required alternative addressing a different population model with a higher wolf population growth rate and a higher number of wolves, and a different distribution model with wolves shifting partially or totally habitat from forests to woodlands, and shifting partially or totally prey base from wild ungulates to domestic cattle, have not been rigorously explored and objectively evaluated.

Use of the proposals of cooperating agencies with jurisdiction by law and special expertise

“The lead agency shall use the environmental analysis and proposals of cooperating agencies with jurisdiction by law or special expertise, to the maximum extent possible consistent with its responsibility as lead agency” (CEQ, 40 CFR § 1501.6 (a) (2)).

Comment: The alternative proposed by the Arizona cooperating agencies and endorsed by the Arizona Game & Fish Department has not been used despite it being consistent with the lead agency’s responsibility.

Reasonable alternatives not within the jurisdiction of the lead agency

“Sec. 1502.14 Alternatives including the proposed action. This section is the heart of the environmental impact statement. In this section agencies shall include reasonable alternatives not within the jurisdiction of the lead agency” (CEQ, 40 CFR § 1502.14 (c)).

Comment: An alternative that transfers the management of the Mexican Wolf Recovery Program to the State and Tribal agencies has not been included.

Appropriate alternatives in a proposal which involves unresolved conflicts

“Each agency shall study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources as provided by section 102(2)(E) of the Act” (CEQ, 40 CFR § 1501.2 (c)).

Comment #1: The appropriate alternative submitted by the Arizona cooperating agencies and endorsed by the Arizona Game & Fish Department has not been studied in a proposal which involves unresolved conflicts concerning alternative uses of available resources.

Comment #2: No 'take' provisions are authorized for livestock or domestic animals owners or their agent to protect livestock or domestic animals legally present on federal lands from wolves in the act of biting, wounding or killing.

Comment #3: 'Take' provisions authorized for livestock or domestic animals owners or their agent to protect livestock or domestic animals from wolves in the act of biting, wounding or killing presumably do not authorize 'takes' in cases when and to the extent domestic animals owners or their agent reasonably believes such 'takes' are necessary to defend livestock or domestic animals from imminent biting, wounding or killing.

Rigorous exploration and objective evaluation of all reasonable alternatives

"Sec. 1502.14 Alternatives including the proposed action. This section is the heart of the environmental impact statement. In this section agencies shall rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated" (CEQ , 40 CFR § 1502.14 (a)).

Comment: All reasonable alternatives have not been rigorously explored and objectively evaluated, and the reasons for these having been eliminated have not been discussed in the environmental impact statement:

- alternative submitted by the Arizona cooperating agencies and endorsed by the Arizona Game & Fish Department;
- reasonably foreseeable required alternative addressing a different population projection model and a different population distribution model;
- alternative that transfers the Mexican Wolf Recovery Program to the management by the State and Tribal agencies;
- alternative that includes 'take' provisions for livestock or domestic animals owners or their agent to protect livestock or domestic animals legally present on federal lands, and/or from imminent biting, wounding or killing.

Remedy to the issues of range of alternatives; reasonable alternatives; use of the proposals of cooperating agencies with jurisdiction by law and special expertise; reasonable alternatives not within the jurisdiction of the lead agency; appropriate alternatives in a proposal which involves unresolved conflicts; rigorous exploration and objective evaluation of all reasonable alternatives; etc.

The environmental impact statement must include an analysis of:

- I. the reasonable alternative submitted by the Arizona cooperating agencies and endorsed by the Arizona Game & Fish Department;
- II. the reasonably foreseeable required alternative addressing a different population projection model with a higher wolf population growth rate and a higher number of wolves, and a different population distribution model with wolves shifting partially or totally habitat from forests to woodlands, and shifting partially or totally prey base from wild ungulates to domestic cattle;
- III. an alternative that transfers the Mexican Wolf Recovery Program to the management by the State and Tribal agencies;
- IV. an alternative that includes 'take' provisions to protect livestock or domestic animals legally present on federal lands, and/or from imminent biting, wounding or killing;
- V. an alternative that extends the MWEPA north of Interstate 40 to the entirety of the States of Arizona and New Mexico and provides the 10(j) management tools north of I40.

If these alternatives are eliminated, the reasons for their elimination must be discussed in the environmental impact statement.

Environmental impacts

Hard look at the environmental consequences

Federal agencies are required to take a "hard look at environmental consequences" (Natural Resources Defense Council v. Morton, 458 F.2d 827, 838 (D.C. Cir., 1972).

Comment: As outlined in the following sections, the Service has not taken the required "hard look" at the environmental consequences. Specifically, the entire environmental impact analysis is based on three premises:

- I. The assumption by the Service that wolves will not occur in habitat that the Service classifies as not suitable; which is unlikely considering that "wolves are highly adaptable prey generalists" (DEIS, Chap. 4, p. 9) and "wolves are habitat generalists" (50 CFR Part 17, p. 71). This assumption is further invalidated by the experience of the Mexican Wolf Recovery Program in Arizona and New Mexico since 1998, where regularly wolves have naturally dispersed in areas considered not suitable, shifting habitat from forests to woodlands and shifting prey base from wild ungulates to domestic cattle.
- II. The assumption by the Service that the wolf population will grow at a 10% growth rate; which is unlikely considering that "over the reintroduction time frame (1998 to 2013), the Mexican wolf

population exhibited an average annual increase of 33% per year” (DEIS, Appendix F, p. 1), and that the baseline comparative populations (e.g. Montana) experienced a 22% growth rate in the period of recovery dynamics similar to those currently experienced with the Mexican wolf, i.e. population reaching triple digit numbers.

- III. No other alternative addressing different population growth or distribution is analyzed.

The two assumptions of i) habitat occupation and prey base selection self-restrictions, and ii) uncharacteristic low population growth, combined with iii) no other alternative addressing different population growth or distribution being analyzed, result in a prejudiced environmental impact analysis with:

- limitation of the environmental impact analysis to one model of population distribution;
- limitation of the environmental impact analysis to one model of population projection;
- limitation of the environmental impact analysis of the no action alternative to use the assumption of low population growth;
- prevention of a sharp definition of the issues and clear basis for choice among options;
- limitation of the discussion of the adverse environmental effects which cannot be avoided;
- partial and unfair discussion of significant environmental impacts;
- incompleteness of the information;
- incommensurate data and analyses with the importance of the impact.

Remedy:

The environmental impact analysis must include alternatives to the proposed action that do not assume habitat occupation and prey base selection self-restrictions, and uncharacteristic low population growth. A quantitative analysis of the environmental effects is needed for a reasonably foreseeable required alternative addressing the population of wolves growing at twice the rate assumed, dispersing outside of habitats assumed, and shifting predation away from the prey base assumed. Similar possible variations in population projections and distributions must be applied to the analysis of the environmental impacts of both the proposed action and the no action alternatives.

Limitation of environmental impact analysis to one model of population distribution

Comment:

The entire environmental impact analysis for all the action alternatives, and the no action alternative, is based on the assumption by the Service that wolves will not occur in habitat that the Service classifies as not suitable. For example, the Service states: “South of I-40 in Arizona and New Mexico there are several counties which do not contain any suitable habitat for wolves. These counties are unlikely to be affected by our proposed action or alternatives, including the

no action alternative. ***We therefore do not describe them in this chapter or provide an analysis of environmental consequences in Chapter 4*** (DEIS, Chap. 3, p. 3 – emphasis added).

However, four factors contribute to the deficiency of an environmental impact analysis limited to one model of population distribution model.

1 – Importance of prey base in habitat suitability

The Service list several factors in the assessment of habitat suitability: “Factors cited by researchers as important to the evaluation of the suitability of habitat for wolves include those that reduce the potential for wolf-human conflict. The absence of roads, low human population density and limited livestock grazing are habitat characteristics which increase the potential for the successful reestablishment of wolves by decreasing the potential for human caused wolf mortality (Mladenoff et al. 1995, Carroll et al. 2003, Oakleaf et al. 2006)” (DEIS, Chap. 1, p. 22). Further, “[w]e generally consider the most important habitat attributes for wolf pack persistence to be forest cover, public land, high native ungulate density, and low livestock density” and “suitable habitat has minimal roads and human development” (DEIS, Chap. 3, p. 2). However, the Service also states that “[the] assessment of prey availability within the ... identified areas ... is a critical indicator of habitat suitability” (50 CFR Part 17, p. 151).

2 – Lack of prey base analysis for Zones 1, 2 and 3

In 50 CFR Part 17, *Removing the Gray Wolf (Canis lupus) from the List of Endangered and Threatened Wildlife and Maintaining Protections for the Mexican Wolf (Canis lupus baileyi) by Listing It as Endangered*, the Service states: “Our results suggest that estimated current ungulate populations in the BRWRA could support from 203 to 354 wolves” (p. 147). However, in the proposed action, the BRWRA is dissolved and merged with the much larger MWEPA, and releases (initial or translocation) are planned in both Zone 1 and Zone 2. The Service does state that respectively 17% and 73% of Zone 1 and Zone 2 do not offer suitable habitat (DEIS, p. VIII), which is alarming considering that releases are planned in Zone 2, but the Service does not provide an analysis of the prey base in Zone 1 (which expands considerably outside the original BRWRA) and, maybe more critically, in Zone 2. As to Zone 3, the Service states that “due to lack of suitable habitat, we expect wolf density in Zone 3 to be at or near zero (unoccupied) at the end of the project time period” (DEIS, Appendix F, p. 4).

3- Opportunistic predation

The Service states that “wolves are highly adaptable prey generalists” (DEIS, Chap. 4, p. 9) and that “while large ungulates are the wolf’s main prey, wolves are a flexible and opportunistic predator” (DEIS, Chap. 3, p. 65). The opportunistic predation by Mexican wolves on cattle is confirmed by the Service analysis that the economic impact incurred by cattle livestock ranchers due to the presence of the Mexican wolf from 1998 to 2013 was nearly \$700,000 (DEIS, Chap. 4, p. 41).

4- Habitat adaptability

The Service states that “[w]olves are habitat generalists (Mech and Boitani 2003, p. 163)” (50 CFR Part 17, p. 71). The Mexican wolves easy adaptation to various habitats is confirmed by the Service 124 temporary removals and 105 translocations performed from 1998 to 2013 (DEIS, Table 1-1, Chap. 1, p. 14), many of which resulted from “boundary violations (e.g., wolves establishing territories wholly outside of the BRWRA or FAIR)” (DEIS, Chap. 1, p. 14).

The entire environmental impact analysis is based on the assumption by the Service that wolves will not occur in habitat that the Service classifies as not suitable (DEIS, Chap. 3, p. 3). However, when habitat adaptability and opportunistic predation are integrated in the equation, vast areas of Zone 2 and Zone 3 meet the criteria of “suitable habitat has minimal roads and human development” (DEIS, Chap. 3, p. 2), and “prey availability within the identified areas is a critical indicator of habitat suitability” (50 CFR Part 17, p. 151) in as much as wolves are demonstrated adepts at shifting partially or totally habitat from forests to woodlands, and shifting partially or totally prey base from wild ungulates to domestic cattle, where a domestic cattle prey base is abundant in habitats with minimal roads and human development.

Remedy: The environmental impact analysis must include (an)other model(s) of population distribution where wolves shift partially or totally habitat from forests to woodlands, and shift partially or totally prey base from wild ungulates to domestic cattle, in vast areas of Zone 2 and Zone 3 where a domestic cattle prey base is abundant in habitats with minimal roads and human development.

Limitation of environmental impact analysis to one model of population projection

Comment: The Service states that “we do not intend for our population projection to serve as a population target” (DEIS, Appendix F, p. 2), but there is no other population projection or target in the DEIS. Therefore, the only information related to population in the DEIS is:

- Alternative 1 “assume(s) a 10% annual average population growth over 12 years, for a population estimate of around 287 wolves in year 12 (Table 2 – Appendix F)” (DEIS, Appendix F, p. 5).
- Alternative 2 “assume(s) a 10% annual average population growth over years in Alternative Two, for a population estimate of around 287 wolves in year 12 (Table 2-Appendix F)” (DEIS, Appendix F, p. 8).
- Alternative 3 “assume(s) an 11% annual average population growth over 12 years, for a population estimate of 318 wolves in year 12 (Table 3-Appendix F)” (DEIS, Appendix F, p. 9).

The Service uses correctly the exponential biologic population growth equation

$N_t = N_0 + (r * N_0)$. However, there are three issues with the Service projected population, and when these three issues are addressed, the population projection looks significantly different.

- 1) The projection does not integrate “an additional 10% of wolves being missed during the census” (DEIS, Appendix F, p. 3). An undercount of 10% is probably a minimum number in as much as various studies have documented that on average 10 to 15% of wolf populations are composed of lone or dispersing wolves (Fuller et al. 2003). Further, estimate for total numbers of wolves exceeding the minimum count by as much as 40% remains within that observed in other studies of wolves (Becker et al. 1998) or more common ungulate species (Hamlin and Ross 2002, Vander Wal et al. 2011). If an undercount correction of 10% is applied to the starting population for the projection (the January 2014 count identified a minimum of 83 wolves as the 2013 annual population), the starting number becomes $83 + 10\%$, which equates to $83 + 8 = 91$, and the wolf number for the environmental impact analysis at the end of the period becomes 315 wolves instead of 287.

$N_t = N_0 + (0.1 * N_0)$	Annual population	10% increase	Next year population
EOY 2013	91	9	100
EOY 2014	100	10	110
EOY 2015	110	11	122
EOY 2016	122	12	134
EOY 2017	134	13	147
EOY 2018	147	15	162
EOY 2019	162	16	178
EOY 2020	178	18	196
EOY 2021	196	20	215
EOY 2022	215	22	237
EOY 2023	237	24	260
EOY 2024	260	26	287
EOY 2025	287	29	315
EOY 2026	315		

- 2) The projection is only offered for 12 years. This is significant because the population growth equation is exponential, which means that population size expands by ever increasing increments during successive intervals. Considering that the March 1997 Record of Decision (ROD) approving the preferred alternative of the EIS to release captive-reared Mexican wolves into a portion of the BRWRA will be already almost 20 years old when a ROD is published for the proposed action, assumedly in January 2015, it is reasonable to consider a 20 year population projection when analyzing the environmental impacts. Applying a 10% undercount correction to the starting population for the projection

(DEIS, Appendix F, p. 3), the 10% growth population projection for 20 years indicates a total wolf population to be considered for the environmental impacts analysis at the end of the period of 818 wolves instead of 287.

$N_t = N_0 + (0.1 * N_0)$	Annual population	10% increase	Next year population
EOY 2013	91*	9	100
EOY 2014	100	10	110
EOY 2015	110	11	122
EOY 2016	122	12	134
EOY 2017	134	13	147
EOY 2018	147	15	162
EOY 2019	162	16	178
EOY 2020	178	18	196
EOY 2021	196	20	215
EOY 2022	215	22	237
EOY 2023	237	24	260
EOY 2024	260	26	287
EOY 2025	287	29	315
EOY 2026	315	32	347
EOY 2027	347	35	381
EOY 2028	381	38	420
EOY 2029	420	42	461
EOY 2030	461	46	508
EOY 2031	508	51	558
EOY 2032	558	56	614
EOY 2033	614	61	676
EOY 2034	676	68	743
EOY 2035	743	74	818
EOY 2036	818		

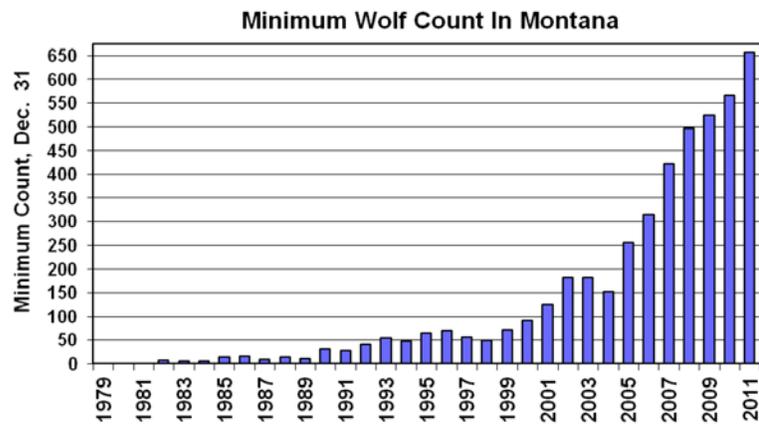
- 3) The selection of a growth rate of 10% per year is likely to significantly underrepresent actual population growth. The Service states: “Wolf population growth can be highly variable from one time period to the next or for different wolf populations (Fuller et al. 2003, Table 6.8). Natural population growth is driven by pup survival, immigration, and mortality (Fuller et al. 2003), and can be influenced artificially by release of animals or removal of animals, as in the case of a managed, reintroduced population such as the Mexican wolf experimental population. For example, population increases of 450% have been observed from one year to the next in a gray wolf population, as have drastic declines due to harvest or disease (Fuller et al. 2013). Over the reintroduction time frame (1998 to 2013), the Mexican wolf population

exhibited an average annual increase of 33% per year, with significant annual variation -- the population decreased by 19% (from 52 to 42 wolves) during 2009, but increased by 40% during 2006" (DEIS, Appendix F, p. 1).

The Service goes to great length to explain why they use a growth rate of 10% in their projection (DEIS, Appendix F, pp. 1-4), but the bottom line is that they are "using the 2008-2013 period (0.095, or 9.5%) as a starting point from which to develop our estimate" (DEIS, Appendix F, p. 1). The Service further projects increased 'takes' by domestic animal owners or their agents if wolves are in the act of biting, killing, or wounding a domestic animal on non-Federal lands, "which results in the average take of approximately 2 wolves per year" (DEIS, Appendix F, p. 5), but they also project "to initially release 10 wolves to achieve 2 effective migrants during years 1-4, another 10 wolves during years 4-8, and 5-10 wolves during years 8-12" (DEIS, Appendix F, p. 3). In net terms, the potential 24 'takes' over the projected 12 years by domestic animal owners or their agents, will be offset by the initial release of 25 to 30 new animals over the same period.

However, the fundamental issue with the selection of a 10% annual growth rate for the population of Mexican wolf over the next decade is that it is not supported by facts:

- I. It does not match the Service own calculation of the program actual average growth rate of 33% per year: "Over the reintroduction time frame (1998 to 2013), the Mexican wolf population exhibited an average annual increase of 33% per year" (DEIS, Appendix F, p. 1).
- II. The Service states "the projected baseline population growth rate (11%) we estimate for the Mexican wolf experimental population would exhibit similar growth as the naturally recovering populations of northwestern Montana and Wisconsin (Figure 1-Appendix F) when these populations were fully protected as endangered species" (DEIS, Appendix F, p. 2). However, the Montana Fish, Wildlife & Parks Department *Minimum Wolf Count in Montana* indicates that for the 12 years that preceded the delisting in May 2011, which correspond to a similar recovery period when the minimum population count similarly grew from approximately 75 in 1999, the approximate annual growth rate was an average of 22%.



(<http://fwp.mt.gov/fishAndWildlife/management/wolf/population.html>).

Applying a 10% undercount correction to the starting population for the projection (DEIS, Appendix F, p. 3), and using the Montana 22% growth rate over a similar period, and starting with a similar count number, the wolf number for the environmental impact analysis at the end of the period becomes 1,211 wolves instead of 287 in only 12 years.

Nt = N0 + (0.22 * N0)	Annual population	22% growth rate	Next year population
EOY 2013	91	20	111
EOY 2014	111	25	136
EOY 2015	136	30	166
EOY 2016	166	36	202
EOY 2017	202	44	247
EOY 2018	247	54	301
EOY 2019	301	66	367
EOY 2020	367	81	448
EOY 2021	448	99	547
EOY 2022	547	120	667
EOY 2023	667	147	814
EOY 2024	814	179	993
EOY 2025	993	218	1211
EOY 2026	1211	266	1477

Admittedly, this hypothesis does not include unforeseeable population decrease(s), as happened in 2004 in Montana, and it is likely that, over the period, some event(s) may have a negative impact on population growth. However, it remains rational and reasonably foreseeable to expect the population to overall increase steeply toward the 1,000 mark

as it did in Montana over a similar period and starting from a similar count of close to 100 animals.

Remedy: The environmental impact analysis must include (an)other model(s) of population projection that include(s) higher growth rate(s) and higher total population(s), as supported by the experience gained with other wolf populations in the U.S. under similar conditions and over similar periods.

No action alternative

“Sec. 1502.14 Alternatives including the proposed action. In this section agencies shall include the alternative of no action” (CEQ, 40 CFR § 1502.14 (d)).

Comment: Although the Service correctly includes the no action alternative in the analysis of environmental impacts, the no action alternative environmental effects analysis remains incomplete in as much as it is constrained by the same type of limitations placed on the analysis of all the alternatives. The no action alternative environmental effects analysis only considers only one model of population projection. Specifically, although the Service Method 3 analysis (suitable wolf habitat in the BRWRA and FAIR within the 95% kernel home range of Mexican wolves during 2012 and number of known wolves occurring within those home ranges) results in a density of 11.3 wolves per 1,000 km² (DEIS, Appendix F, p. 3), which is consistent with Montana densities varying between 11.7 and 13.7 wolves per 1,000 km² between 2007 and 2011 (*Montana Gray Wolf Conservation and Management 2013 Annual Report*), the Service decided to use a medium-high density of wolf occupancy in the BRWRA and the FAIR of 8 wolves per 1,000 km² to estimate the saturation of the carrying capacity of the BRWRA and FAIR at 178 wolves, and therefore apply a 0 (zero) growth rate to the population after 7 years (DEIS, Appendix F, p. 11). This reasoning is problematic for two reasons:

- 1) It somewhat contradicts 50 CFR Part 17, *Removing the Gray Wolf (Canis lupus) from the List of Endangered and Threatened Wildlife and Maintaining Protections for the Mexican Wolf (Canis lupus baileyi) by Listing It as Endangered*, in which the Service states: “Our results suggest that estimated current ungulate populations in the BRWRA could support from 203 to 354 wolves” (p. 147).
- 2) It artificially lowers the carrying capacity (including suitable habitat and prey base) of the 6,270 square miles (16,239 km²) BRWRA and 2,627 square mile (6,804 km²) FAIR below their reasonably foreseeable capacity to carry approximately 250 to 300 wolves with densities of 11 to 13 wolves per km².

Remedy: The environmental impact analysis of the no action alternative must include one model of population projection based on a density higher than 8 wolves per

1,000 km² of suitable habitat, and a growth rate higher than 7 years of 10% growth and 5 years of 0% growth.

Sharp definition of the issues and clear basis for choice among options

“Sec. 1502.14 Alternatives including the proposed action. This section is the heart of the environmental impact statement. It should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision-maker and the public” (CEQ, 40 CFR § 1502.14).

Comment: The limitation of the environmental impact analysis to one model of population projection and one model of population distribution prevents a substantive quantitative analysis of the potential environmental impacts of the proposed action and prevents sharply defining the issues and providing a clear basis for choice among options by the decision-maker and the public.

Discussion of the adverse environmental effects which cannot be avoided

“This section forms the scientific and analytic basis for the comparisons under Sec. 1502.14. The discussion will include the environmental impacts of the alternatives including the proposed action, any adverse environmental effects which cannot be avoided should the proposal be implemented, the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity” (CEQ, 40 CFR § 1502.16).

Comment: The limitation of the environmental impact analysis to one model of population projection and one model of population distribution prevents a substantive quantitative analysis of the potential environmental impacts of the proposed action; prevents the discussion of the adverse environmental effects which cannot be avoided should the proposal be implemented; and, prevents the discussion of the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity.

Full and fair discussion / commensurate data and analyses

“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” (CEQ, 40 CFR § 1502.1).

“Data and analyses in a statement shall be commensurate with the importance of the impact. Verbose descriptions of the affected environment are themselves no measure of the adequacy of an environmental impact statement” (CEQ, 40 CFR § 1502.15).

Comment: The Service states that the total estimated kills in 2012 were 82 cattle (DEIS, Chap. 4, p. 28). The Service further states that in 2012 the minimum wolf

population count was 75 animals (DEIS, Chap. 4, p. 28). The limitation of the environmental impact analysis to one model of population projection of approximately 300 wolves in Alternatives 1, 2 and 3 (DEIS, Appendix F) limits a full and fair discussion of the significant environmental impacts. A reasonably required alternative addressing a population growth similar to that experienced in Montana under similar conditions, will result in the analysis of the environmental impact of a population of approximately 1,200 wolves. Assuming a constant depredation rate, a population of approximately 1,200 wolves would kill approximately 1,300 cattle annually. The limitation of the discussion, and the limitation of the production of data and analyses of the significant environmental impacts for a population of approximately 300 wolves, are not full and fair, or commensurate, when significant environmental impacts of a population growing rapidly toward the 1,000 mark are reasonably foreseeable.

Remedy to issues of sharp definition of the issues, clear basis for choice among options, full and fair discussion / commensurate data and analyses:

The environmental impact analysis must at a minimum include (an)other model(s) of population distribution that include(s) wolves shifting partially or totally habitat from forests to woodlands, and shifting partially or totally prey base from wild ungulates to domestic cattle; and (an)other model(s) of population projection that include(s) higher growth rate(s) and higher total population(s).

Complete information

“If the incomplete information relevant to reasonably foreseeable significant adverse impacts is essential to a reasoned choice among alternatives and the overall costs of obtaining it are not exorbitant, the agency shall include the information in the environmental impact statement” (CEQ, 40 CFR § 1502.22 (a)).

Comment: Agency personnel have already discussed in public settings and press interviews that the Mexican Wolf Experimental Population Area (MWEPA) will ultimately expand north of Interstate 40. Yet, in the draft environmental impact statement the MWEPA northern boundary is I40.

Remedy: If it is indeed expected, and discussed, that the MWEPA will ultimately expand north of I40, the proposed action 10(j) designation needs to extend north of I40 to the entire State and a Zone 4 needs to be created north of I40 with specific management restrictions and protective measures so wolves can be removed from locations outside historic range, and ‘take’ provisions are available for local government, Tribal or State authorities, and private citizens to manage wolves expanding north of I40.

Mitigation

“Sec. 1502.14 Alternatives including the proposed action. This section is the heart of the environmental impact statement. In this section agencies shall include appropriate mitigation measures not already included in the proposed action or alternatives” (CEQ, 40 CFR § 1502.14 (f)).

Comment: The environmental impact statement does not include appropriate mitigation measures to offset the socioeconomic impacts of an increased wolf population over an increased MWEPA. Specifically, the substantially increased costs imposed on partner agencies (USDA APHIS, AZ Game & Fish Department, tribal agencies, etc.) by the considerable expansion of the MWEPA and the steep increase of the wolf population are left unfunded. Similarly, the reasonably foreseeable considerable increase of the cost of depredations compensation is unaddressed in a long term, systemic and predictable manner.

Remedy: Appropriate mitigation measures, such as the full, long term funding of the partner agencies and of the *Mexican Wolf / Livestock Coexistence Council 2014 Strategic Plan* must be included in the environmental impact statement.

Findings

Comment: The draft environmental impact statement provides findings of:

- “No significant adverse direct or indirect impact” on land use;
- “Less than significant direct adverse impact” on economic activity (ranching / livestock production);
- “No significant adverse impact” on human health / public safety;
- “Mitigated less than disproportionately high and adverse impacts” on environmental justice;

(DEIS, pp. XIII – XV).

The findings are not credible based on the Service own statements that “many cow-calf operations in Arizona and New Mexico depend heavily on federal lands for forage” (DEIS, Chap. 3, p. 48) in a context where 55% of the growers ranch herds that count less than 10 cattle, and 75% of the growers ranch herds that count less than 20 cattle (DEIS, Chap. 3, p. 48), for whom the loss of even one animal can have devastating economic consequences when the number of cattle representing profit is as low as 2 (DEIS, Chap. 4, Table 4-8, p. 36)

The Service states that the total estimated kills in 2012 were 82 cattle (DEIS, Chap. 4, p. 28). The Service further states that in 2012 the minimum wolf population count was 75 animals (DEIS, Chap. 4, p. 28). The limitation of the environmental impact analysis to one model of population projection of approximately 300 wolves in Alternatives 1, 2 and 3 (DEIS, Appendix F) artificially constrains the findings of environmental impacts. A reasonably required alternative addressing a population growth similar to that experienced in Montana under similar conditions would analyze the environmental impact of a population of approximately 1,200 wolves. Assuming a constant depredation rate, a population of approximately 1,200 wolves would kill approximately 1,300 cattle annually. This can hardly be called insignificant, or less than significant, in general, and in particular considering the general small scale of ranching operations in Arizona and New Mexico.

Remedy: The environmental impact analysis must at a minimum include (an)other model(s) of population distribution that include(s) wolves shifting partially or totally habitat from forests to woodlands, and shifting partially or totally prey base from wild ungulates to domestic cattle; and (an)other model(s) of population projection that include(s) higher growth rate(s) and higher total population(s).

Consistency

In August 2013, the Eastern Arizona Counties Organization (ECO), including Gila County, provided leadership and political courage in laying out the conceptual framework for an Arizona & New Mexico counties and State agencies Mexican Wolf Proposed 10(j) Rule Modification alternative under the Endangered Species Act (ESA) and the National Environmental Policy Act (NEPA), which provided a workable blueprint for the revision of the 10(j) rule.

From September 2013 to April 2014, ECO, including Gila County, worked with the Arizona and New Mexico constituents (local governments, tribal authorities, State agencies, State legislators, AZ Delegation to the U.S. Congress, industry groups, recreation groups, etc.) toward the development of a Cooperative Agencies NEPA Alternative supported by a broad coalition of stakeholders. The highlights of this Alternative included, among others:

- AZ and NM states-wide 10(j) designation to provide management tools outside the Mexican Wolf Experimental Population Area (MWEPA);
- Expanded (9 fold) MWEPA to decrease local wolf densities and depredations;
- Increased (3 fold) wolf population to meet ESA recovery criteria (demographic, genetic, etc.);
- Specific population objective to allow for an accurate socioeconomic analysis of adverse direct and indirect impacts;
- Science-based sustainability of the predator/prey relationship (3 wolves per 1,000 elk);
- Upper limit of 15% for wolf impacts on ungulate populations;
- Zone management of the MWEPA (releases, translocations, removals, etc.);
- Designation of the MWEPA zones based on scientific criteria (historic habitat, habitat quality, prey density, human density, etc.);
- Focus on appropriately funded depredation mitigation based on the Mexican Wolf/Livestock Coexistence Council's (Coexistence Council) 2014 Strategic Plan;
- Focus on a main recovery effort in Mexico;
- Connectivity between the U.S. wolf population and the Mexico wolf population;
- Updated management rules and 'take' provisions providing adequate guarantees for the health and safety, economic viability, and custom and cultures of the communities;
- Transfer of the management of the wolf program to State and Tribal agencies;
- Escape clause.

The Cooperating Agencies Alternative responsibly met the ESA requirements for the continued, accelerated and improved recovery of the Mexican wolf, while addressing virtually all the issues discussed in the current document.

While, predictably, this Alternative did not satisfy fully all the stakeholders from one end of the spectrum (proponents of a zero wolf alternative) to the other (proponents of an unlimited wolf population alternative), it arguably provided a workable public policy solution.

In April and May 2014 this Alternative was adopted as part of the respective counties' plans, policies and objectives by the five counties of ECO; endorsed by the Arizona Game and Fish Commission; and co-signed by over 20 industry and sportsmen groups including: Arizona Cattle Growers' Association, Arizona Antelope Foundation, Arizona Mule Deer Foundation, Arizona Chapter of the National Wild Turkey Federation, Arizona Deer Association, Arizona Desert Bighorn Sheep Society, Arizona Elk Society, etc..

The Cooperating Agencies Alternative was officially submitted to the U.S. Fish & Wildlife at the April 15, 2014 Mexican Wolf Interdisciplinary Project Team (IPT) meeting, and the five counties of ECO, including Gila County, requested from USFWS Regional Director Benjamin Tuggle, by official action of their Boards of Supervisors, that the Cooperating Agencies Alternative be analyzed for consistency with the proposed action and that the EIS formally include a discussion of any inconsistency between the proposed action and the Cooperating Agencies Alternative, per 40 CFR 1506.2(d)).

Discussion of inconsistency / conflicts

"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" (CEQ, 40 CFR § 1506.2 (d)).

"This section forms the scientific and analytic basis for the comparisons under Sec. 1502.14. It shall include discussions of possible conflicts between the proposed action and the objectives of Federal, regional, State, and local (and in the case of a reservation, Indian tribe) land use plans, policies and controls for the area concerned" (CEQ, 40 CFR § 1502.16 (c)).

Comment: The inconsistency and conflicts between the proposed action and the objectives of the local plans, policies and controls of Gila County have not been fully discussed in the environmental impact statement. Specifically, the Cooperating Agencies Alternative submitted by the county, which was made part of the Gila County local plans, policies and controls by action of the Board of Supervisors, has not been included in the discussion.

Remedy: The environmental impact statement must include an analysis of the alternative proposed by the Arizona cooperating agencies, and discuss inconsistency and conflicts between the proposed action and the objectives of the local plans, policies and controls of Gila County, as stated in the Cooperating Agencies Alternative.

Reconciliation of the proposed action with the local plans or laws

"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" (CEQ, 40 CFR 1506.2 (d)).

Comment: The inconsistency of the proposed action with the alternative proposed by the Arizona cooperating agencies that has been approved by the Board of Supervisors as the local plan of Gila County has not been discussed in the environmental impact statement, and the environmental impact statement has not described the extent to which the agency would reconcile its proposed action with Gila County local plans and laws as expressed in the Cooperating Agencies Alternative.

Remedy: The environmental impact statement must include an analysis of the alternative proposed by the Arizona cooperating agencies; discuss the inconsistency of the proposed action with the alternative proposed by the Arizona cooperating agencies that has been approved by the Board of Supervisors as the local plan of Gila County; and, describe the extent to which the agency would reconcile its proposed action with Gila County local plans and laws as expressed in the Cooperating Agencies Alternative.

Conclusion

In view of the above comments and suggested remedies, Gila County believes that the proposed action must be subordinated to the completion of the revision of the Recovery Plan, and that a genuine effort must be made by the Fish & Wildlife Service to design, implement and manage a Mexican Wolf recovery program, including a nonessential experimental population, in agreement with the State and local government agencies, and persons holding an interest in the land which will be affected by the revision of the experimental population rule.

The analysis of the environmental impacts of the revision of the Recovery Plan and of the 10(j) Rule must include:

- I. the reasonable alternative submitted by the Arizona cooperating agencies and endorsed by the Arizona Game & Fish Department;
- II. the reasonably foreseeable required alternative addressing a different population projection model with a higher wolf population growth rate and a higher number of wolves, and a different population distribution model with wolves shifting partially or totally habitat from forests to woodlands, and shifting partially or totally prey base from wild ungulates to domestic cattle;
- III. an alternative that transfers the Mexican Wolf Recovery Program to the management by the State and Tribal agencies;
- IV. an alternative that includes 'take' provisions to protect livestock or domestic animals legally present on federal lands, and/or from imminent biting, wounding or killing;
- V. an alternative that extends the MWEPA north of Interstate 40 to the entirety of the States of Arizona and New Mexico and provides the 10(j) management tools north of I40.

If these alternatives are eliminated, the reasons for their elimination must be discussed in the environmental impact statement.

If the Service believes that this rational and compliant process may impact its ability to satisfy the Center for Biological Diversity vs. Jewell consent decree, Gila County believe that good cause exists for the Service to file for an extension of the January 12, 2015 compliance deadline.

Gila County is committed to partner with the Service to design, implement and monitor an ecologically, economically and socially responsible Mexican Wolf Recovery Program, while preserving the custom, cultures, economic well-being, health and safety of Gila County residents and visitors.

Thank you for your consideration.

Respectfully submitted,

Michael A Pastor
Chairman
Gila County Board of Supervisors

Date

ATTEST

Marian Sheppard
Clerk of the Board
Gila County Board of Supervisors

Date

Bryan Chambers
Deputy County Attorney/Civil Bureau Chief

Date

Cc:

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DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17**

[Docket No. FWS-R2-ES-2013-0056;
FXES1113090000C2-134-FF09E32000]

RIN 1018-AY46

Endangered and Threatened Wildlife and Plants; Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; revisions and notice of availability of a draft environmental impact statement; reopening of public comment period and announcement of public hearings.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose new revisions to the existing nonessential experimental population designation of the Mexican wolf (*Canis lupus baileyi*) under section 10(j) of the Endangered Species Act of 1973, as amended, and announce the reopening of the public comment period and scheduling of public hearings on the proposed rule. In addition, we announce the availability of a draft environmental impact statement on the proposed revisions to the existing nonessential experimental population designation of the Mexican wolf, and an amended required determinations section of the proposal. We are reopening the comment period to allow all interested parties an opportunity to comment simultaneously on the proposed rule, the associated draft environmental impact statement, and the amended required determinations section. Comments previously submitted need not be resubmitted, as they will be fully considered in preparation of the final rule.

DATES: We will consider comments received on or before September 23, 2014. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**) must be received by 11:59 p.m. Eastern Time on the closing date. In order to meet a court-ordered settlement agreement deadline, we will not be able to extend the date for public review and comment on these documents.

Public Informational Sessions and Public Hearings: We will hold two public informational sessions and two public hearings on this proposed rule

and draft environmental impact statement. We will hold a public informational session from 2:00 p.m. to 4:00 p.m., followed by a public hearing from 6:00 p.m. to 9:00 p.m., in Pinetop, Arizona, on Monday, August 11, 2014 (see **ADDRESSES**). We will hold a public informational session from 2:00 p.m. to 4:00 p.m., followed by a public hearing from 6:00 p.m. to 9:00 p.m., in Truth or Consequences, New Mexico, on Wednesday, August 13, 2014 (see **ADDRESSES**). Registration to present oral comments on the proposed rule and draft environmental impact statement at the public hearings will begin at the start of each informational session. With the exception of Federal elected officials, all oral comment registration cards will be pooled and drawn at random.

ADDRESSES: Document availability: The draft environmental impact statement for this proposed rule is available electronically on <http://www.regulations.gov> in Docket No. FWS-R2-ES-2013-0056 or from the office listed in **FOR FURTHER INFORMATION CONTACT**.

Document submission: You may submit written comments on this proposed rule and the draft environmental impact statement by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. Search for FWS-R2-ES-2013-0056, which is the docket number for this rulemaking. You may submit a comment by clicking on "Comment Now!". Please ensure that you have found the correct rulemaking before submitting your comment.

(2) *By hard copy:* Submit by U.S. mail or hand delivery to: Public Comments Processing, Attn: FWS-R2-ES-2013-0056; Division of Policy and Directives Management; U.S. Fish and Wildlife Service Headquarters, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

We request that you send comments on the proposed rule revision and draft environmental impact statement only by the methods described above. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see the Public Comments section below for more information). To increase our efficiency in downloading comments, groups providing mass submissions should submit their comments in an Excel file.

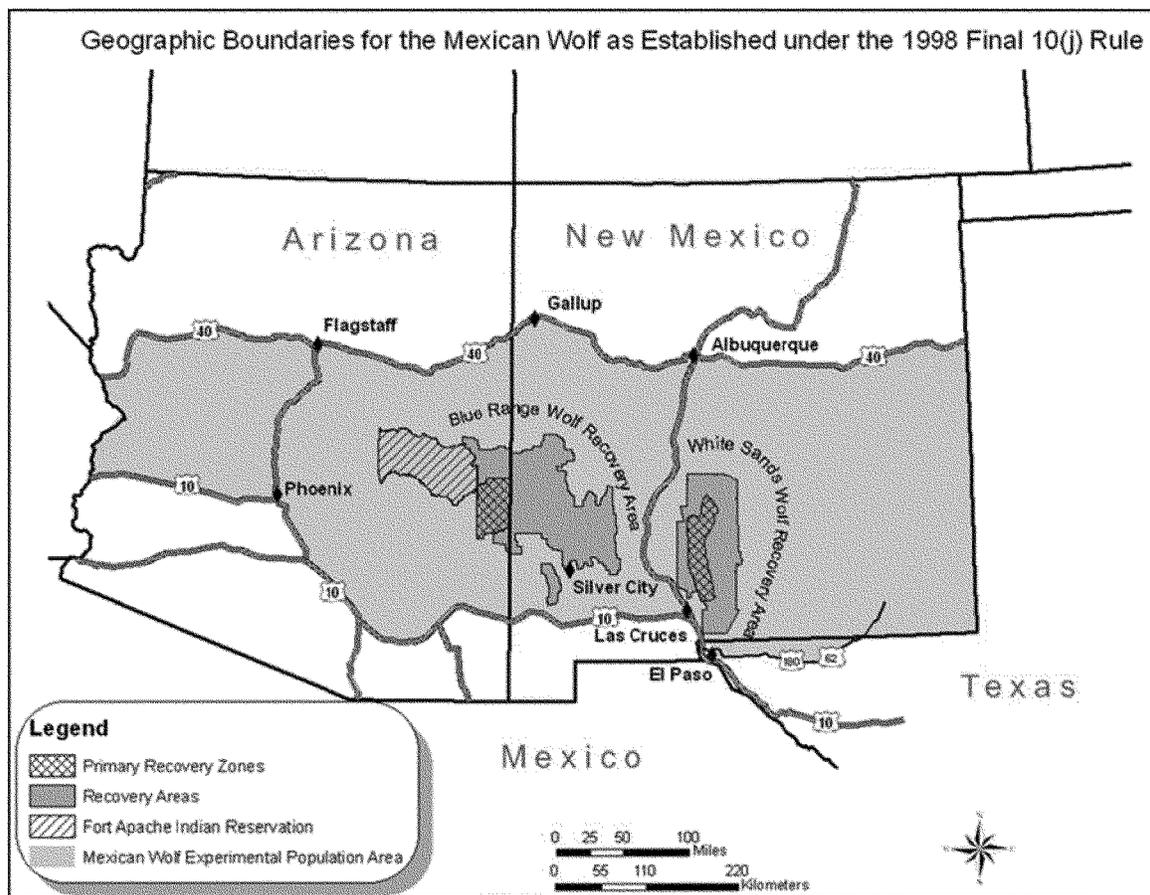
Public informational sessions and public hearings: The August 11, 2014, public informational session and hearing will be held at the Hon-Dah Conference Center, 777 Highway 260, Pinetop, Arizona 85935. The August 13, 2014, public informational session and hearing will be held at the Civic Center, 400 West Fourth Street, Truth or Consequences, New Mexico 87901. People needing reasonable accommodations in order to attend and participate in the public hearings should contact the Mexican Wolf Recovery Program, U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office, as soon as possible (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Sherry Barrett, Mexican Wolf Recovery Coordinator, U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office, 2105 Osuna Road, NE., Albuquerque, NM 87113; by telephone 505-761-4704; or by facsimile 505-346-2542. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800-877-8339. Further contact information can be found on the Mexican Wolf Recovery Program's Web site at <http://www.fws.gov/southwest/es/mexicanwolf/>.

SUPPLEMENTARY INFORMATION:**Executive Summary**

In 1998, we, the U.S. Fish and Wildlife Service (Service), published in the **Federal Register** a final rule that established a nonessential experimental population of Mexican wolves in Arizona and New Mexico (63 FR 1752, January 12, 1998; Figure 1). We took this action in accordance with section 10(j) of the Endangered Species Act (16 U.S.C. 1531 et seq.) (Act), which allows us to designate as an "experimental population" a population of endangered or threatened species that has been or will be released into suitable natural habitat outside the species' current natural range. Experimental populations are treated as threatened species for purposes of section 9 of the Act. The general regulations that extend most section 9 prohibitions to threatened species do not apply to these populations, and we may use our discretion to devise management programs and special regulations for them.

Figure 1—Geographic Boundaries for the Mexican Wolf under the 1998 Final Section 10(j) Rule.



We established the Mexican wolf nonessential experimental population in consideration of the 1982 Mexican Wolf Recovery Plan, which has the primary objective of establishing a viable, self-sustaining population of at least 100 Mexican wolves in the wild. In March of 1998, we released 11 Mexican wolves from the captive-breeding program to the wild. Many additional individuals and family groups have been released or translocated since that time.

Through project reviews, annual reports, monitoring, and communication with our partners and the public, we now recognize that elements of the 1998 final rule need to be revised to help us enhance the growth, stability, and success of the nonessential experimental population. Accordingly, to improve implementation and conservation of the Mexican wolf

nonessential experimental population, on June 13, 2013, we published a proposed rule in the **Federal Register** to make several changes to the 1998 section 10(j) rule and management regulations for Mexican wolves (78 FR 35719).

We are now revising the provisions in the June 2013 proposed rule based on information received during the public comment period and our scoping process for the draft environmental impact statement. We solicit public comment as described below.

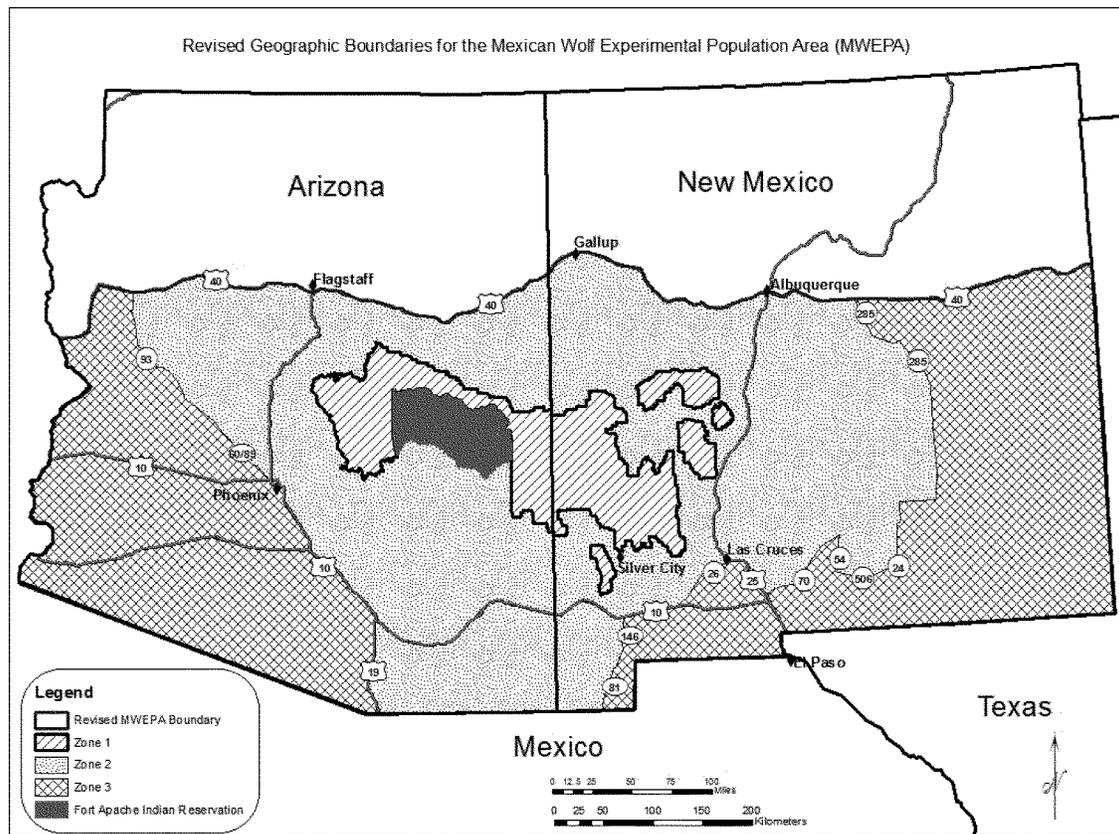
Public Comments

We will accept written comments and information during this reopened comment period on our proposed revisions to the existing nonessential experimental population designation of the Mexican wolf (*Canis lupus baileyi*), our draft environmental impact

statement, and the amended required determinations provided in this document. Any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from other concerned governmental agencies, Native American tribes, the scientific community, industry, general public, and other interested parties concerning the revised proposed revision. We are particularly interested in comments concerning the following revisions to our proposed rule:

(1) Moving the southern boundary of the Mexican Wolf Experimental Population Area (MWEPA) in Arizona and New Mexico from Interstate Highway 10 to the United States-Mexico international border (Figure 2).

Figure 2—Proposed revised geographic boundaries for the Mexican wolf experimental population area (MWEPA).



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(2) Identifying Zones 1, 2, and 3 as different management areas within the MWEPA and discontinuing the use of the term Blue Range Wolf Recovery Area (BRWRA) part of (Figure 2).

Zone 1 is an area within the MWEPA in Arizona and New Mexico where Mexican wolves may be initially released or translocated, and includes all of the Apache, Gila, and Sitgreaves National Forests; the Payson, Pleasant Valley, and Tonto Basin Ranger Districts of the Tonto National Forest; and the Magdalena Ranger District of the Cibola National Forest.

Zone 2 is an area within the MWEPA where Mexican wolves will be allowed to naturally disperse into and occupy, and where Mexican wolves may be translocated. On Federal land in Zone 2, initial releases of Mexican wolves are limited to pups less than 5 months old, which allows for the cross-fostering of pups from the captive population into the wild, as well as enables translocation-eligible adults to be re-released with pups born in captivity. On private and tribal land in Zone 2,

Mexican wolves of any age, including adults, can also be initially released under a Service- and State-approved management agreement with private landowners or a Service-approved management agreement with tribal agencies. The northern boundary of Zone 2 is Interstate Highway 40; the western boundary goes south from Interstate Highway 40 and follows Arizona State Highway 93, Arizona State Highway 89/60, Interstate Highway 10, and Interstate Highway 19 to the United States-Mexico international border; the southern boundary is the United States-Mexico international border heading east, then follows New Mexico State Highway 81/146 north to Interstate Highway 10, then along New Mexico State Highway 26 to Interstate Highway 25; the boundary continues along New Mexico State Highway 70/54/506/24; the eastern boundary follows the eastern edge of Otero County, New Mexico, to the north and then along the eastern edge of Lincoln County, New Mexico, until it intersects with New Mexico State Hwy 285 and follows New Mexico State

Highway 285 north to the northern boundary of Interstate Highway 40. Zone 2 excludes the area in Zone 1.

Zone 3 is an area within the MWEPA where neither initial releases nor translocations will occur, but Mexican wolves will be allowed to disperse into and occupy. Zone 3 is an area of less suitable Mexican wolf habitat and where Mexican wolves will be more actively managed under the authorities of this rule to reduce human conflict. We expect Mexican wolves to occupy areas of suitable habitat where ungulate populations are adequate to support them and conflict with humans and their livestock would be low. If Mexican wolves move outside areas of suitable habitat, they will be more actively managed. Zone 3 is two separate geographic areas on the east and west sides of the MWEPA. One area of Zone 3 is in western Arizona and the other in eastern New Mexico. In Arizona, the northern boundary of Zone 3 is Interstate Highway 40; the eastern boundary goes south from Interstate Highway 40 and follows State Highway 93, State Highway 89/60, Interstate

Highway 10, and Interstate Highway 19 to the United States-Mexico international border; the southern boundary is the United States-Mexico international border; the western boundary is the Arizona-California State border. In New Mexico, the northern boundary is Interstate Highway 40; the eastern boundary is the New Mexico-Texas State border; the southern boundary is the United States-Mexico international border heading west, then follows State Highway 81/146 north to Interstate Highway 10, then along State Highway 26 to Interstate Highway 25, the southern boundary continues along State Highway 70/54/506/24; the western boundary follows the eastern edge of Otero County to the north and then along the eastern edge of Lincoln County until it follows State Highway 285 north to the northern boundary of Interstate Highway 40.

(3) Adding definitions for the terms cross-fostering; designated agency; disturbance-causing land-use activity; domestic animal; Federal land; feral dog; in the act of biting, killing, or wounding; initial release; intentional harassment; non-Federal land; Service-approved management plan; translocate; tribal trust land; ungulate herd; wounded; and Zones 1, 2, and 3.

(4) Revising the due care criteria with regard to trapping activities. With regard to trapping activities, due care includes: Following the regulations, proclamations, recommendations, guidelines, and/or laws within the State or tribe where the trapping takes place; modifying or utilizing appropriate size traps, chains, drags, and stakes to reasonably expect to prevent a wolf from either breaking the chain, or escaping with the trap on the wolf, or utilizing sufficiently small traps (less than Victor 2) to reasonably expect the wolf to either immediately pull free from the trap, or span the jaw spread when stepping on the trap; reporting the capture of a Mexican wolf (even if the wolf has pulled free) within 24 hours to the Service; not taking a Mexican wolf via neck snares; and if a Mexican wolf is captured, trappers can call the Interagency Field Team (1-888-459-WOLF [9653]) as soon as possible to arrange for radio-collaring and releasing of the wolf. Per State regulations for releasing nontarget animals, trappers may also choose to release the animal alive and subsequently contact the Service or Interagency Field Team.

(5) On non-Federal lands anywhere within the MWEPA, domestic animal owners or their agents may take (including kill or injure) any Mexican wolf that is in the act of biting, killing, or wounding a domestic animal

provided that evidence of a freshly wounded or killed domestic animal by a Mexican wolf is present. This take must be reported to the Service's Mexican Wolf Recovery Coordinator or a designated agency of the Service within 24 hours. The take of any Mexican wolf without evidence of biting, killing, or wounding a domestic animal may be referred to the appropriate authorities for investigation.

(6) Based on the Service's or a designated agency's discretion and during or after a removal action authorized by the Service or a designated agency (provided the Service's or designated agency's actions were unsuccessful), the Service or designated agency may issue permits to domestic animal owners or their agents (e.g., employees, land manager, local officials) to allow domestic animal owners or their agents to take (including intentional harassment or killing) any Mexican wolf that is present on non-Federal land where specified in the permit. Permits issued under this provision will specify the number of days for which the permit is valid and the maximum number of Mexican wolves for which take is allowed. Take by permittees under this provision will assist the Service or designated agency in completing control actions. Domestic animal owners or their agents must report this take to the Service's Mexican Wolf Recovery Coordinator or a designated agency of the Service within 24 hours.

(7) Based on the Service's or a designated agency's discretion and during or after a removal action authorized by the Service or a designated agency (provided the Service's or designated agency's actions were unsuccessful), the Service or designated agency may issue permits to domestic animal owners or their agents (e.g., employees, land manager, local officials) to allow livestock owners or their agents to take (including intentional harassment or killing) any Mexican wolf that is in the act of biting, killing, or wounding livestock on Federal land. Permits issued under this provision will specify the number of days for which the permit is valid and the maximum number of Mexican wolves for which take is allowed. Take by livestock owners or their agents under this provision will assist the Service or designated agency in completing the authorized control action. Livestock owners or their agents must report this take to the Service's Mexican Wolf Recovery Coordinator or a designated agency of the Service within 24 hours.

(8) Allowing for take of Mexican wolves response to impacts to wild ungulates and in accordance with certain stipulations. If Arizona or New Mexico determines, based on established ungulate management goals, that Mexican wolf predation is having an unacceptable impact on a wild ungulate herd (pronghorn, bighorn sheep, deer, elk, or bison), the respective State may request approval from the Service that Mexican wolves be removed from the area of the impacted ungulate herd. Upon written approval from the Service, the State (Arizona or New Mexico) or any designated agency may be authorized to remove (capture and translocate in the MWEPA, move to captivity, transfer to Mexico, or lethally take) Mexican wolves. Because tribes are able to request the capture and removal of Mexican wolves at any time, take in response to wild ungulate impacts is not applicable on tribal trust lands.

We will consider all comments and information received during the public comment period in preparation of the final rule to revise the existing nonessential experimental population designation of the Mexican wolf and the final environmental impact statement. Accordingly, the final rule and final environmental impact statement may differ from this proposal and the draft environmental impact statement.

Please note that comments merely stating support for or opposition to the actions under consideration without providing supporting information, although noted, will not be considered in making a determination for the final rule.

If you submitted comments or information on the June 13, 2013 (78 FR 35719), proposed revision to the existing nonessential experimental population designation of the Mexican wolf or the August 5, 2013 (78 FR 47268), publication of a notice of intent to prepare an environmental impact statement in conjunction with the proposed rule, please do not resubmit them. We will incorporate them into the public record as part of this comment period, and we will fully consider them in the preparation of our final rule.

You may submit your comments and materials concerning this proposed revision to the nonessential experimental population designation of the Mexican wolf, the draft environmental impact statement, and the amended required determinations provided in this document by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

If you submit a comment via <http://www.regulations.gov>, your entire comment—including any personal identifying information—will be posted on the Web site. We will post all hardcopy comments on <http://www.regulations.gov> as well. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

Comments and materials we receive, as well as some of the supporting documentation we used, will be available for public inspection on <http://www.regulations.gov> at Docket No. FWS-R2-ES-2013-0056, or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Previous Federal Actions

This document discusses only those topics directly relevant to the modifications we are making to our proposal to revise existing nonessential experimental population designation of the Mexican wolf and the associated draft environmental impact statement. For more information on previous Federal actions concerning the Mexican wolf, refer to the proposed revision to the existing nonessential experimental population designation of the Mexican wolf, which published in the **Federal Register** on June 13, 2013 (78 FR 35719), and is available online at <http://www.regulations.gov> (at Docket Number FWS-R2-ES-2013-0056) or from the Mexican Wolf Recovery Program, U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Background

On June 13, 2013 (78 FR 35719), we published a proposed rule to revise the existing nonessential experimental population designation of the Mexican wolf. That proposal had a 90-day comment period ending September 11, 2013. On August 5, 2013 (78 FR 47268), we published a notice of intent to prepare an environmental impact statement in conjunction with the proposed rule to revise the existing nonessential experimental population designation of the Mexican wolf. That notice of intent to prepare an environmental impact statement had a 45-day comment period ending September 19, 2013. On September 5, 2013 (78 FR 54613), we extended the public comment period on the proposed

rule to revise the existing nonessential experimental population designation of the Mexican wolf to end on October 28, 2013, and announced public hearings. On October 28, 2013 (78 FR 64192), we once again extended the public comment period on the proposed rule to revise the existing nonessential experimental population designation of the Mexican wolf to end on December 17, 2013, and announced public hearings on the proposed rule to revise the existing nonessential experimental population designation of the Mexican wolf. We will submit for publication in the **Federal Register** a final rule revising the existing nonessential experimental population of the Mexican wolf on or before January 12, 2015.

Changes From the June 13, 2013, Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf

Based on information received during the public comment period and our scoping process for the draft environmental impact statement, we are proposing several modifications to our June 13, 2013, proposal to revise the existing nonessential experimental population designation of the Mexican wolf. Under section 10(j) of the Act and our regulations at 50 CFR 17.81, the Service may designate as an experimental population a population of endangered or threatened species that has been or will be released into suitable natural habitat outside the species' current natural range. When designating an experimental population, the general regulations that extend most section 9 prohibitions to threatened species do not apply to that species, and the section 10(j) rule contains the prohibitions and exemptions necessary and appropriate to conserve that species. In order to improve implementation and conservation, we are proposing several changes to our proposed rule to revise the section 10(j) rule and management regulations for the Mexican wolves.

Revisions and Considerations From the June 13, 2013, Proposal That Will Not Be Carried Forward Into the Final Rule

In the June 13, 2013 (78 FR 35719), proposed rule to revise the existing nonessential experimental population designation of the Mexican wolf, we proposed that Mexican wolves on State-owned lands within the boundaries of the MWEPA be regulated in the same manner as on lands owned and managed by other public land management agencies. In this modification to our proposal, we have removed any reference that the Service

will consider State-owned lands within the boundaries of the MWEPA in the same manner as we consider lands owned and managed by other public land management agencies. In the 1998 final rule that established a Mexican wolf nonessential experimental population (63 FR 1752, January 12, 1998) (1998 Final Rule), management of Mexican wolves on all State-owned lands within the boundary of the MWEPA, but outside of designated wolf recovery areas, were subject to the provisions of private lands. Henceforth, the Service will consider the management of Mexican wolves on State-owned lands within the boundaries of the MWEPA in the same manner and subject to the same provisions of this rule as on non-Federal lands, which is consistent with the 1998 Final Rule.

Additionally in the June 13, 2013 (78 FR 35719), proposed rule, we proposed to modify the provision “six breeding pairs” to a requirement that at least 100 Mexican wolves must be present in the MWEPA before a permit to take Mexican wolves can be issued to livestock owners or agents on public land grazing allotments. The 1998 Final Rule included a definition of breeding pair as one of the conditions for take of Mexican wolves by livestock owners or agents on public land grazing allotments (i.e., that there must be six breeding pairs present in order for a permit to take wolves to be issued by the Service). In the June 13, 2013 (78 FR 35719), proposed rule we considered overall population size to be a better metric for evaluating the appropriateness of providing such permits because it provided a more consistent measure of the population's status. However, based on scientific information that was submitted during public comment, we are no longer using six breeding pairs or at least 100 Mexican wolves as conditions for issuing a permit to livestock owners or their agents on Federal lands. Now, we are proposing to allow livestock owners or their agents to take (including intentional harassment or killing) any Mexican wolf that is in the act of biting, killing, or wounding livestock on Federal land be based on the Service's or a designated agency's discretion and during or after a removal action has been authorized by the Service or a designated agency (provided the Service's or designated agency's actions were unsuccessful).

Also in the June 13, 2013 (78 FR 35719), preamble to our proposed rule to revise the existing nonessential experimental population designation of the Mexican wolf, we considered several additional revisions. One of the

considerations was to change the term “depredation” to “depredation incident” and revise the definition to mean, “The aggregate number of livestock killed or mortally wounded by an individual Mexican wolf or single pack of Mexican wolves at a single location within one 24-hour period, beginning with the first confirmed kill or injury.” We considered this change in order to provide consistency with terms used in our management documents (standard operating protocol, management plans, etc.), in which we consider all of the depredations that occur within one 24-hour period as one incident in our determination of what management actions to apply to a given situation. However, we received public comment, particularly from the ranching community, that this term does not appropriately communicate individual depredations (e.g., a wolf may have depredated three times in one 24-hour period). In addition, we are using the term “depredation” only in our definition of problem wolves. Therefore, we will no longer consider changing the term “depredation” to “depredation incident” and will use the term “depredation” only as defined in the rule portion of this document.

Below, we discuss the additional modifications to our proposal to revise the existing nonessential experimental population designation of the Mexican wolf.

Additional or Revised Definitions for the Proposal To Revise the Mexican Wolf Nonessential Experimental Population

We are adding or revising several definitions to our June 13, 2013 (78 FR 35719), proposed rule to provide additional clarification; definitions for these terms are laid out in the rule portion of this document:

Cross-fostering

Designated agency

Disturbance-causing land-use activity

Domestic animal

Federal land

Feral dog

In the act of biting, killing, or wounding

Initial release

Intentional harassment

Non-Federal land

Service-approved management plan

Translocate

Tribal trust land

Ungulate herd

Wounded

Zone 1

Zone 2

Zone 3

Proposed Revisions to the Geographic Area of the Mexican Wolf Nonessential Experimental Population

We are proposing to expand the MWEPA by moving the southern boundary from Interstate Highway 10 to the United States-Mexico international border across Arizona and New Mexico (Figure 2). Expanding the MWEPA was a recommendation in the Mexican Wolf Blue Range Reintroduction Project 5-Year Review (AMOC and IFT 2005, p. ARC-3). We are proposing this modification because the reintroduction effort for Mexican wolves now being undertaken by the Mexican Government has established a need to manage Mexican wolves that may disperse into southern Arizona and New Mexico from reestablished Mexican wolf populations in Mexico. An expansion of the MWEPA south to the international border with Mexico would allow us to manage all Mexican wolves in this area, regardless of origin, under the experimental population 10(j) rule. The regulatory flexibility provided by our proposed revisions to the 1998 Final Rule would allow us to take management actions within the MWEPA that further the conservation of the Mexican wolf while being responsive to needs of the local community in cases of problem wolf behavior.

Also, we are identifying Zones 1, 2, and 3 as different management areas within the MWEPA and discontinuing the use of the term BRWRA. Zone 1 is where Mexican wolves may be initially released or translocated, and includes all of the Apache, Gila, and Sitgreaves National Forests; the Payson, Pleasant Valley, and Tonto Basin Ranger Districts of the Tonto National Forest; and the Magdalena Ranger District of the Cibola National Forest. Zone 2 is an area within the MWEPA where Mexican wolves will be allowed to naturally disperse into and occupy, and where Mexican wolves may be translocated. On Federal land in Zone 2, initial releases of Mexican wolves are limited to pups less than 5 months old, which allows for the cross-fostering of pups from the captive population into the wild, as well as enables translocation-eligible adults to be re-released with pups born in captivity. On private and tribal land in Zone 2, Mexican wolves of any age, including adults, can also be initially released under a Service- and State-approved management agreement with private landowners or a Service-approved management agreement with tribal agencies. Translocations in Zone 2 will be focused on suitable Mexican wolf habitat that is contiguous to occupied Mexican wolf range. Zone 3 is

where neither initial releases nor translocations will occur, but Mexican wolves will be allowed to disperse into and occupy. Zone 3 is an area of less suitable Mexican wolf habitat and where Mexican wolves will be more actively managed under the authorities of this rule to reduce human conflict.

We are also proposing the expansion of initial release sites to include the entire Sitgreaves National Forest in Arizona; the Payson, Pleasant Valley, and Tonto Basin Ranger Districts of the Tonto National Forest in Arizona; and the Magdalena Ranger District of the Cibola National Forest in New Mexico (Figure 2). This expansion would include the proposed modification that would allow for initial releases and translocations throughout Zone 1. Our proposed modification to eliminate the primary and secondary recovery zones within Zone 1 and our consideration of expanding Zone 1 to include the entire Sitgreaves and three Ranger Districts of the Tonto National Forests in Arizona and one Ranger District of the Cibola National Forest in New Mexico are consistent with recommendations in the Mexican Wolf Blue Range Reintroduction Project 5-Year Review (AMOC and IFT 2005, p. ARC-4). These revisions will provide additional area and locations for initial release of Mexican wolves to the wild from captivity beyond that currently allowed by the 1998 Final Rule.

Clarification of Take Provisions From the 1998 Final Rule for the Mexican Wolf Nonessential Experimental Population

In the rule portion of this document, we have clarified take provisions for intentional harassment, opportunistic harassment, take for research purposes, take by Service personnel or designated agency, and unintentional take. In restructuring these allowable forms of take, we have not added more forms of take. Rather, we restructured to clarify take provisions provided in the 1998 Final Rule. We have also revised the due care criteria in regard to trapping activities. And we have provided language to clarify that personnel of the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services will not be in violation of the Act or this rule for take of a Mexican wolf that occurs while conducting official duties associated with predator damage management activities for species other than Mexican wolves.

Furthermore, we have modified provisions in the 1998 Final Rule to allow for removal of Mexican wolves in response to impacts to wild ungulates.

Under this provision, if Arizona or New Mexico determines, based on ungulate management goals, that Mexican wolf predation is having an unacceptable impact on a wild ungulate herd (pronghorn, bighorn sheep, deer, elk, or bison), the respective State may request approval from the Service that Mexican wolves be removed from the area of the impacted ungulate herd. Upon written approval from the Service, the State (Arizona or New Mexico) or any designated agency may be authorized to remove (capture and translocate in the MWEPA, move to captivity, transfer to Mexico, or lethally take) Mexican wolves. These management actions must occur in accordance with § 17.84(k)(7)(iv)(A).

Additional Proposed Provisions to the Mexican Wolf Nonessential Experimental Population

One of the additional provisions we are now proposing is to allow take of a Mexican wolf on non-Federal lands anywhere within the MWEPA by domestic animal owners or their agents when any Mexican wolf is in the act of biting, killing, or wounding a domestic animal provided that evidence of a freshly wounded or killed domestic animal by Mexican wolves is present.

We are also proposing provisions for the issuance of permits on non-Federal land anywhere within the MWEPA, and under particular circumstances, to allow domestic animal owners or their agents to take (including intentional harassment or kill) any Mexican wolf that is present on non-Federal land. Permits issued under this provision specify the number of days for which the permit is valid and the maximum number of Mexican wolves for which take is allowed. Take by permittees under this provision will assist the Service or designated agency in completing control actions. Domestic animal owners or their agents must report this take to the Service's Mexican Wolf Recovery Coordinator or a designated agency of the Service within 24 hours.

Lastly, we have added reporting requirements which clarify that, unless otherwise specified in this rule or in a permit, any take of a Mexican wolf must be reported to the Service or our designated agency within 24 hours.

Peer Review

In accordance with our joint policy published in the **Federal Register** on July 1, 1994 (59 FR 34270), we conducted peer review on our June 2013 rule. Due to the revisions, we will again seek expert opinions from previous reviewers and independent specialists

regarding this revised proposed rule. The purpose of such review is to ensure that our final rule for this species is based on scientifically sound data, assumptions, and analyses. We will send peer reviewers copies of this document immediately following publication in the **Federal Register**. We will invite these peer reviewers to comment, during the reopening of the public comment period, on our use and interpretation of the science used in developing our proposed rule.

We will consider all comments and information we receive during the comment period on the June 13, 2013 (78 FR 35719), proposed rule and this revised proposed rule during preparation of a final rulemaking. Accordingly, the final decision may differ from this proposal.

Required Determinations—Amended

In our June 13, 2013, proposed rule (78 FR 35719), we indicated that we would defer our determination of compliance with several statutes and executive orders until the information concerning potential economic impacts of the designation and potential effects on landowners and stakeholders became available in the draft environmental impact statement. We have now made use of the draft environmental impact statement data to make these determinations. In this document, we affirm the information in our proposed rule concerning Executive Order (E.O.) 12866 (Regulatory Planning and Review), E.O. 13132 (Federalism), E.O. 12988 (Civil Justice Reform), E.O. 13211 (Energy, Supply, Distribution, and Use), the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments" (59 FR 22951), and E.O. 12630 (Takings). However, based on the draft economic analysis data, we are amending our required determinations concerning the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), and the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*).

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996; 5 U.S.C. 801 *et seq.*), whenever a Federal agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare, and make available for public comment, a regulatory flexibility analysis that describes the effect of the

rule on small entities (i.e., small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that the rule will not have a significant economic impact on a substantial number of small entities.

According to the Small Business Administration, small entities include small organizations such as independent nonprofit organizations; small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents; and small businesses (13 CFR 121.201). Small businesses include such businesses as manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than \$5 million in annual sales, general and heavy construction businesses with less than \$27.5 million in annual business, special trade contractors doing less than \$11.5 million in annual business, and forestry and logging operations with fewer than 500 employees and annual business less than \$7 million. To determine whether small entities may be affected, we considered the types of activities that might trigger regulatory impacts under this designation as well as types of project modifications that may result. In general, the term "significant economic impact" is meant to apply to a typical small business firm's business operations.

Importantly, the impacts of a rule must be *both* significant and substantial to prevent certification of the rule under the RFA and to require the preparation of an initial regulatory flexibility analysis. If a substantial number of small entities are affected by the proposed rule, but the per-entity economic impact is not significant, the Service may certify. Likewise, if the per-entity economic impact is likely to be significant, but the number of affected entities is not substantial, the Service may also certify.

In the 1998 Final Rule, we found that the nonessential experimental population would not have significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act. The 1998 Final Rule set forth management directions and provided for limited

allowable legal take of Mexican wolves within the MWEPA. We concluded that the rule would not significantly change costs to industry or governments. Furthermore, the rule produced no adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. enterprises to compete with foreign-based enterprises in domestic or export markets. We further concluded that no significant direct costs, information collection, or recordkeeping requirements were imposed on small entities by the action and that the rule was not a major rule as defined by 5 U.S.C. 804(2) (63 FR 1752, January 12, 1998).

If this proposed revision to the nonessential experimental population of the Mexican wolf is adopted, the area affected by this rule includes the portion of the States of Arizona and New Mexico from Interstate Highway 40 south to the United States–Mexico international border. This rule proposes activities that have, in part, already been taking place within the BRWRA. However, it expands many of those activities to larger portions of the MWEPA.

In addition, section 7(a)(4) of the Act requires Federal agencies to confer (rather than consult) with the Service on actions that are likely to jeopardize the continued existence of a species. However, because a nonessential experimental population is, by definition, not essential to the survival of the species, conferencing will unlikely be required within the MWEPA. Furthermore, the results of a conference are strictly advisory in nature and do not restrict agencies from carrying out, funding, or authorizing activities. In addition, section 7(a)(1) requires Federal agencies to use their authorities to carry out programs to further the conservation of listed species, which would apply on any lands within the nonessential experimental population area. As a result, and in accordance with these regulations, some modifications to the proposed Federal actions within the nonessential experimental population area may occur to benefit the Mexican wolf, but we do not expect projects on Federal lands to be halted or substantially modified as a result of these regulations.

On the other hand, this proposed revision would allow Mexican wolves to occupy anywhere within the MWEPA, which has the potential to affect small entities in the area outside the initial release areas. Specifically, small businesses involved in hunting and animal production, such as outfitters,

guides, and beef cattle and sheep ranching, may be affected by Mexican wolves preying on wild native ungulates or depredating on domestic animals. We have further assessed these types of impacts to small entities in the area outside the initial release areas in the draft environmental impact statement.

Small businesses involved in ranching and livestock production may be affected by Mexican wolves depredating on domestic animals. Direct effects to small businesses could include foregone calf or cow sales at auctions due to depredations. Indirect effects could include impacts such as increased ranch operation costs for surveillance and oversight of the herd, and weight loss of livestock when wolves are present. Ranchers have also expressed concern that a persistent presence of wolves may negatively impact their property and business values. We do not foresee a significant economic impact to a substantial number of small entities in the ranching and livestock production sector based on the following information.

The Department of Agriculture reported a national estimate of 89.3 million cattle and calves in 2013, which implies that together, Arizona and New Mexico contribute approximately 2.5 percent to the overall national supply (NASS: <http://quickstats.nass.usda.gov>). Over 90 percent of the ranches in Arizona (approximately 6646 out of 7384 ranches) and 80 percent of the ranches in New Mexico (approximately 5336 out of 6670 ranches) could be classified as small with a total number of less than 100 cattle. We estimate there are fewer than 12,000 small ranches in Arizona and New Mexico below Interstate 40 (the project area), based on 2007 Census of Agriculture data by county. This is a significant overestimate of the number of small ranches in the project area because it includes data for counties that are split by Interstate 40 (i.e., only a portion of the counties' ranches occur in the study area), as well as ranches that may occur in Zone 3 where we do not expect wolf occupancy over the project time period. While small ranches represent the majority of the number of ranches in the two States, they produce less than 10 percent of the states' total cattle and calf inventory, or a quarter of one percent of the national inventory. The largest operations, those with an inventory greater than 2,500 cattle, account for over 50 percent of the total states' livestock.

Between 1998 and 2013, on average there were about 56 total depredations (confirmed and unconfirmed) by Mexican wolves in any given year,

which equates to about 1.2 cow/calves killed for every Mexican wolf (or 118 depredations for every 100 Mexican wolves). Compared to the 2007 total inventory of cattle (123,124) for the 5 county area of the Mexican wolf initial release area (Graham, Greenlee, and Apache Counties, Arizona, and Catron and Grant Counties, New Mexico) both confirmed and unconfirmed depredations per 100 Mexican wolves account for less than 0.01 percent of the herd size. The economic cost of Mexican wolf depredations in this time period has been a small percentage of the total value of the livestock operations. The average number of cattle killed (both confirmed and unconfirmed) in any given year is estimated to be 118.2 per 100 Mexican wolves. The expected value of these cattle (118.2 cattle killed per 100 Mexican wolves on average for any year) at auction using 2012 prices (most current data available at the time of the analysis) would be about \$98,000 dollars. Prices will be updated for the final EIS.

We recognize that annual depredation events have not been, and may not be uniformly distributed across the ranches operating in occupied wolf range. Rather, wolves seem to concentrate in particular areas and to the extent that livestock are targeted by the pack for depredations, some ranch operations will be disproportionately affected. However, while a depredation could disproportionately impact a small ranch compared to a larger ranch (e.g., in lost market value), it is more likely that a depredated cow will belong to a large ranching operation than a small one based on the proportion of cattle associated with ranch size. The annual number of depredations (both confirmed and unconfirmed) is expected to grow from 97 to 335 cows/calves as the Mexican wolf population also grows from 83 to 285 individuals during the period 2013 through 2026. The total economic impact to the ranching community during this period is calculated to be \$2.3 million with a net present value of \$1.4 million. We would expect to compensate 100 percent of the market value of confirmed depredated cattle and 50 percent of market value for probably kills with payments to affected ranchers from our Mexican Wolf Interdiction Fund, which provides for proactive conservation measures to decrease the likelihood of depredation and for compensation of verified livestock depredations. This impact, spread over a 12-year period, is not both significant and substantial. That is, if impacts are disproportionately felt, the

number of affected ranches will be small but the impact to those affected may be significant. If the impacts are more evenly spread across a greater number of ranches the economic impact to those entities will not be significant.

Small businesses involved in ranching and livestock production may be affected by weight loss of livestock due to the presence of Mexican wolves. For example, livestock may lose weight because wolves force them off of suitable grazing habitat or away from water sources. Livestock may try to protect themselves by staying close together in protected areas where they are more easily able to see approaching wolves and defend themselves and their calves. A consequence of such a behavioral change would likely be weight loss, especially if the wolves are allowed to persist in the area for a significant amount of time. The weight loss would be associated with the cattle's fear of roaming away from the herd to forage. Using a mid-point estimate of 6 percent weight loss for calves at the time of auction (based on available data), we calculated the impact on 2012 model ranches assuming that wolf presence pressures were allowed to persist throughout the foraging year. Based on available studies and reports and under current market prices, a six percent weight loss for calves at the time of sale could result in a total loss of profit for a small ranch and reduce profits for a medium and large ranch on the equivalent of losing five and ten calves for auction from the baseline (an estimated loss of profit of \$9,269 for a large ranch). We estimate that only a small proportion of ranches in the project area could be affected by weight loss, given that wolves may not occupy areas near some ranches' livestock during any point of the project time frame (12 years), wolves may not be in the vicinity of some ranches' livestock for the entire foraging season (as assumed in our calculations), and landowners and the Service and our designated agencies have a variety of harassment and take mechanisms available to address wolf-livestock conflicts. Furthermore while such an impact could be significant to an individual small ranch, for the purposes of this certification we do not consider the impact significant because small ranches account for less than 10 percent of the states' total cattle and calf inventory, or a quarter of one percent of the national inventory. Therefore, we do not foresee a significant economic impact to a substantial number of small entities in the ranching and livestock production sector associated with

indirect effects of weight loss of livestock when wolves are present.

Small businesses associated with hunting in Arizona and New Mexico could also be affected by implementation of our proposed action. Direct effects to small businesses in this section could occur from impacts to big game populations due to Mexican wolf predation (primarily on elk); loss of hunter visitation to the region, or a decline in hunter success, leading to lost income or increased costs to guides and outfitters. However, we do not have information suggesting that these impacts will occur. Between 1998 and 2012, Arizona Game and Fish Department conducted a study to determine the impact that Mexican wolves have had on deer and elk populations in the Blue Range Wolf Recovery Area. The study found that while Mexican wolves do target elk as their primary prey source, including elk calves during the spring and summer season, there was no discernable impact on the number of elk calves that survive through early fall periods. A similar finding was made for mule deer. The study also reported that the number of elk permits authorized by AGFD has varied since Mexican wolves were reintroduced into Arizona. The study reports that the variation is attributable to a variety of management-related objectives. Elk availability for hunters, however, was not the reason for the decline.

During the project time period, we expect the Mexican wolf density in the MWEPA to be no higher (and more likely, lower) than it is currently and wolf to elk ratios (an indicator of predation pressure) to occur at levels resulting in less than significant biological impacts, suggesting that ungulate populations will not be impacted by Mexican wolves. Furthermore, information suggests that wolves tend to prey on unproductive calf elk and older cow elk, whereas hunters are seeking elk with high reproductive potential. Trends in hunter visitation and success rates since 1998 in the areas where Mexican wolves have been introduced are stable or increasing based on the number of licensed hunters and hunter success rates. We do not have information suggesting these trends would change during the project time period. Therefore, we do not foresee a significant economic impact to a substantial number of small entities associated with hunting activities.

We also considered impacts to the tourism industry from implementation of our proposed action. In this case, impacts to small businesses would be positive, stemming from increased

profits associated with wolf-related outdoor recreation opportunities, such as providing eco-tours in Mexican wolf country. However, we do not have information suggesting that wolf presence will create significant (positive) economic impacts to a substantial number of small entities, as very few eco-tours or other ventures have been identified since 1998. Therefore, we do not foresee a significant economic impact to a substantial number of small entities associated with tourism activities.

In summary, we have considered whether the proposed designation would result in a significant economic impact on a substantial number of small entities. Information for this analysis was gathered from the Arizona Game and Fish Department, cooperating agencies, New Mexico Game and Fish Department, stakeholders, published literature and reports, and the Service. For the above reasons and based on currently available information, we certify that, if promulgated, the proposed revision to the existing nonessential experimental population designation of the Mexican wolf would not have a significant economic impact on a substantial number of small business entities. Therefore, an initial regulatory flexibility analysis is not required.

Paperwork Reduction Act

We may not conduct or sponsor and the public is not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. The OMB has reviewed and approved our collection of information associated with reporting the taking of experimental populations (50 CFR 17.84) and assigned OMB Control Number 1018-0095. The OMB has also approved the collection of information associated with endangered and threatened species permit applications and reports and assigned OMB Control Number 1018-0094, which expires January 31, 2017. This proposal contains a requirement to prepare a science based document in order to obtain Service authorization to remove Mexican wolves in response to impacts to wild ungulates. Because this requirement applies only to two States, OMB approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) is not required.

Draft Environmental Impact Statement

The purpose of the draft environmental impact statement, prepared under the National Environmental Policy Act (NEPA) (42

U.S.C. 4321 *et seq.*), is to identify and disclose the environmental consequences resulting from the proposed action of revising the existing nonessential experimental population designation of the Mexican wolf. In the draft environmental impact statement, four alternatives are evaluated: Alternative One (BRWRA Expansion; MWEPA Expansion with Management Zone; Modified Provisions for Take of Mexican Wolves); Alternative Two (MWEPA Expansion with Management Zones; Modified Provisions for Take of Mexican Wolves); Alternative Three (BRWRA Expansion; MWEPA Expansion with Management Zones); and Alternative Four (No Action).

The no action alternative is required by NEPA for comparison to the other alternatives analyzed in the draft environmental impact statement. Our preliminary determination is that revising the existing nonessential experimental population designation of the Mexican wolf will not have significant impacts on the environment. However, we will further evaluate this issue as we complete our final environmental impact statement.

As we stated earlier, we are soliciting data and comments from the public on the draft environmental impact statement, as well as all aspects of the proposed rule. We may revise the proposed rule or supporting documents to incorporate or address information we receive during the comment period on the environmental consequences resulting from our revision of the existing nonessential experimental population designation.

Management of Wolves Outside the Mexican Wolf Nonessential Experimental Population Area

For Mexican wolves that occur outside the MWEPA, the Act (16 U.S.C. 1531 *et seq.*) prohibits activities with endangered and threatened species unless a Federal permit allows such activities. Along with our implementing regulations at 50 CFR part 17, the Act provides for permits, and requires that we invite public comment before issuing these permits. A permit granted by us under section 10(a)(1)(A) of the Act authorizes activities with U.S. endangered or threatened species for scientific purposes, enhancement of survival or propagation, or interstate commerce. Our regulations regarding implementation of section 10(a)(1)(A) permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

As part of this rulemaking process, we have drafted a section 10(a)(1)(A) permit to allow for certain activities with Mexican wolves that occur outside the MWEPA. In compliance with NEPA (42 U.S.C. 4321 *et seq.*), we have included analysis of the environmental effects of the draft permit as part of our draft EIS. This draft section 10(a)(1)(A) permit is attached as an appendix in the draft EIS. Both the Act and the National Environmental Policy Act require that we invite public comment before issuing these permits. Therefore, we invite local, State, tribal, and Federal agencies, and the public to comment on the draft section 10(a)(1)(A) permit.

Authors

The primary authors of this document are the staff members of the New Mexico Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*).

Proposed Regulation Promulgation

Accordingly, we propose to further amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as proposed to be amended at 78 FR 35719 (June 13, 2013) set forth below:

PART 17—[AMENDED]

- 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; 4201–4245; unless otherwise noted.

- 2. Amend § 17.84 by revising paragraph (k) to read as follows:

§ 17.84 Special rules—vertebrates.

* * * * *

(k) Mexican wolf (*Canis lupus baileyi*). This paragraph (k) sets forth the provisions of a rule to establish an experimental population of Mexican wolves.

(1) *Purpose of the rule:* The Service finds that reestablishment of an experimental population of Mexican wolves into the subspecies' probable historical range will further the conservation of the Mexican wolf subspecies. The Service also finds that the experimental population is not essential under § 17.81(c)(2).

(2) *Determinations:* The Mexican wolf population reestablished in the Mexican Wolf Experimental Population Area (MWEPA), identified in paragraph (k)(4) of this section, is one nonessential

experimental population. This nonessential experimental population will be managed according to the provisions of this rule. The Service does not intend to change the nonessential experimental designation to essential experimental, threatened, or endangered. Critical habitat cannot be designated under the nonessential experimental classification, 16 U.S.C. 1539(j)(2)(C)(ii).

(3) *Definitions*—Key terms used in this rule have the following definitions:

Active den means a den or a specific site above or below ground that is used by Mexican wolves on a daily basis to raise pups, typically between March 1 and July 31. More than one den site may be used in a single season.

Cross-fostering means offspring that are removed from their biological parents and placed with surrogate parents.

Depredation means the confirmed killing or wounding of lawfully present domestic animals by one or more wolves. The Service, Wildlife Services, or other Service-designated agencies will confirm cases of wolf depredation on lawfully present domestic animals.

Designated agency means a Federal, State, or tribal agency designated by the Service to assist in implementing this rule, all or in part, consistent with a Service-approved management plan, special management measure, conference opinion pursuant to section 7(a)(4) of the Act, section 6 of the Act as authorized pursuant to § 17.31 for State wildlife agencies with authority to manage Mexican wolves, or a valid permit issued by the Service under § 17.32.

Disturbance-causing land-use activity means any activity on Federal lands that the Service determines could adversely affect reproductive success, natural behavior, or persistence of Mexican wolves. Such activities may include, but are not limited to—timber or wood harvesting, prescribed fire, mining or mine development, camping outside designated campgrounds, livestock drives, off-road vehicle use, hunting, and any other use or activity with the potential to disturb wolves. The following activities are specifically excluded from this definition:

(i) Lawfully present livestock and use of water sources by livestock;

(ii) Livestock drives if no reasonable alternative route or timing exists;

(iii) Vehicle access over established roads to non-Federal land where legally permitted activities are ongoing if no reasonable alternative route exists;

(iv) Use of lands within the National Park or National Wildlife Refuge Systems as safety buffer zones for

military activities and Department of Homeland Security border security activities;

(v) Fire-fighting activities associated with wildfires; and

(vi) Any authorized, specific land use that was active and ongoing at the time Mexican wolves chose to locate a den or rendezvous site nearby.

Domestic animal means livestock as defined in paragraph (k)(3) of this section and non-feral dogs.

Federal land means land owned and under the administration of Federal agencies including, but not limited to, the Service, National Park Service, Bureau of Land Management, U.S. Forest Service, Department of Energy, or Department of Defense.

Feral dog means any dog (*Canis familiaris*) or wolf-dog hybrid that, because of absence of physical restraint or conspicuous means of identifying it at a distance as non-feral, is reasonably thought to range freely over a rural landscape without discernible, proximate control by any person. Feral dogs do not include domestic dogs that are penned, leashed, or otherwise restrained (e.g., by shock collar) or which are working livestock or being lawfully used to trail or locate wildlife.

Harass means intentional or negligent actions or omissions that create the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns, which include, but are not limited to, breeding, feeding, or sheltering.

In the act of biting, killing, or wounding means grasping, biting, attacking, wounding, or feeding upon a live domestic animal on non-Federal land or live livestock on Federal land. The term does not include a Mexican wolf feeding on an animal carcass.

Initial release means releasing Mexican wolves to the wild within Zone 1, or in accordance with tribal or private land agreements in Zone 2, that have never been in the wild, or releasing pups that have never been in the wild and are less than 5 months old within Zones 1 or 2. The initial release of pups less than 5 months old into Zone 2 allows for the cross-fostering of pups from the captive population into the wild, as well as enables translocation-eligible adults to be re-released in Zone 2 with pups born in captivity.

Intentional harassment means deliberate, pre-planned harassment of Mexican wolves, including by less-than-lethal means (such as 12-gauge shotgun rubber-bullets and bean-bag shells) designed to cause physical discomfort and temporary physical injury, but not death. Intentional harassment includes

situations where the Mexican wolf or wolves may have been unintentionally attracted, or intentionally tracked, waited for, chased, or searched out; and then harassed. Intentional harassment of Mexican wolves is only allowed under a permit issued by the Service or its designated agency.

Livestock means domestic alpacas, bison, burros (donkeys), cattle, goats, horses, llamas, mules, and sheep, or other domestic animals defined as livestock in Service-approved State and tribal Mexican wolf management plans. Poultry is not considered livestock under this rule.

Mexican Wolf Experimental Population Area (MWEPA) means an area in Arizona and New Mexico including Zones 1, 2, and 3, that lies south of Interstate Highway 40 to the international border with Mexico.

Non-Federal land means any private, State-owned, or tribal trust land.

Occupied Mexican wolf range means an area of confirmed presence of Mexican wolves based on the most recent map of occupied range posted on the Service's Mexican Wolf Recovery Program Web site at <http://www.fws.gov/southwest/es/mexicanwolf/>. Specific to Prohibitions (5)(iii) of this rule, Zone 3 and tribal trust lands are not considered occupied range.

Opportunistic harassment means scaring any Mexican wolf from the immediate area by taking actions such as discharging firearms or other projectile-launching devices in proximity to but not in the direction of the wolf, throwing objects at it, or making loud noise in proximity to it. Such harassment might cause temporary, non-debilitating physical injury, but is not reasonably anticipated to cause permanent physical injury or death. Opportunistic harassment of Mexican wolves can occur without a permit issued by the Service or its designated agency.

Problem wolves mean Mexican wolves that, for purposes of management and control by the Service or its designated agent(s), are:

(i) Individuals or members of a group or pack (including adults, yearlings, and pups greater than 4 months of age) that were directly involved in a depredation on lawfully present domestic animals; or

(ii) Habituated to humans, human residences, or other facilities regularly occupied by humans.

Rendezvous site means a gathering and activity area regularly used by Mexican wolf pups after they have emerged from the den. Typically, these sites are used for a period ranging from

about 1 week to 1 month in the first summer after birth during the period from June 1 to September 30. Several rendezvous sites may be used in succession within a single season.

Service-approved management plan means management plans approved by the Regional Director or Director of the Service through which Federal, State, or tribal agencies may become a designated agency. The management plan must address how Mexican wolves will be managed to achieve conservation goals in compliance with the Act, this 10(j) nonessential experimental population rule, and other Service policies. If a Federal, State, or tribal agency becomes a designated agency through a Service-approved management plan, the Service will help coordinate their activities while retaining authority for program direction, oversight, and guidance.

Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct (16 U.S.C. 1532(19)).

Translocate means to release Mexican wolves into the wild that have previously been in the wild. In the MWEPA, translocations will occur only in Zones 1 and 2.

Tribal trust land means any lands title to which is either: held in trust by the United States for the benefit of any Indian tribe or individual; or held by any Indian tribe or individual subject to restrictions by the United States against alienation. For purposes of this rule, tribal trust land does not include land purchased in fee title by a tribe. We consider fee simple land purchased by tribes to be private land.

Unintentional take means take that occurs despite the use of due care, is coincidental to an otherwise lawful activity, and is not done on purpose. Taking a Mexican wolf by poisoning or shooting will not be considered unintentional take.

Ungulate herd means an assemblage of wild ungulates living in a given area.

Wounded means exhibiting scraped or torn hide or flesh, bleeding, or other evidence of physical damage caused by a Mexican wolf bite.

Zone 1 means an area within the MWEPA in Arizona and New Mexico where Mexican wolves may be initially released from captivity or translocated. Zone 1 includes all of the Apache, Gila, and Sitgreaves National Forests; the Payson, Pleasant Valley, and Tonto Basin Ranger Districts of the Tonto National Forest; and the Magdalena Ranger District of the Cibola National Forest.

Zone 2 is an area within the MWEPA where Mexican wolves will be allowed to naturally disperse into and occupy,

and where Mexican wolves may be translocated. On Federal land in Zone 2, initial releases of Mexican wolves are limited to pups less than 5 months old, which allows for the cross-fostering of pups from the captive population into the wild, as well as enables translocation-eligible adults to be re-released with pups born in captivity. On private and tribal land in Zone 2, Mexican wolves of any age, including adults, can also be initially released under a Service- and State-approved management agreement with private landowners or a Service-approved management agreement with tribal agencies. The northern boundary of Zone 2 is Interstate Highway 40; the western boundary goes south from Interstate Highway 40 and follows Arizona State Highway 93, Arizona State Highway 89/60, Interstate Highway 10, and Interstate Highway 19 to the United States-Mexico international border; the southern boundary is the United States-Mexico international border heading east, then follows New Mexico State Highway 81/146 north to Interstate Highway 10, then along New Mexico State Highway 26 to Interstate Highway 25; the boundary continues along New Mexico State Highway 70/54/506/24; the eastern boundary follows the eastern edge of Otero County, New Mexico, to the north and then along the eastern edge of

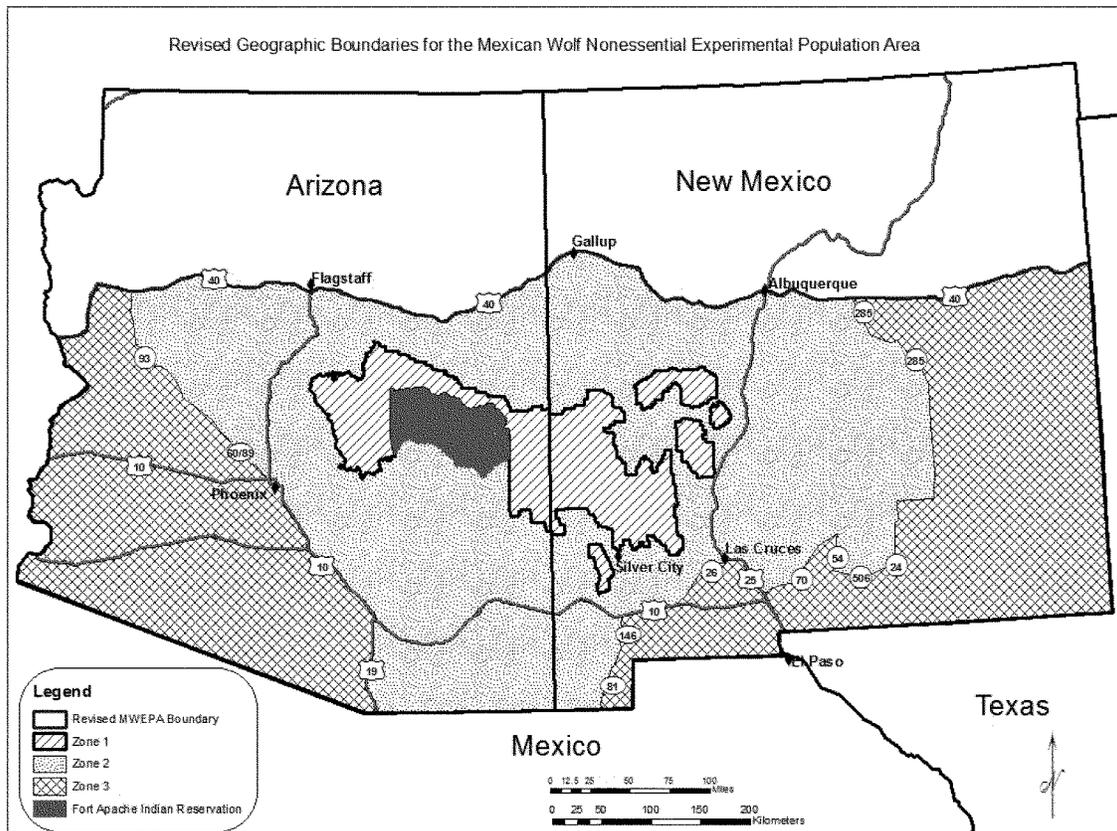
Lincoln County, New Mexico, until it intersects with New Mexico State Hwy 285 and follows New Mexico State Highway 285 north to the northern boundary of Interstate Highway 40. Zone 2 excludes the area in Zone 1.

Zone 3 means an area within the MWEPA where neither initial releases nor translocations will occur, but Mexican wolves will be allowed to disperse into and occupy. Zone 3 is an area of less suitable Mexican wolf habitat and where Mexican wolves will be more actively managed under the authorities of this rule to reduce human conflict. We expect Mexican wolves to occupy areas of suitable habitat where ungulate populations are adequate to support them and conflict with humans and their livestock is low. If Mexican wolves move outside areas of suitable habitat, they will be more actively managed. Zone 3 is two separate geographic areas on the east and west sides of the MWEPA. One area of Zone 3 is in western Arizona and the other in eastern New Mexico. In Arizona, the boundaries of Zone 3 are the northern boundary is Interstate Highway 40; the eastern boundary goes south from Interstate Highway 40 and follows State Highway 93, State Highway 89/60, Interstate Highway 10, and Interstate Highway 19 to the United States-Mexico international border; the southern boundary is the United States-Mexico

international border; the western boundary is the Arizona-California State border. In New Mexico, the northern boundary is Interstate Highway 40; the eastern boundary is the New Mexico-Texas State border; the southern boundary is the United States-Mexico international border heading west, then follows State Highway 81/146 north to Interstate Highway 10, then along State Highway 26 to Interstate Highway 25, the southern boundary continues along State Highway 70/54/506/24; the western boundary follows the eastern edge of Otero County to the north and then along the eastern edge of Lincoln County until it follows State Highway 285 north to the northern boundary of Interstate Highway 40.

(4) *Designated area*: The designated experimental population area for Mexican wolves classified as a nonessential experimental population by this rule is described in this paragraph (k)(4). The designated experimental population area is within the subspecies' probable historical range and is wholly separate geographically from the current range of any known Mexican wolves or other gray wolves. The boundaries of the MWEPA are the portion of Arizona and New Mexico that lies south of Interstate Highway 40 to the international border with Mexico. A map of the MWEPA follows:

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**BILLING CODE 4310-55-C**

(5) *Prohibitions:* Take of any Mexican wolf in the wild within the MWEPA is prohibited, except as provided in paragraph (k)(6) of this section. Specifically, the following actions are prohibited by this rule:

(i) No person may possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever, any Mexican wolf or wolf part from the experimental population except as authorized in this rule or by a valid permit issued by the Service under § 17.32. If a person kills or injures a Mexican wolf or finds a dead or injured wolf or wolf parts, the person must not disturb them (unless instructed to do so by the Service or a designated agency), must minimize disturbance of the area around them, and must report the incident to the Service's Mexican Wolf Recovery Coordinator or a designated agency of the Service within 24 hours.

(ii) No person may attempt to commit, solicit another to commit, or cause to be committed, any offense defined in this rule.

(iii) Taking a Mexican wolf with a trap, snare, or other type of capture device within occupied Mexican wolf range is prohibited (except as authorized in paragraph (k)(6)(iv) of this section) and will not be considered unintentional take, unless due care was

exercised to avoid injury or death to a wolf. With regard to trapping activities, due care includes:

(A) Following the regulations, proclamations, recommendations, guidelines, and/or laws within the State or tribal trust lands where the trapping takes place.

(B) Modifying or utilizing appropriately sized traps, chains, drags, and stakes to reasonably expect to prevent a wolf from either breaking the chain, or escaping with the trap on the wolf, or utilizing sufficiently small traps (less than or equal to a Victor #2) to reasonably expect the wolf to either immediately pull free from the trap, or span the jaw spread when stepping on the trap.

(C) Not taking a Mexican wolf via neck snares.

(D) Reporting the capture of a Mexican wolf (even if the wolf has pulled free) within 24 hours to the Service.

(E) If a Mexican wolf is captured, trappers can call the Interagency Field Team (1-888-459-WOLF [9653]) as soon as possible to arrange for radio-collaring and releasing of the wolf. Per State regulations for releasing nontarget animals, trappers may also choose to release the animal alive and subsequently contact the Service or Interagency Field Team.

(6) *Reporting requirements.* Unless otherwise specified in this rule or in a permit, any take of a Mexican wolf must be reported to the Service or a designated agency within 24 hours. We will allow additional reasonable time if access to the site is limited. Report any take of Mexican wolves, including opportunistic harassment, to the Mexican Wolf Recovery Program, U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office, 2105 Osuna Road, NE., Albuquerque, NM 87113; by telephone 505-761-4748; or by facsimile 505-346-2542. Additional contact information can also be found on the Mexican Wolf Recovery Program's Web site at <http://www.fws.gov/southwest/es/mexicanwolf/>. Unless otherwise specified in a permit, any wolf or wolf part taken legally must be turned over to the Service, which will determine the disposition of any live or dead wolves.

(7) *Allowable forms of take of Mexican wolves:* Take of Mexican wolves in the MWEPA are allowed as follows:

(i) *Take in defense of human life.* Under section 11(a)(3) of the Act and § 17.21(c)(2), any person may take (which includes killing as well as nonlethal actions such as harassing or harming) a Mexican wolf in self-defense or defense of the lives of others. This

take must be reported as specified in accordance with paragraph (k)(6) of this section. If the Service or a designated agency determines that a Mexican wolf presents a threat to human life or safety, the Service or the designated agency may kill the wolf or place it in captivity.

(ii) *Opportunistic harassment.*

Anyone may conduct opportunistic harassment of any Mexican wolf at any time provided that Mexican wolves are not purposefully attracted, tracked, searched out, or chased and then harassed. Such harassment of Mexican wolves might cause temporary, non-debilitating physical injury, but is not reasonably anticipated to cause permanent physical injury or death. Any form of opportunistic harassment must be reported as specified in accordance with paragraph (k)(6) of this section.

(iii) *Intentional harassment.* After the Service or its designated agency has confirmed Mexican wolf presence on any land within the MWEPA, the Service or its designated agency may issue permits valid for not longer than 1 year, with appropriate stipulations or conditions, to allow intentional harassment of Mexican wolves. The harassment must occur in the area and under the conditions specifically identified in the permit. Permittees must report this take as specified in accordance with paragraph (k)(6) of this section.

(iv) *Take on non-Federal lands.*

(A) On non-Federal lands anywhere within the MWEPA, domestic animal owners or their agents may take (including kill or injure) any Mexican wolf that is in the act of biting, killing, or wounding a domestic animal, as defined in paragraph (k)(3) of this section, provided that evidence of freshly wounded or killed domestic animals by Mexican wolves is present. This take must be reported as specified in accordance with paragraph (k)(6) of this section. The take of any Mexican wolf without evidence of biting, killing, or wounding domestic animals may be referred to the appropriate authorities for investigation.

(B) Take of Mexican wolves by livestock guarding dogs, when used in the traditional manner to protect livestock on non-Federal lands, is allowed. If such take by a guard dog occurs, it must be reported as specified in accordance with paragraph (k)(6) of this section.

(C) Based on the Service's or a designated agency's discretion and during or after a removal action authorized by the Service or a designated agency (provided the Service's or designated agency's actions

were unsuccessful), the Service or designated agency may issue permits to domestic animal owners or their agents (e.g., employees, land manager, local officials) to take (including intentional harassment or killing) any Mexican wolf that is present on non-Federal land where specified in the permit. Permits issued under this provision will specify the number of days for which the permit is valid and the maximum number of Mexican wolves for which take is allowed. Take by permittees under this provision will assist the Service or designated agency in completing control actions. Domestic animal owners or their agents must report this take as specified in accordance with paragraph (k)(6) of this section.

(v) *Take on Federal land.*

(A) Based on the Service's or a designated agency's discretion and during or after a removal action authorized by the Service or a designated agency (provided the Service's or designated agency's actions were unsuccessful), the Service or designated agency may issue permits to livestock owners or their agents (e.g., employees, land manager, local officials) to take (including intentional harassment or killing) any Mexican wolf that is in the act of biting, killing, or wounding livestock on Federal land where specified in the permit. Permits issued under this provision will specify the number of days for which the permit is valid and the maximum number of Mexican wolves for which take is allowed. Take by permittees under this provision will assist the Service or designated agency in completing control actions. Livestock owners or their agents must report this take as specified in accordance with paragraph (k)(6) of this section.

(B) Take of Mexican wolves by livestock guarding dogs, when used in the traditional manner to protect livestock on Federal lands, is allowed. If such take by a guard dog occurs, it must be reported as specified in accordance with paragraph (k)(6) of this section.

(C) This provision does not exempt Federal agencies and their contractors from complying with sections 7(a)(1) and 7(a)(4) of the Act, the latter of which requires a conference with the Service if they propose an action that is likely to jeopardize the continued existence of the Mexican wolf. In areas within the National Park System and National Wildlife Refuge System, Federal agencies must treat Mexican wolves as a threatened species for purposes of complying with section 7 of the Act.

(vi) *Take in response to impacts to wild ungulates.* If Arizona or New Mexico determines, based on ungulate management goals, that Mexican wolf predation is having an unacceptable impact on a wild ungulate herd (pronghorn, bighorn sheep, deer, elk, or bison), the respective State may request approval from the Service that Mexican wolves be removed from the area of the impacted ungulate herd. Upon written approval from the Service, the State (Arizona or New Mexico) or any designated agency may be authorized to remove (capture and translocate in the MWEPA, move to captivity, transfer to Mexico, or lethally take) Mexican wolves. These management actions must occur in accordance with the following provisions:

(A) Arizona or New Mexico must prepare a science-based document that:

(1) Describes what data indicate that the ungulate herd is below management objectives, what data indicate that the impact on the ungulate herd is influenced by Mexican wolf predation, why Mexican wolf removal is a warranted solution to help restore the ungulate herd to State management objectives, the type (level and duration) of Mexican wolf removal management action being proposed, and how ungulate herd response to wolf removal will be measured and control actions adjusted for effectiveness;

(2) Demonstrates that attempts were and are being made to identify other causes of ungulate herd declines and possible remedies or conservation measures in addition to wolf removal;

(3) If appropriate, identifies areas of suitable habitat for Mexican wolf translocation; and

(4) Has been subjected to peer review and public comment prior to its submittal to the Service for written concurrence. In order to comply with this requirement, the State must:

(i) Conduct the peer review process in conformance with the Office of Management and Budget's most recent Final Information and Quality Bulletin for Peer Review and include in their proposal an explanation of how the bulletin's standards were considered and satisfied; and

(ii) Obtain at least three independent peer reviews from individuals with relevant expertise other than staff employed by the State (Arizona or New Mexico) requesting approval from the Service that Mexican wolves be removed from the area of the impacted ungulate herd.

(B) Before the Service will allow Mexican wolf removal in response to impacts to wild ungulates, the Service will evaluate the information provided

by the requesting State (Arizona or New Mexico) and provide a written determination to the requesting State agency whether such actions are scientifically based and warranted.

(C) If all of the provisions above are met, the Service will, to the maximum extent allowable under the Act, make a determination providing for Mexican wolf removal. If the request is approved, the Service will include in the written determination which management action (capture and translocate in MWEPA, move to captivity, transfer to Mexico, lethally take, or no action) is most appropriate for the conservation of the Mexican wolf subspecies.

(D) Because tribes are able to request the capture and removal of Mexican wolves at any time, take in response to impacts to wild ungulates is not applicable on tribal trust lands.

(vii) *Take by Service personnel or a designated agency.* The Service or a designated agency may take any Mexican wolf in the nonessential experimental population in a manner consistent with a Service-approved management plan, special management measure, biological opinion pursuant to section 7(a)(2) of the Act, conference opinion pursuant to section 7(a)(4) of the Act, section 6 of the Act as authorized pursuant to § 17.31 for State wildlife agencies with authority to manage Mexican wolves, or a valid permit issued by the Service under § 17.32.

(A) The Service or designated agency may use leg-hold traps and any other effective device or method for capturing or killing Mexican wolves to carry out any measure that is a part of a Service-approved management plan regardless of State law. The disposition of all Mexican wolves (live or dead) or their parts taken as part of a Service-approved management activity must follow provisions in Service-approved management plans or interagency agreements or procedures approved by the Service on a case-by-case basis.

(B) The Service or designated agency may capture; kill; subject to genetic testing; place in captivity; or euthanize any feral wolf-like animal or feral wolf hybrid found within the MWEPA that shows physical or behavioral evidence of: Hybridization with other canids, such as domestic dogs or coyotes; being a wolf-like animal raised in captivity, other than as part of a Service-approved wolf recovery program; or being socialized or habituated to humans. If determined to be a pure Mexican wolf, the wolf may be returned to the wild.

(C) The Service or designated agency may carry out intentional or opportunistic harassment, nonlethal

control measures, translocation, placement in captivity, or lethal control of problem wolves. To determine the presence of problem wolves, the Service will consider all of the following:

(1) Evidence of wounded domestic animal(s) or remains of domestic animal(s) that show that the injury or death was caused by Mexican wolves, or evidence that Mexican wolves were in the act of biting, killing, or wounding a domestic animal;

(2) The likelihood that additional Mexican wolf-caused depredations or attacks of domestic animals may occur if no harassment, nonlethal control, translocation, placement in captivity, or lethal control is taken; and

(3) Evidence of attractants or intentional feeding (baiting) of Mexican wolves.

(D) The Wildlife Services will discontinue use of M-44's and choking-type snares in occupied Mexican wolf range. Wildlife Services may restrict or modify other predator control activities pursuant to a Service-approved management agreement or a conference opinion between Wildlife Services and the Service.

(viii) *Unintentional take:* (A) Take of a Mexican wolf by any person is allowed if the take is unintentional and occurs while engaging in an otherwise lawful activity. Such take must be reported as specified in accordance with paragraph (k)(6) of this section. Hunters and other shooters have the responsibility to identify their quarry or target before shooting, thus shooting a wolf as a result of mistaking it for another species will not be considered unintentional take. Take by poisoning will not be considered unintentional take.

(B) Federal, State, or tribal agency employees or their contractors may take a Mexican wolf or wolf-like animal if the take is unintentional and occurs while engaging in the course of their official duties. This includes, but is not limited to, military training and testing and Department of Homeland Security border security activities. Take of Mexican wolves by Federal, State, or tribal agencies must be reported as specified in accordance with paragraph (k)(6) of this section.

(C) Take of Mexican wolves by Wildlife Services employees while conducting official duties associated with predator damage management activities for species other than Mexican wolves may be considered unintentional if it is coincidental to a legal activity and the Wildlife Services employees have adhered to all applicable Wildlife Services' policies, Mexican wolf standard operating procedures, and

reasonable and prudent measures or recommendations contained in Wildlife Service's biological and conference opinions.

(ix) *Take for research purposes.* The Service may issue permits under § 17.32, and designated agencies may issue permits under State and Federal laws and regulations, for individuals to take Mexican wolves pursuant to scientific study proposals approved by the agency or agencies with jurisdiction for Mexican wolves and for the area in which the study will occur. Such take may include Mexican wolves, their prey, their competitors, or their occupied or potentially occupied habitats that might lead to management recommendations for, and thus enhance the survival of, the Mexican wolf.

(8) *Disturbance-causing land-use activities:* For any activity on Federal lands that the Service determines could adversely affect reproductive success, natural behavior, or persistence of Mexican wolves, the Service will work with Federal agencies to use their authorities to temporarily restrict human access and disturbance-causing land-use activities within a 1-mi (1.6-km) radius around release pens when Mexican wolves are in them, around active dens between March 1 and June 30, and around active Mexican wolf rendezvous sites between June 1 and September 30, as necessary.

(9) *Management:* (i) On private land within Zones 1 and 2 of the MWEPA, the Service or designated agency may develop and implement management actions to benefit Mexican wolf recovery in cooperation with willing private landowners, including: Occupancy by natural dispersal; initial release; and translocation of Mexican wolves in Zones 1 or 2 if requested by the landowner and with the concurrence of the State wildlife agency.

(ii) On tribal trust land within Zones 1 and 2 the MWEPA, the Service or a designated agency may develop and implement management actions in cooperation with willing tribal governments, including: Occupancy by natural dispersal; initial release; translocation of Mexican wolves; and capture and removal of Mexican wolves if requested by the tribal government.

(10) *Evaluation:* The Service will evaluate Mexican wolf reestablishment progress and prepare periodic progress reports and detailed annual reports. In addition, the Service will prepare a one-time overall evaluation of the nonessential experimental population program approximately 5 years after [EFFECTIVE DATE OF THE FINAL RULE] that focuses on modifications needed to improve the efficacy of this

rule, reestablishment of Mexican wolves to the wild, and the contribution the nonessential experimental population is making to the recovery of the Mexican wolf.

* * * * *

Dated: July 1, 2014.

Michael J. Bean,

Acting Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2014-17587 Filed 7-24-14; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 140131088-4088-01]

RIN 0648-BD94

International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Effort Limits in Purse Seine Fisheries for 2014

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations under authority of the Western and Central Pacific Fisheries Convention Implementation Act (WCPFC Implementation Act) to revise the 2014 limit on fishing effort by U.S. purse seine vessels in the U.S. exclusive economic zone (U.S. EEZ) and on the high seas between the latitudes of 20° N. and 20° S. in the area of application of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention). The total limit for 2014 would be revised from 2,588 fishing days to 1,828 fishing days. This action is necessary for the United States to implement provisions of a conservation and management measure (CMM) adopted by the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC) and to satisfy the obligations of the United States under the Convention, to which it is a Contracting Party.

DATES: Comments must be submitted in writing by August 25, 2014.

ADDRESSES: You may submit comments on this document, identified by NOAA-

NMFS-2014-0081, and the regulatory impact review (RIR) prepared for this proposed rule, by either of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0081, click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to Michael D. Tosatto, Regional Administrator, NMFS, Pacific Islands Regional Office (PIRO), 1845 Wasp Blvd., Building 176, Honolulu, HI 96818.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, might not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name and address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

An initial regulatory flexibility analysis (IRFA) prepared under authority of the Regulatory Flexibility Act is included in the Classification section of the **SUPPLEMENTARY INFORMATION** section of this proposed rule.

Copies of the RIR and the Supplemental Information Report prepared for National Environmental Policy Act (NEPA) purposes are available at www.regulations.gov or may be obtained from Michael D. Tosatto, Regional Administrator, NMFS PIRO (see address above).

FOR FURTHER INFORMATION CONTACT: Tom Graham, NMFS PIRO, 808-725-5032.

SUPPLEMENTARY INFORMATION:

Background on the Convention

A map showing the boundaries of the area of application of the Convention (Convention Area), which comprises the majority of the western and central Pacific Ocean (WCPO), can be found on the WCPFC Web site at: www.wcpfc.int/doc/convention-area-map. The Convention focuses on the conservation and management of highly migratory species (HMS) and the management of

fisheries for HMS. The objective of the Convention is to ensure, through effective management, the long-term conservation and sustainable use of HMS in the WCPO. To accomplish this objective, the Convention established the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC). The WCPFC includes Members, Cooperating Non-members, and Participating Territories (hereafter, collectively "members"). The United States is a Member. American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands (CNMI) are Participating Territories.

As a Contracting Party to the Convention and a Member of the WCPFC, the United States is obligated to implement the decisions of the WCPFC. The WCPFC Implementation Act (16 U.S.C. 6901 *et seq.*) authorizes the Secretary of Commerce, in consultation with the Secretary of State and the Secretary of the Department in which the United States Coast Guard is operating (currently the Department of Homeland Security), to promulgate such regulations as may be necessary to carry out the obligations of the United States under the Convention, including the decisions of the WCPFC. The WCPFC Implementation Act further provides that the Secretary of Commerce shall ensure consistency, to the extent practicable, of fishery management programs administered under the WCPFC Implementation Act and the Magnuson-Stevens Fishery Conservation and Management Act (MSA; 16 U.S.C. 1801 *et seq.*), as well as other specific laws (see 16 U.S.C. 6905(b)). The Secretary of Commerce has delegated the authority to promulgate regulations under the WCPFC Implementation Act to NMFS.

WCPFC Decision on Tropical Tunas

At its Tenth Regular Session, in December 2013, the WCPFC adopted CMM 2013-01, "Conservation and Management Measure for Bigeye, Yellowfin and Skipjack Tuna in the Western and Central Pacific Ocean." CMM 2013-01 is the most recent in a series of CMMs for the management of tropical tuna stocks under the purview of the WCPFC. It is a successor to CMM 2012-01, adopted in December 2012. These and other CMMs are available at: www.wcpfc.int/conservation-and-management-measures.

CMM 2013-01's stated general objective is to ensure that the stocks of bigeye tuna (*Thunnus obesus*), yellowfin tuna (*Thunnus albacares*), and skipjack tuna (*Katsuwonus pelamis*) in the WCPO are, at a minimum,

Tommie C. Martin, District I
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jmarcanti@gilacountyaz.gov



GILA COUNTY
BOARD OF SUPERVISORS
1400 E. Ash Street
Globe, Arizona 85501

September 16, 2014

The Honorable Sally Jewell
Secretary of the Interior
Department of the Interior
1849 C Street, N.W.
Washington DC 20240
feedback@ios.doi.gov

The Honorable Daniel Ashe
Director
U.S. Fish and Wildlife Service
Department of the Interior
1849 C Street, NW, Room 3359
Washington, D.C. 20240
dan_ashe@fws.gov

Re: Lack of compliance of the U.S. Fish and Wildlife Service *Proposed Revision of the Nonessential Experimental Population of the Mexican Wolf* process with the requirements of ESA under 50 CFR § 17.81 (d).

Dear Secretary Jewell and Director Ashe:

Gila County has been a stakeholder in the efforts to develop and implement landscape scale forested ecosystems restoration; watersheds restoration; endangered and threatened fauna and flora protection; and, natural resources management for the last two decades. Gila County is actively involved as stakeholder, cooperating agency and coordinating local government in federal and state projects such as, among others, the Collaborative Forest Landscape Restoration Program (CFLRP); the Western Watershed Enhancement Partnership (WWEP); the Mexican Gray Wolf Recovery Program (MGWRP); and, numerous state or local scale natural resources management projects and natural resources-based economic development initiatives.

Gila County is uniquely affected by the Proposed Revision of the 10(j) rule establishing the Mexican wolf in Arizona-New Mexico as a nonessential experimental population due to the fact that a large part of the proposed Zones 1, 2 and 3 of the proposed expansion of the Mexican Wolf Experimental Population Area (MWEPA) would be located within the county.

The U.S. Fish and Wildlife Service's recently published the *Proposed Revision of the Nonessential Experimental Population of the Mexican Wolf* and the *Draft Environmental Impact Statement for the Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf (Canis Lupus Baileyi)*.

The regulation proposed to be promulgated does not, to any extent, represent an agreement between the Service, the affected State and local government agencies and persons holding an interest in the land which will be affected by the revision of the experimental population. Although the Service went through the minimum required motions (notices, limited public meetings, limited IPT meetings, etc.) no real good faith attempt has been made by the Service to develop an agreement between the Service, the affected state and local government agencies, and persons holding an interest in the land which will be affected by the revision of the experimental population rule.

Specifically, to date, the Service actions, or lack thereof, do not represent a genuine good faith attempt to develop an agreement, or even to actually work with the state and tribal agencies, local governments, and stakeholders. On one hand, as a Cooperating Agency in the Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf, Gila County has expended a substantial amount of time and money to provide personnel, expertise, comments, and travel funds to attend Mexican Wolf EIS Interdisciplinary Planning Team (IPT) meetings and Mexican wolf public hearings; review and comment on relevant Federal Register documents; review and comment on draft proposed 10(j) rule and draft EIS chapters; and research of numerous scientific and socioeconomic documents. On the other hand, the Service's actions have been limited to only three cooperating agencies IPT meetings that have been one-way downloads of predecisional determinations by Service personnel with virtually no opportunity for Gila County or other cooperating agencies and stakeholders to provide effective input into the proposed 10(j) rule and the analysis process.

The Mexican Wolf EIS Development Meeting held on August 8 and 9, 2013, and the Mexican Wolf EIS Cooperating Agencies IPT Meetings held on December 10, 2013 and April 15, 2014 did not allow adequate time on the agendas, and virtually any time at all in the actual conduct of the meetings, for anything except Service personnel reciting to cooperating agencies decisions they had already made in regard to Mexican wolf management and the proposed revision of the 10(j) rule. The August 8 & 9, 2013 meeting had only 1.5 hours out of 16 hours, set aside on the agenda to receive input from cooperating agencies. Less than 45 minutes were actually dedicated to that purpose in the actual meeting. The remainder of the agenda was filled with Service personnel projecting endless PowerPoint slides depicting decisions already made by the Service for the proposed revision of the 10(j) rule. The December 10, 2013 meeting had no time at all listed on the agenda for cooperating agencies input. The April 15, 2014 agenda had only 1 hour allocated at the very end of the day for cooperating agencies interventions, to be divided between all State, Tribal and local government agencies of both Arizona and New Mexico, resulting in only a few minutes for each cooperating agency to speak in a superficial 'round robin' format.

Any attempt by individual cooperating agencies or groups of cooperating agencies at any time during the meetings to substantially address any issue was forcibly halted and dismissed by the Service under

pretense of needing to follow the agenda or respect the timetable. At the end of the April 15, 2014 meeting when cooperating agency members voiced their continued and growing frustration over the one-sided meetings, the Service's Mexican Wolf Recovery Coordinator who chaired the meeting explicitly stated that cooperating agencies had been invited to Albuquerque to be told what the Service had done to date; that the cooperating agencies IPT meetings were meant to be informative, not deliberative; and, once again, that the tight agenda and schedule did not allow for discussion of the Service presentations. When Gila County suggested that in such case more cooperating agencies IPT meetings were needed, the Service retorted that the tight timeline to meet the January 2015 deadline did not allow for any additional meeting.

In all three cooperating agencies IPT meetings, Gila County and the majority of other counties serving as cooperating agencies voiced incredulity, annoyance and concerns about the lack of opportunity to discuss issues and provide expertise, and directly questioned the compliance of the proceedings with the requirement under 50 CFR § 17.81 (d) and NEPA. Gila County specifically observed that the counties had demonstrated an inordinate amount of civic leadership and political courage in signing the required Cooperating Agency Memorandum of Understanding (MOU), in the face of steep and vocal opposition, and that the Service was making a mockery of the ESA and NEPA requirements and processes, by 'checking cooperative boxes' in lieu of making a genuine attempt to develop agreement with the affected State agencies, local governments and stakeholders. When the Arizona Cooperating Agencies Alternative was submitted at the April 15, 2014, which itself required Gila County and other counties to vehemently insist and force-fit this item in the meeting agenda, the Service only allowed 15 minutes for submission and refused to allow discussion of the alternative, despite the fact that this was a cooperating agencies alternative submitted during a cooperating agencies meeting; that it represented a good faith effort by the Arizona counties, supported by the Arizona Game & Fish Department to develop a viable public policy solution that met the ESA recovery requirements (proposed three-fold increase of the Mexican wolf population, and proposed nine-fold expansion of the MWEPA, etc.); and, that it afforded the Service a unique opportunity to develop a regulation that would represent an agreement between the Service, the affected State agencies, local governments and stakeholders having a direct interest in the land which is affected by the revision of the Mexican wolf experimental population rule, exactly as intended under 50 CFR § 17.81 (d).

At all three cooperating agencies IPT meetings, the Service PowerPoint presentations were provided to the cooperating agencies prior to the meeting, and cooperating agencies were required to come prepared. Time did not need to be used for virtually entire days on four different days by the Service to read slides that the cooperating agencies had already read prior to the meetings. Time should have been used to develop the information, answer questions, provide clarification in an interactive format, seek resolution of points of concern, discuss the contribution of the cooperating agencies alternative, explore the synergies and divergences between the cooperating agencies alternative and the proposed action, and forge agreement. Instead, none of this happened. The meetings were a pro-forma exercise of going through the motions of the ESA and NEPA requirements without the Service intending to actually meet their substantial meaning. In addition, rather than being used, as intended, for an earnest and honest attempt to find agreement, the written comments on the Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf, Preliminary Draft EIS Chapters 1 & 2 and the Implementation Management Plan Outside the MWEPA, submitted by Gila County and numerous cooperating agencies, counties, and other stakeholders were marginalized, or completely ignored, in the Service scoping document provided to the cooperating agencies at the April 15, 2014 meeting.

It was the expectation of Gila County, when it signed the Cooperating Agencies MOU that this resources and political capital investment would result in the utilization of the county jurisdiction by law and special expertise to actively participate in the NEPA process at the earliest possible time; participate in the scoping process; and assume responsibility for developing information and preparing environmental analyses, including portions of the environmental impact statement of which each cooperating agency has special expertise. As agreed to in the Cooperating Agencies MOU, Gila County made available staff resources and designated representatives to represent it on the Interdisciplinary Planning Team. Gila County has met its Cooperating Agencies MOU obligations to ensure a productive working relationship with the Service in the development of an agreement with the Service as required under 50 CFR § 17.81 (d). Factually, Gila County has far exceeded its Cooperating Agencies MOU obligations by co-developing and co-submitting with other counties an Arizona Cooperative Agencies Alternative that objectively fulfills the ESA Mexican wolf recovery mandate, and arguably laid out the framework of an agreement between the Service, the affected State and Federal agencies, local governments, and persons holding an interest in the land. Gila County also provided information, data and supporting analyses, comments, and resources for the development of proper NEPA documentation in the EIS; timely review of the first two chapters of the EIS; and timely comments on the various Federal Register publications. Gila County helped collect socioeconomic data to the maximum extent possible afforded by the limited amount of information shared by the Service about their plans for the revision of the Mexican wolf reintroduction plan and rule in Arizona, despite being hampered by the Service steadfast refusal to communicate a wolf target population despite numerous and insistent requests by the cooperating agencies. Gila County further requested to be included in; attempted to provide special expertise in order to assist the Service for; and attempted to participate in discussions about data assessment and technical reports, alternatives selection, evaluation of the effectiveness of alternatives, environmental impact analysis, etc. but to no avail. All along the proposed revision to the nonessential experimental population of the Mexican Wolf, the Service has unilaterally rewritten alternatives, chastised cooperating agencies and stakeholders for attempting to submit their own alternatives, discouraged and ignored input from cooperating agencies and stakeholders, and unilaterally made decisions outside of the NEPA process on major federal actions that have significant adverse effects on the environment.

As a further illustration of the Service failure to comply with the requirements of ESA under 50 CFR § 17.81 (d), although compliance with the June 2010 Mexican Wolf Cooperators MOU is not a requirement for the EIS process, it is revealing of the Service lack of attempt at a good faith effort to reach agreement with the affected state and local government agencies. Despite “the primary purpose of this agreement [being] to provide a framework for collaboration that is based in sound science and which enables the Signatories to develop a mutually-agreeable, long-term collaboration in reintroduction of Mexican wolves in Arizona and New Mexico,” the June 2010 MOU Mexican Wolf cooperators have been entirely ignored as a coherent group in the entire proposed revision of the nonessential experimental population of the Mexican Wolf, in as much as no attempt was made by the Service to engage the June 2010 MOU Mexican Wolf cooperators to develop an agreement with the Federal, State and local government signatories, or for any other purpose.

The revision of the nonessential experimental population of the Mexican Wolf 10(j) rule process is fatally flawed. The Service has abrogated its duty to use the best scientific data available and made a number of politically expedient decisions such as suspending the revision of the Mexican Wolf Recovery Plan; refusing to develop population goals for the proposed expanded MWEPA under the proposed 10(j) rule revision; discontinuing the development of a Mexican Wolf Management Plan Outside of the MWEPA; and, ignoring the input of cooperating agencies with special expertise and jurisdiction by law. In its single-minded haste to comply with the consent decree January 12, 2015 deadline, the Service is

directly violating the requirement under ESA that: “Any regulation promulgated pursuant to this section shall, to the maximum extent practicable, represent an agreement between the Fish and Wildlife Service, the affected State and Federal agencies and persons holding any interest in land which may be affected by the establishment of an experimental population” (50 CFR § 17.81 (d)), and the Service is violating a long list of NEPA requirements related to purpose and need (40 CFR § 1502.13); commitment of resources prejudicing selection of alternatives (40 CFR § 1502.2 (f)); connected actions (40 CFR §§ 1502.4 (a), 1508.25 (a) (iii)); cumulative effects analysis (40 CFR § 1508.25 (a) (iii)); scoping (40 CFR § 1501.7 (a)); alternatives selection criteria (40 CFR § 1502.2 (e)); range of alternatives (40 CFR § 1502.2 (e)); cooperating agencies proposals (40 CFR § 1501.6 (a) (2)); environmental impact analysis (40 CFR §§ 1502.1, 1502.14, 1502.15, 1502.16, 1502.22 (a)); mitigation (40 CFR § 1502.14 (f)); consistency review and conflict reduction (40 CFR §§ 1502.16 (c), 1506.2 (d)); etc.

The Service must comply with the ESA requirements and make a genuine attempt to develop an agreement with the affected local government agencies and persons holding an interest in the land which will be affected by the revision of the experimental population rule. This involves completing the revision of the Recovery Plan and nesting the revision of the nonessential experimental population of the Mexican Wolf 10(j) rule within the prime objective of the revised recovery plan, including a clear quantified population objective; complying with the NEPA requirements regarding work with the cooperating agencies; completing a full and fair analysis of the alternative proposed by the Arizona cooperating agencies, and of a reasonably foreseeable required alternative addressing a higher wolf population growth rate, a higher number of wolves, and the distribution of the wolves through and outside of the MWEPA according to domestic prey base availability in addition to wild prey base availability; completing a full and fair analysis of the environmental impacts of a meaningful range of alternatives; and, making a good faith attempt at resolving the inconsistency, reducing the conflicts, and reconciling the proposed action with the local government plans or laws, and the interests of people holding an interest in the land which will be affected.

If the Service believes that this may impact its ability to satisfy the consent decree, Gila County believes that good cause exists for the Service to file for an extension of its compliance deadline. Thank you for your consideration.

Respectfully submitted,

Michael A. Pastor
Chairman, Gila County Board of Supervisors

Date

ATTEST

Marian Sheppard
Clerk of the Board

Date

Bryan Chambers
Deputy County Attorney/Civil Bureau Chief

Date

Cc:

Dr. Benjamin Tuggle, Southwestern Regional Director, USFWS
benjamin_tuggle@fws.gov

Sherry Barrett, Mexican Wolf Recovery Coordinator, USFWS
sherry_barrett@fws.gov

Jonathan Olson, Southwest Region NEPA Coordinator, U.S. Fish and Wildlife Service
jonathan_j_olson@fws.gov

Larry D. Voyles, Director, Arizona Game and Fish Department
LVoyles@azgfd.gov

Gloria Tom, Director, Navajo Nation Department of Fish & Wildlife
gtom@nndfw.org

Clayton Honyumtewa, Director, Department of Natural Resource
chonyumtewa@hopi.nsn.us

Cynthia Dale, Sensitive Species Coordinator, White Mountain Apache tribe
cdale@wmat.us

David Bergman, State Director, USDA Animal and Plant Health Inspection Service (APHIS)
David.L.Bergman@aphis.usda.gov

ARF-2722

Regular Agenda Item 3. K.

Regular BOS Meeting

Meeting Date:	09/16/2014		
<u>Submitted For:</u>	Jacque Griffin, Asst. County Manager/Librarian	<u>Submitted By:</u>	Pam Beerens, Public Services Librarian, Asst County Manager/Library District
<u>Department:</u>	Asst County Manager/Library District	<u>Division:</u>	Library District
<u>Fiscal Year:</u>	2015	<u>Budgeted?:</u>	Yes
<u>Contract Dates</u>	7/1/2014 6/30/2015	<u>Grant?:</u>	Yes
<u>Begin & End:</u>			
<u>Matching Requirement?:</u>	No	<u>Fund?:</u>	Renewal

Information

Request/Subject

State Grants-in-Aid Application 2015 for the Gila County Library District

Background Information

State Grants-in-Aid (SGIA) is a recurring grant from the Arizona State Library Archives and Public Records provided to county library districts and large municipal libraries. The funding comes from the State of Arizona to benefit libraries throughout Arizona. This grant money is to be used for programming, supplies, equipment, training, and materials and cannot be used for salaries or as match money for other grants.

Evaluation

The SGIA is a recurring grant from the Arizona State Library Archives and Public Records provided to county library districts and large municipal libraries. The funding comes from the State of Arizona to benefit libraries throughout Arizona. This grant money is to be used for programming, supplies, equipment, training, and materials and cannot be used for salaries or as match money for other grants.

The Gila County Library District will be using the SGIA 2014 monies to provide training, travel, equipment upgrades, collection development, and provide for special projects throughout the Gila County Library District. We will keep a portion of the funds at the district level, and give a portion of the funds to each of the libraries.

FOR THE DISTRICT AS A WHOLE: 30% or \$7,000

We use these funds in various ways to supplement our services to the eight affiliate libraries.

Part of SGIA funds are earmarked for the AZLA conference to encourage networking with other library piers, travel and training opportunities, both for the district staff, and staff at the eight libraries.

We will continue to provide the Ebsco Standard Catalog "5 pack" database for the Affiliate and District staff's use.

We will continue to purchase public access to a genealogy database and the Learning Express Databases.

The District will again bulk purchase Movie Licensing USA for the Affiliate Libraries in order for all to comply with the copyright laws.

FOR THE INDIVIDUAL LIBRARIES: 70% OR \$16,000

Each library in the District will be allocated \$2,000 to be spent on programs, projects or materials that the local librarian has determined is important to them, but that they do not have funds for in their regular budgets. These projects may include computer upgrades, collection development of both print and non-print materials, supplies, equipment, and summer reading supplies. In past years, SGIA funds have been used at the local level to provide for special programs, such as guest speakers and workshops in connection with Summer Reading Programs. Since the eight libraries are vastly different, their needs are also vastly different and varied. In fact, the only common thread is that they all have needs that their regular budgets do not cover.

Conclusion

The SGIA grant provides for programming, supplies, training, and equipment that benefit library services in all of Gila County.

Recommendation

The District recommends that the County apply for SGIA 2015 to enhance needed services, materials, resources and supplies for the library patrons of Gila County.

Suggested Motion

(Motion to adjourn as the Gila County Board of Supervisors and convene as the Gila County Library District Board of Directors.) Information/Discussion/Action to authorize the submission of a State Grants-In-Aid Application by the Gila County Library District to the Arizona State Library, Archives and Public Records, Library Development Division, for the 2014-2015 fiscal year in the amount of \$23,000 designated to Gila County for the period July 1, 2014, through June 30, 2015. **(Jacque Griffin) (Motion to adjourn as the Gila County Library District Board of Directors and reconvene as the Gila County Board of Supervisors.)**

Attachments

SGIA application 2015

Award Letter

SGIA FAQ from State Library

State Library Resource Policy

Grant Application Cover Sheet

Current Status: Incomplete Application

Date Certification Received:

None

General Project Information

Gila County Library District

Guerrero Building

1400 E Ash St

Globe, AZ 85501-1414

DUNS Number: 74462102

Password: gila

Does the applicant meet all the eligibility criteria for a library? Yes No

If no, what criteria is the applicant missing?

Project Contact Information

Contact Name Jacque Griffin

E-mail Address jgriffin@gilacountyaz.gov

Use Library Address as Contact Address

Mailing Address 1 Guerrero Building

Mailing Address 2 1400 E Ash St

City Globe

State AZ

Zip Code 85501-1414

Phone 928-402-8770

Fax 928-425-3462

Legal Administrator Information

The Project Contact is the Legal Administrator

Title

First Name Jacque

Last Name Griffin

E-mail Address jgriffin@gilacountyaz.gov

Mailing Address 1 Guerrero Building

Mailing Address 2 1400 E Ash St

City Globe

State AZ

Zip Code 85501-1414

Phone

928-402-8770

Fax

928-425-3462

If this grant is awarded, what entity should the award check be made out to?

Gila County Library District

DESCRIPTION OF EXPECTED USE OF SGIA FUNDS:

The Gila County Library District will be using the SGIA 2015 monies to provide training, travel, equipment upgrades, collection development, and provide for special projects throughout the Gila County Library District. We will keep a portion of the funds at the district level, and give a portion of the funds to each of the libraries.

FOR THE DISTRICT AS A WHOLE: 65% or \$15,000

We use these funds in various ways to supplement our services to the eight affiliate libraries.

- Part of SGIA funds are earmarked for the AZLA conference to encourage networking with other library peers, both for the district staff and staff at the eight libraries.
- We will provide travel and training opportunities for district staff and staff at the eight libraries.
- The District will provide equipment and supplies for the libraries.
- We will provide library materials (books, electronic resources) for the libraries.
- We will supply marketing/promotional materials for all online resources.
- The District will again bulk purchase Movie Licensing USA for the affiliate libraries in order for all to comply with the copyright laws.

FOR THE INDIVIDUAL LIBRARIES: 35% OR \$8,000

Each library in the district will be allocated \$1,000.00 to be spent on programs, projects or materials that the local librarian has determined is important to them, but that they do not have funds for in their regular budgets. These projects may include computer upgrades, collection development of both print and non-print materials, supplies, equipment, and summer reading supplies. In past years, SGIA funds have been used at the local level to provide for special programs, such as guest speakers and workshops in connection with Summer Reading Programs. Since the eight libraries are vastly different, their needs are also vastly different and varied. In fact, the only common thread is that they all have needs that their regular budgets do not cover.

Application Fiscal Report

Type	Vendor	Grant Funds	Local Funds	Cash	Total	
Salaries & Benefits				<input type="checkbox"/>		Add
Salaries & Benefits		\$0.00	\$43,800.00	<input type="checkbox"/>	\$43,800.00	Edit Delete
		\$0.00	\$43,800.00		\$43,800.00	
Contractual Services	Libraries for Programming	\$1,600.00	\$0.00	<input type="checkbox"/>	\$1,600.00	Edit Delete
Contractual Services	Movie Licensing USA	\$1,331.00	\$0.00	<input type="checkbox"/>	\$1,331.00	Edit Delete
		\$2,931.00	\$0.00		\$2,931.00	
Travel		\$2,500.00	\$0.00	<input type="checkbox"/>	\$2,500.00	Edit Delete
		\$2,500.00	\$0.00		\$2,500.00	
Equipment	Various for Libraries	\$5,000.00	\$1,000.00	<input type="checkbox"/>	\$6,000.00	Edit Delete
		\$5,000.00	\$1,000.00		\$6,000.00	
Software		\$0.00	\$0.00	<input type="checkbox"/>	\$0.00	Edit Delete
		\$0.00	\$0.00		\$0.00	
Library Collection Materials	Various	\$7,719.00	\$0.00	<input type="checkbox"/>	\$7,719.00	Edit Delete
		\$7,719.00	\$0.00		\$7,719.00	
Supplies	Various	\$3,100.00	\$0.00	<input type="checkbox"/>	\$3,100.00	Edit Delete
		\$3,100.00	\$0.00		\$3,100.00	
Other	Postage	\$800.00	\$0.00	<input type="checkbox"/>	\$800.00	Edit Delete
Other	Printing	\$450.00	\$200.00	<input type="checkbox"/>	\$650.00	Edit Delete
Other	Training	\$500.00	\$0.00	<input type="checkbox"/>	\$500.00	Edit Delete
		\$1,750.00	\$200.00		\$1,950.00	
		\$23,000.00	\$45,000.00		\$68,000.00	

Certification of Application

I certify this application to be true and accurate to the best of my knowledge. On behalf of all organizations participating in this application, I hereby assure and certify that I will comply with all regulations, policies, guidelines and requirements pertinent to the application and to the use of award funds. Funds will not be used for indirect or administrative costs. The applicant agrees to submit a final report, which will include a narrative, budget and certification by the final report deadline. If this application is approved, I certify that the project will begin promptly, and will be completed as described.

Library Name: Gila County Library District
Project Name: SGIA-2015-Gila County Library District
Authorizing Official's Name: JacqueGriffin
Authorizing Official's Title:

Mailing address:
Gila County Library District
Guerrero Building
1400 E Ash St
Globe, AZ 85501-1414

Authorizing Official Signature for Gila County Library District

Date

[View Grant Application Report](#)

IMPORTANT

This form MUST be postmarked by the due date in order to be eligible for consideration. Please type or print clearly.

MAIL COMPLETED APPLICATION TO:

Grants Administrator
Library Development Division
Carnegie Center
1101 W. Washington
Phoenix, AZ 85007

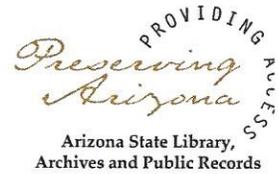
Arizona State Library, Archives and Public Records

Date



ARIZONA STATE
LIBRARY, ARCHIVES AND PUBLIC RECORDS

A DIVISION OF THE ARIZONA SECRETARY OF STATE



LIBRARY DEVELOPMENT

HOLLY HENLEY
Director

August 1, 2014

Jacque Griffin, Director
Gila County Library District
1400 E. Ash
Globe, AZ 85501-1414

Dear Jacque,

Gila County has been designated to receive \$23,000.00 to assist libraries in the 2015 fiscal year (7-1-14 through 6-30-15). The State Legislature appropriated this funding in general State Grants-in-Aid for this fiscal year. You'll find more information about the program at:

<http://www.azlibrary.gov/libdev/funding/sgia>.

To receive these funds, submit an online application at <http://apps.azlibrary.gov/alts/Login.aspx>.

Follow these steps:

1. Login using your e-mail address and password. Unless you have previously established a password, your password has been set to the name of your county or city.
2. Select "Grant" in the right-hand menu. Click "Create a New Grant Application" and begin a new SGIA grant. You will assign a password just for this grant, which will allow other staff members from your library to access the grant if you share the password. You will also need this password to complete your final report next year. Print the cover sheet, narrative and certification, sign and mail to me.

The State Library monitors compliance of State Grants-in-Aid recipients, based on the regulations you will find at the program website. A final report is due by July 31, 2015, which will be completed online. The 2014 SGIA report, which was due July 31, 2014, should also be completed online. To do so, go back to your 2014 online application, and select "Final Report." Enter your report there, and then mail a copy of the final report and signed certification to: Jaime Ball, Arizona State Library, 1101 W. Washington St., Phoenix, AZ 85007.

Please contact me at jball@azlibrary.gov or 602-926-3365 if you have questions.

Cordially,

Jaime Ball
Library Development

CARNEGIE CENTER

1101 West Washington St • Phoenix, Arizona 85007 • Home Page: <http://www.azlibrary.gov/extension/>
Phone: (602) 926-3604 • FAX: (602) 256-7995 • E-Mail: idd@azlibrary.gov

An Equal Opportunity Employer

State Grants-in-Aid (SGIA)

What is SGIA?

In 1981, the Arizona legislature developed State Grants-in-Aid (SGIA) to help Arizona libraries meet the information needs of Arizona residents. SGIA provides limited construction funding to public libraries, and annual awards to county library districts and to cities with populations of 100,000 or more.

Who Qualifies?

In order to qualify for SGIA, libraries must:

- Be organized as a governmental unit or a non-profit organization.
- Agree to the [Arizona State Library Resource Access and Attainment Policy](#).
- Provide library services free of charge to all residents within the library area.
- Be open to the public on a regular basis with regular, posted hours.
- Be in good standing with the State Library by submitting library statistics and all other reports in a complete, accurate and timely manner.
- Adhere to any requirements specified in the Arizona Revised Statutes, including but not limited to ARS 9-411 through 9-420 (Cities and Towns/Public Libraries); ARS 11-901 through 11-914 (Counties/Public Libraries); and ARS 34-502 (Computer Access/Harmful to Minors).

How Can Funds Be Used?

- State funds will be used for library services county or citywide. Funds will not be used for indirect or administrative costs.
- County/city will expend no less than the amount of state grants-in-aid awarded in the same fiscal year for county/citywide library services. SGIA requires a dollar-for-dollar cash match. State money may not be substituted for local match.
- The recipient agrees to submit a final report, which includes a narrative, budget and certification.

From Arizona State Library Website at:

<http://www.azlibrary.gov/libdev/funding/sgia>

Arizona State Library Resource Access and Attainment Policy

July 1, 2013

The Arizona State Library, Archives and Public Records is committed to working with public, academic, school and special libraries to help all Arizonans find information they need and want, and to attain material needed for that information.

The State Library does this through:

- 1) Funding for FirstSearch WorldCat, and Unlimited ILL for Arizona public libraries, to facilitate the sharing of resources among libraries.
- 2) Support, with county library districts, of statewide databases on a broad range of topics available to all Arizonans and to all public and K-12 public and charter school libraries at no cost. Materials include both full-text and bibliographic sources.
- 4) Support of pilot projects allowing libraries to test new technologies to meet patrons' needs, such as e-readers, and alternative means, such as purchase-on-demand.
- 5) Training for library staff members on reference services, including helping patrons find materials through virtual services.

Arizona Resource Access and Attainment Policy (AzRAP) for Public Libraries Agreement:

Receive:

- Access to FirstSearch WorldCat;
- Worldcat Resource Sharing Subscription (public libraries).

Agree To:

- Work with patrons, at no charge, to locate materials.
- Provide specific information on attaining material. Patrons may be offered several options to attain material including: patron purchase of low-cost materials; library purchase of materials; database and web sources; and inter-library loan (ILL).
- When materials can only be attained through ILL, offer to secure the loan for the patron. With prior notice to patrons, postage costs for materials sent to any and from any library will be capped at \$6 per item, and fees charged by non-Arizona public, regent or community college libraries, may be passed on to the patron; no other fees or charges may be passed on to the patron. Libraries may limit ILL requests to six per patron at any one time and may limit requests to print materials published more than one year ago; not currently on a nationally recognized best-seller list; or not needed by the library's own patrons. The sharing of circulating non-print materials is encouraged, but not required.
- Write and publish a detailed Resource Access and Attainment Policy, and provide an electronic copy to the Arizona State Library each time the policy is updated.

Arizona Resource Access and Attainment Policy (AzRAP) for Regents and Community Colleges:

Receive:

- Access to FirstSearch Worldcat to all regent and community college members.

Agree To:

- ILL materials to other Arizona public, regent or community college members, with postage charges capped at \$6 per item.
- Write and publish a detailed Resource Access and Attainment Policy, and provide an electronic copy to the Arizona State Library each time the policy is updated.

SGIA and LSTA

All county and municipal library systems receiving regular SGIA allotments must be AzRAP compliant. All public libraries applying for LSTA must be AzRAP compliant. To be eligible for LSTA competitive grants, any type of library must be AzRAP compliant.

ARF-2755

Consent Agenda Item 4. A.

Regular BOS Meeting

Meeting Date: 09/16/2014

Submitted For: Kendall Dee
Rhyne, Chief
Probation
Officer

Submitted By:
Sylvia Hernandez, Probation Officer
Manager, Superior Court

Department: Superior Court Division: Probation Department

Fiscal Year: 2014-2015 Budgeted?: Yes

Contract Dates 04/01/2011 - Grant?: No

Begin & End: 03/31/2015

Matching No Fund?: Renewal

Requirement?:

Information

Request/Subject

Amendment No. 12 to Contract No. A11PC00100 between the Bureau of Indian Affairs and Gila County, on behalf of the Gila County Juvenile Detention Center.

Background Information

The Gila County Juvenile Detention Center has contracted with the Bureau of Indian Affairs for several years. This contract is an excellent source of income for Gila County. The Detention Center provides housing within its juvenile detention facility for juveniles who have been arrested and awaiting transport, or awaiting adjudication, serving sentences, and/or awaiting release from custody as a result of having been arrested or having been convicted of Tribal violations occurring in Indian Country within the BIA Truxton Canon Agency, Fort Apache Agency, Colorado River Agency and Salt River Agency, within the agency's jurisdiction.

Evaluation

Amendment No. 12 to Contract No. A11PC00100 increases the total contract amount by \$8,000, from \$126,400.01 to \$134,400.01.

Conclusion

Amendment No. 12 to Contract No. A11PC00100 increases the total contract amount by \$8,000, from \$126,400.01 to \$134,400.01.

Recommendation

The Gila County Probation Department recommends the approval of Amendment No. 12 to contract No. A11PC00100 with the Bureau of Indian Affairs.

Suggested Motion

Approval of Amendment No. 12 to Contract No. A11PC00100 between the Bureau of Indian Affairs and Gila County, on behalf of the Gila County Juvenile Detention Center, to increase the contract amount by \$8,000, from \$126,400.01 to \$134,400.01.

Attachments

Amendment No. 12

Amendment No. 11

Amendment No. 10

Amendment No. 9

Amendment No. 8

Amendment No. 7

Amendment No. 6

Amendment No. 5

Amendment No. 4

Amendment No. 3

Amendment No. 2

Amendment No. 1

Contract No. A11PC00100

Legal Explanation

Amendment No. 0012

to

Contract No. A11PC00100

between

Bureau of Indian Affairs

and

Gila County

on behalf of the

Gila County Juvenile Detention Center

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE	PAGE OF PAGES 1 2
2. AMENDMENT/MODIFICATION NO. 0012	3. EFFECTIVE DATE 08/11/2014	4. REQUISITION/PURCHASE REQ. NO. 0040171136	5. PROJECT NO. (if applicable)
6. ISSUED BY DOI, BIA WRO Contracting Office 2600 N CENTRAL AVENUE SUITE 400 MAILROOM Phoenix AZ 85001	CODE A11	7. ADMINISTERED BY (If other than Item 6)	CODE
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code) GILA, COUNTY OF Attn: ATTN Government POC 5515 S APACHE AVE STE 100 GLOBE		(x) 9A. AMENDMENT OF SOLICITATION NO.	9B. DATED (SEE ITEM 11)
CODE 0070849786	FACILITY CODE	x 10A. MODIFICATION OF CONTRACT/ORDER NO. A11PC00100	10B. DATED (SEE ITEM 13) 08/30/2012

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended. is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (if required) Net Increase: \$8,000.00
01

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
X	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
	D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor is not. is required to sign this document and return 0 copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

A. INCREASE the total amount by \$8,000.00, from \$126,400.01 to \$134,400.01.

Legacy Doc #: A11PC00100
 Delivery: 09/30/2014
 Payment Terms:
 ACCP
 Delivery Location Code: 0009062034
 BIA WRO JUSTICE SVCES D III
 2600 N CENTRAL AVENUE
 PHOENIX AZ 85004 US

Continued ...

Except as provided herein, all terms and conditions of the document referenced in Item 9 A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) Michael A. Pastor, Chairman	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) GERALD KNOX
15B. CONTRACTOR/OFFEROR (Signature of person authorized to sign)	15C. DATE SIGNED
16B. UNITED STATES OF AMERICA <i>Gerald Knox</i> (Signature of Contracting Officer)	16C. DATE SIGNED 08/11/2014

CONTINUATION SHEET

REFERENCE NO. OF DOCUMENT BEING CONTINUED

A11PC00100/0012

PAGE

2

OF

2

NAME OF OFFEROR OR CONTRACTOR

GILA, COUNTY OF

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
00013	<p>Account Assignment: K G/L Account: 6100.252Z0 Business Area: A000 Commitment Item: 252Z00 Cost Center: AAKLH04000 Functional Area: A0J312020.999900 Fund: 134A2100DD Fund Center: AAKLH04000 PR Acct Assign Line: 01 FOB: Destination Period of Performance: 04/01/2011 to 03/31/2015</p> <p>INCREASE FUNDS Obligated Amount: \$8,000.00 IT Approval Num: N</p> <p>POINT OF CONTACT: LEJUENE HOWATO (602) 379-6958</p>				8,000.00

Contract No. A11PC00100 – Amendment No. 0012
between Bureau of Indian Affairs and Gila County,
on behalf of the Gila County Juvenile Detention Center
Page 3 of 3

Attest:

Marian Sheppard, Clerk of the Board

Approved as to form:

Bryan Chambers,
Deputy County Attorney/Civil Bureau Chief

Amendment No. 0011

to

Contract No. A11PC00100

between

Bureau of Indian Affairs

and

Gila County

on behalf of the

Gila County Juvenile Detention Center

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE	PAGE OF PAGES 1 2
2. AMENDMENT/MODIFICATION NO. 0011	3. EFFECTIVE DATE 05/21/2014	4. REQUISITION/PURCHASE REQ. NO. 0040146847	5. PROJECT NO. (If applicable)
6. ISSUED BY DOI, BIA WRO Contracting Office 2600 N CENTRAL AVENUE SUITE 400 MAILROOM Phoenix AZ 85001	CODE A11	7. ADMINISTERED BY (If other than Item 6)	CODE
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code) GILA, COUNTY OF Attn: ATTN Government POC 5515 S APACHE AVE STE 100 GLOBE		(x) 9A. AMENDMENT OF SOLICITATION NO.	
CODE 0070849786 FACILITY CODE		x 10A. MODIFICATION OF CONTRACT/ORDER NO. A11PC00100	
		9B. DATED (SEE ITEM 11)	
		10B. DATED (SEE ITEM 13) 08/30/2012	

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended. is not extended.
 Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required) Net Increase: \$8,000.00
01

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
X	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
	D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor is not. is required to sign this document and return 0 copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

A. INCREASE the total amount by \$8,000.00, from \$118,400.01 to \$126,400.01.

Legacy Doc #: A11PC00100
 Delivery: 09/30/2014
 Payment Terms:
 ACCP
 Delivery Location Code: 0009062034
 BIA WRO JUSTICE SVCES D III
 2600 N CENTRAL AVENUE
 PHOENIX AZ 85004 US

Continued ...

Except as provided herein, all terms and conditions of the document referenced in Item 9 A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) Michael A. Pastor, Chairman	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) GERALD KNOX
15B. CONTRACTOR/OFFEROR  (Signature of person authorized to sign)	15C. DATE SIGNED 7-1-2014
16B. UNITED STATES OF AMERICA  (Signature of Contracting Officer)	16C. DATE SIGNED 05/21/2014

CONTINUATION SHEET

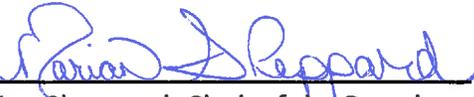
REFERENCE NO. OF DOCUMENT BEING CONTINUED
A11PC00100/0011

PAGE 2 OF 2

NAME OF OFFEROR OR CONTRACTOR
GILA, COUNTY OF

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
00012	Account Assignment: K G/L Account: 6100.252Z0 Business Area: A000 Commitment Item: 252Z00 Cost Center: AAKL004000 Functional Area: A0J313030.T56300 Fund: 145A2100DD Fund Center: AAKL004000 PR Acct Assign Line: 01 FOB: Destination Period of Performance: 04/01/2011 to 03/31/2015 Increase funding Obligated Amount: \$8,000.00 IT Approval Num: N POINT OF CONTACT: BERNADETTE SANCHEZ (505) 563-3880				8,000.00

Attest:



Marian Sheppard, Clerk of the Board

Approved as to form:



Bryan Chambers,
Deputy Attorney Principal

Amendment No. 0010

to

Contract No. A11PC00100

between

Bureau of Indian Affairs

and

Gila County

on behalf of the

Gila County Juvenile Detention Center

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT 1. CONTRACT ID CODE PAGE OF PAGES

2. AMENDMENT/MODIFICATION NO. 0010 3. EFFECTIVE DATE 01/16/2014 4. REQUISITION/PURCHASE REQ. NO. 5. PROJECT NO. (If applicable) 1 1

6. ISSUED BY CODE A11 7. ADMINISTERED BY (If other than Item 6) CODE
 DOI, BIA WRO
 Contracting Office
 2600 N CENTRAL AVENUE
 SUITE 400 MAILROOM
 Phoenix AZ 85001

8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)
 GILA, COUNTY OF
 Attn: ATTN Government POC
 5515 S APACHE AVE STE 100
 GLOBE
 CODE 0070849786 FACILITY CODE
 9A. AMENDMENT OF SOLICITATION NO. (x)
 9B. DATED (SEE ITEM 11)
 10A. MODIFICATION OF CONTRACT/ORDER NO. x A11PC00100
 10B. DATED (SEE ITEM 13) 08/30/2012

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended. is not extended.
 Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)
 See Schedule

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
 B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
 C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
 D. OTHER (Specify type of modification and authority)
 X FAR Clause No. 52.217-09 Option to Extend the Term of the Contract

E. IMPORTANT: Contractor is not. is required to sign this document and return _____ 0 copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)
 A. EXERCISE the option to extend the contract term from March 31, 2014 to March 31, 2015.

VENDOR CODE: 147259191
 Legacy Doc #: A11PC00100
 Payment Terms:
 ACCP
 Period of Performance: 04/01/2011 to 03/31/2015
 POINT OF CONTACT: BERNADETTE SANCHEZ (505) 563-3880

Except as provided herein, all terms and conditions of the document referenced in Item 9 A or 10A, as heretofore changed, remains unchanged and in full force and effect.

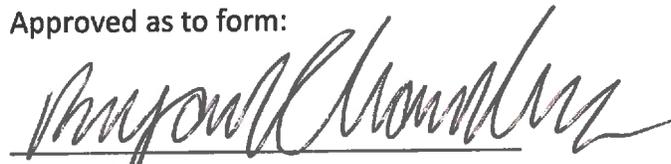
15A. NAME AND TITLE OF SIGNER (Type or print) Michael A. Pastor, Chairman 16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) GERALD KNOX
 15B. CONTRACTOR/OFFEROR (Signature of person authorized to sign) 15C. DATE SIGNED 3-4-14 16B. UNITED STATES OF AMERICA (Signature of Contracting Officer) 16C. DATE SIGNED 01/16/2014

Attest:



Marian Sheppard, Clerk

Approved as to form:



Bryan Chambers,
Deputy Attorney Principal

Amendment No. 0009

to

Contract No. A11PC00100

between

Bureau of Indian Affairs

and

Gila County

on behalf of the

Gila County Juvenile Detention Center

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

1. CONTRACT ID CODE

PAGE OF PAGES

1 2

2. AMENDMENT/MODIFICATION NO.

0009

3. EFFECTIVE DATE

11/15/2013

4. REQUISITION/PURCHASE REQ. NO.

0040121274

5. PROJECT NO. (if applicable)

6. ISSUED BY

CODE

A11

7. ADMINISTERED BY (if other than Item 6)

CODE

DOI, BIA WRO
Contracting Office
2500 N CENTRAL AVENUE
SUITE 400 MAILROOM
Phoenix AZ 85001

8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)

GILA, COUNTY OF
Attn: ATTN Government POC
5515 S APACHE AVE STE 100
GLOBE

(x) 9A. AMENDMENT OF SOLICITATION NO.

9B. DATED (SEE ITEM 11)

x 10A. MODIFICATION OF CONTRACT/ORDER NO.

A11PC00100

10B. DATED (SEE ITEM 13)

08/30/2012

CODE 0070849786

FACILITY CODE

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended. is not extended.
Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (if required)

Net Increase:

\$5,000.00

01

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE

A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.

X

B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).

C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:

D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor is not. is required to sign this document and return _____ 0 _____ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

A. INCREASE the total amount by \$5,000.00, from \$113,400.01 to \$118,400.01.

VENDOR CODE: 147259191

Legacy Doc #: A11PC00100

Delivery: 03/31/2014

Payment Terms:

ACCF

Delivery Location Code: 0009062034

BIA WRO JUSTICE SVCES D III

2600 N CENTRAL AVENUE

Continued ...

Except as provided herein, all terms and conditions of the document referenced in Item 9 A or 10A, as heretofore changed, remains unchanged and in full force and effect.

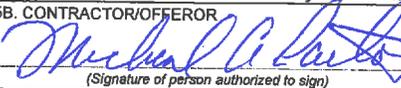
15A. NAME AND TITLE OF SIGNER (Type or print)

Michael A. Pastor, Chairman

16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)

GERALD KNOX

15B. CONTRACTOR/OFFEROR


(Signature of person authorized to sign)

15C. DATE SIGNED

3-4-14

16B. UNITED STATES OF AMERICA


(Signature of Contracting Officer)

16C. DATE SIGNED

11/15/2013

CONTINUATION SHEET

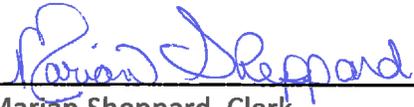
REFERENCE NO. OF DOCUMENT BEING CONTINUED
A11PC00100/0009

PAGE 2 OF 2

NAME OF OFFEROR OR CONTRACTOR
GILA, COUNTY OF

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
00011	<p>PHOENIX AZ 85004 US</p> <p>Account Assignment: K G/L Account: 6100.25220 Business Area: A000 Commitment Item: 252200 Cost Center: AAKL004000 Functional Area: AOJ313030.999900 Fund: 134A2100DD Fund Center: AAKL004000 PR Acct Assign Line: 01 FOB: Destination Period of Performance: 04/01/2011 to 03/31/2014</p> <p>INCREASE FUNDS Obligated Amount: \$5,000.00 IT Approval Num: N</p> <p>POINT OF CONTACT: BERNADETTE SANCHEZ (505) 563-3880</p>				5,000.00

Attest:



Marian Sheppard, Clerk

Approved as to form:



Bryan Chambers,
Deputy Attorney Principal

Amendment No. 0008

to

Contract No. A11PC00100

between

Bureau of Indian Affairs

and

Gila County

on behalf of the

Gila County Juvenile Detention Center

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE	PAGE OF PAGES 1 2
2. AMENDMENT/MODIFICATION NO. 0008	3. EFFECTIVE DATE 06/05/2013	4. REQUISITION/PURCHASE REQ. NO. 0040092198	5. PROJECT NO. (If applicable)
6. ISSUED BY DOI, BIA WRO Contracting Office 2600 N CENTRAL AVENUE SUITE 400 MAILROOM Phoenix AZ 85001	CODE A11	7. ADMINISTERED BY (If other than Item 6)	CODE
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code) GILA, COUNTY OF Attn: ATTN Government POC 5515 S APACHE AVE STE 100 GLOBE		(x) 9A. AMENDMENT OF SOLICITATION NO.	9B. DATED (SEE ITEM 11)
CODE 0070849786	FACILITY CODE	x 10A. MODIFICATION OF CONTRACT/ORDER NO. A11PC00100	10B. DATED (SEE ITEM 13) 08/30/2012

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended, is not extended.
Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required) Net Increase: \$.01
01

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
X	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
X	D. OTHER (Specify type of modification and authority) FAR Clause 52.217-09 Option to Extend the Term of the Contract

E. IMPORTANT: Contractor is not, is required to sign this document and return 0 copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

A. Exercise the option to extend the term of the contract from March 31, 2013 to March 31, 2014 for detention and medical services. This action was delayed by factors relating to the implementation of FBMS. As funding becomes available, the contract will be increased by modification action.

B. Increase the total amount by .01, from \$113,400.00 to \$113,400.01.

VENDOR CODE: 147259191
Legacy Doc #: A11PC00100
Delivery: 03/31/2014
Continued ...

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) Michael A. Pastor, Chairman	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) GERALD KNOX
15B. CONTRACTOR/OFFEROR 	15C. DATE SIGNED 10-22-13
15D. UNITED STATES OF AMERICA 	16C. DATE SIGNED 06/05/2013

CONTINUATION SHEET

REFERENCE NO. OF DOCUMENT BEING CONTINUED
A11PC00100/0008

PAGE OF
2 2

NAME OF OFFEROR OR CONTRACTOR
GILA, COUNTY OF

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
00010	<p>Payment Terms: ACCP Delivery Location Code: 0009062031 BIA WRO MAILROOM 2600 N CENTRAL AVENUE PHOENIX AZ 85004 US</p> <p>Account Assignment: K G/L Account: 6100.252Z0 Business Area: A000 Commitment Item: 252Z00 Cost Center: AAKLH04000 Functional Area: A0J313030.T57500 Fund: 134A2100DD Fund Center: AAKLH04000 PR Acct Assign Line: 01 FOB: Destination Period of Performance: 04/01/2011 to 03/31/2014</p> <p>Extend Detention Contract to 03/31/2014 Obligated Amount: \$.01 IT Approval Num: N</p> <p>POINT OF CONTACT: BERNADETTE SANCHEZ (505) 563-3880</p>				.01

Attest:



Marian Sheppard, Clerk

Approved as to form:



Bryan Chambers,
Deputy Attorney Principal

Amendment No. 0007

to

Contract No. A11PC00100

between

Bureau of Indian Affairs

and

Gila County

on behalf of the

Gila County Juvenile Detention Center

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

CONTRACT ID CODE

Page
1 of 3

2. AMENDMENT/MODIFICATION NO. 0007	3. EFFECTIVE DATE 08/30/2012	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (if applicable)
6. ISSUED BY BIA - Western Regional Office Division of Acquisition - Western, 2600 N. Central Avenue, Suite 400 Phoenix, AZ 85004-3050		CODE 00011	7. ADMINISTERED BY (if other than Item 6) BIA - Western Regional Office Division of Acquisition - Western, 2600 N. Central Avenue, Suite 400 Phoenix, AZ 85004-3050
		CODE	00011

8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and Zip Code) GILA, COUNTY OF 1400 E ASH ST GLOBE, AZ 85501-1093	9A. AMENDMENT OF SOLICITATION NO.
	9B. DATED (SEE ITEM 11)
	(X) 10A. MODIFICATION OF CONTRACT/ORDER NO. A11PC00100
	(X) 10B. DATED (SEE ITEM 13) 07/13/2011
CODE *	FACILITY CODE

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended, is not extended.

Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:
(a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
<input type="checkbox"/>	
<input checked="" type="checkbox"/>	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
<input type="checkbox"/>	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
<input type="checkbox"/>	D. OTHER (Specify type of modification and authority)

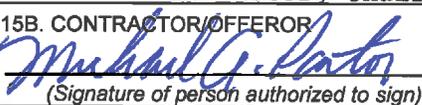
E. IMPORTANT: Contractor is not, is required to sign this document and return _____ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

A. CHANGE the accounting data cited in Modification No. 0006:
From: KOL400 2012 2013 J3120 258A
To: KOL400 2012 2013 J3130 258A

The total increased amount of \$30,000.00 remains the same.

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) Michael A. Pastor, Chairman	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Gerald Knox, 1420-0660-1012
15B. CONTRACTOR/OFFEROR  (Signature of person authorized to sign)	15C. DATE SIGNED 10-22-13
16B. United States of America BY  (Signature of Contracting Officer)	16C. DATE SIGNED 08/30/2012

Line Item Summary	Document Number A11PC00100/0007	Title COUNTY OF GILA	Page 2 of 3
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Line Item Number	Description	Delivery Date (Start date to End date)	Quantity	Unit of Issue	Unit Price	Total Cost
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VENDOR CODE: 147259191

No Changed Line Item Fields

Previous Total: \$113,400.00
Modification Total: \$0.00
Grand Total: \$113,400.00

Contractor Point of Contact: Gila County Juvenile Detention (928) 425-6051
 Note: Funding shall be incorporated by Modification upon availability of funds.

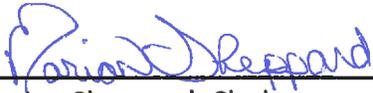
Shipping Addresses

Code	Detail
0001	Org: BIA - Office of Justice Services Addr: District III 2600 N Central Avenue 8th Floor Phoenix AZ 85004 Attn: Jaki Baha-Alchesay, Law Enforcement Assistant Phone: (602) 379-6958 ext. Fax: (602) 379-6462 ext.

Invoice Addresses

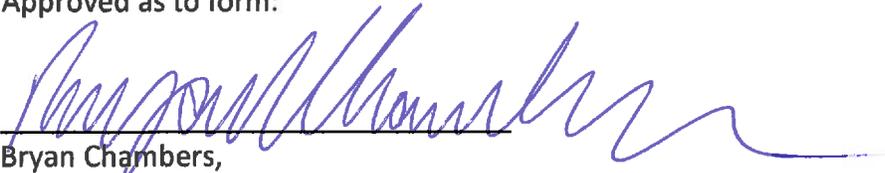
Code	Detail
0001	Org: BIA-Albuquerque Accounting Operations Addr: 1001 Indian School Road NW, Suite 352 Albuquerque NM 87104 Attn: Cecilia Clark, Financial Manager Phone: (505) 563-3151 ext. Fax: (505) 563-3038 ext.

Attest:



Marian Sheppard, Clerk

Approved as to form:



Bryan Chambers,
Deputy Attorney Principal

Amendment No. 0006

to

Contract No. A11PC00100

between

Bureau of Indian Affairs

and

Gila County

on behalf of the

Gila County Juvenile Detention Center

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

CONTRACT ID CODE

Page
1 of 4

2. AMENDMENT/MODIFICATION NO. 0006	3. EFFECTIVE DATE 08/28/2012	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable)
6. ISSUED BY BIA - Western Regional Office Division of Acquisition - Western, 2600 N. Central Avenue, Suite 400 Phoenix, AZ 85004-3050		CODE 00011	7. ADMINISTERED BY (If other than Item 6) BIA - Western Regional Office Division of Acquisition - Western, 2600 N. Central Avenue, Suite 400 Phoenix, AZ 85004-3050
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and Zip Code) GILA, COUNTY OF 1400 E ASH ST GLOBE, AZ 85501-1093			9A. AMENDMENT OF SOLICITATION NO.
CODE *			9B. DATED (SEE ITEM 11)
FACILITY CODE			(X) 10A. MODIFICATION OF CONTRACT/ORDER NO. A11PC00100
			(X) 10B. DATED (SEE ITEM 13) 07/13/2011

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended, is not extended.

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(a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)

2012 - 2013 - - K0L400 - - 258A - - J3120 - - - - - \$30,000.00

**13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS.
IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.**

CHECK ONE	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
<input type="checkbox"/>	
<input checked="" type="checkbox"/>	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
<input type="checkbox"/>	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
<input type="checkbox"/>	D. OTHER (Specify type of modification and authority)

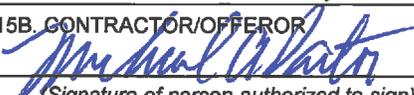
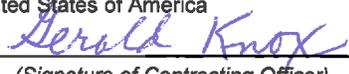
E. IMPORTANT: Contractor is not, is required to sign this document and return _____ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

A. CHANGE the accounting data cited in Modification No. 0005:
From : H0L400 2012 2013 J3120 258A
To: K0L400 2012 2013 J3120 258A

The total increased amount of \$30,000.00 remains the same.

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) Michael A. Pastor, Chairman	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Gerald Knox, 1420-0660-1012
15B. CONTRACTOR/OFFEROR  (Signature of person authorized to sign)	15C. DATE SIGNED 10-22-13
16B. United States of America BY  (Signature of Contracting Officer)	16C. DATE SIGNED 08/28/2012

**Line Item
Summary**

Document Num:
A11PC00100/0000

Title
COUNTY OF GILA

Page
2 of 4

FYs Fund Budget Org Sub Object Class Sub Program Cost Org Sub Proj/Job No. Sub Reporting Category

Division Closed FYs Cancelled Fund

Line Item Number	Description	Delivery Date (Start date to End date)	Quantity	Unit of Issue	Unit Price	Total Cost
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VENDOR CODE: 147259191

No Changed Line Item Fields

Previous Total: \$113,400.00
Modification Total: \$0.00
Grand Total: \$113,400.00

Contractor Point of Contact: Gila County Juvenile Detention (928) 425-6051
Note: Funding shall be incorporated by Modification upon availability of funds.

**Contract Level
Funding Summary**

Document Number
A11PC00100/0006

Title
COUNTY OF GILA

Page
3 of 4

Funding Strip Code

2012 - 2013 - - K0L400 - - 258A - - J3120 - - - - -

Change in Funded Amount

\$30,000.00

Shipping Addresses

Code	Detail
0001	Org: BIA - Office of Justice Services Addr: District III 2600 N Central Avenue 8th Floor Phoenix AZ 85004 Attn: Jaki Baha-Alchesay, Law Enforcement Assistant Phone: (602) 379-6958 ext. Fax: (602) 379-6462 ext.

Invoice Addresses

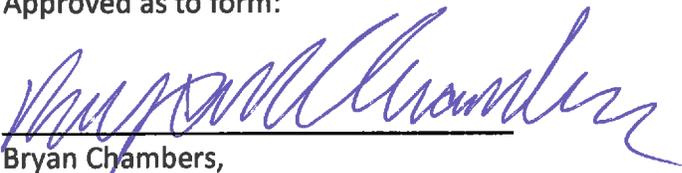
Code	Detail
0001	Org: BIA-Albuquerque Accounting Operations Addr: 1001 Indian School Road NW, Suite 352 Albuquerque NM 87104 Attn: Cecilia Clark, Financial Manager Phone: (505) 563-3151 ext. Fax: (505) 563-3038 ext.

Attest:



Marian Sheppard, Clerk

Approved as to form:



Bryan Chambers,
Deputy Attorney Principal

Amendment No. 0005

to

Contract No. A11PC00100

between

Bureau of Indian Affairs

and

Gila County

on behalf of the

Gila County Juvenile Detention Center

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

CONTRACT ID CODE

Page
1 of 4

2. AMENDMENT/MODIFICATION NO. 0005	3. EFFECTIVE DATE 08/25/2012	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable)
6. ISSUED BY BIA - Western Regional Office Division of Acquisition - Western, 2600 N. Central Avenue, Suite 400 Phoenix, AZ 85004-3050		CODE 00011	7. ADMINISTERED BY (If other than Item 6) BIA - Western Regional Office Division of Acquisition - Western, 2600 N. Central Avenue, Suite 400 Phoenix, AZ 85004-3050
		CODE	00011

8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and Zip Code) GILA, COUNTY OF 1400 E ASH ST GLOBE, AZ 85501-1093	9A. AMENDMENT OF SOLICITATION NO.
	9B. DATED (SEE ITEM 11)
	(X) 10A. MODIFICATION OF CONTRACT/ORDER NO. A11PC00100
	(X) 10B. DATED (SEE ITEM 13) 07/13/2011
CODE *	FACILITY CODE

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended, is not extended.

Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:
 (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)
 2012 - 2013 - - H0L400 - - 258A - - J3120 - - - - - \$30,000.00

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

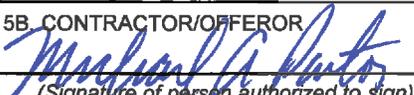
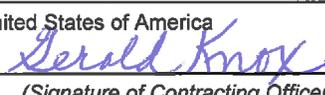
CHECK ONE	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
<input type="checkbox"/>	
<input checked="" type="checkbox"/>	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
<input type="checkbox"/>	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
<input type="checkbox"/>	D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor is not, is required to sign this document and return _____ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

A. INCREASE the total contract amount by \$30,000.00 for payment purpose.

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) Michael A. Pastor, Chairman	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Gerald Knox, 1420-0660-1012
15B. CONTRACTOR/OFFEROR  (Signature of person authorized to sign)	15C. DATE SIGNED 10-22-13
16B. United States of America BY  (Signature of Contracting Officer)	16C. DATE SIGNED 08/25/2012

Line Item Summary	Document Nur A11PC00100/0005	Title COUNTY OF GILA	Page 2 of 4
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Total Funding: \$113,400.00

FYs	Fund	Budget Org	Sub	Object Class	Sub	Program	Cost Org	Sub	Proj/Job No.	Sub	Reporting Category
Division		Closed FYs		Cancelled Fund							

Line Item Number	Description	Delivery Date (Start date to End date)	Quantity	Unit of Issue	Unit Price	Total Cost
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VENDOR CODE: 147259191

0003	Option Year 1 - Contracted bed space for Tribal offenders Change in Unit Price	03/31/2013 (04/01/2012 to 03/31/2013)	0.00	YR	\$30,000.00	\$30,000.00 OPTION PERIOD
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Previous Total: \$83,400.00
Modification Total: \$30,000.00
Grand Total: \$113,400.00
(Includes Discounts)

Contractor Point of Contact: Gila County Juvenile Detention (928) 425-6051
Note: Funding shall be incorporated by Modification upon availability of funds.

**Contract Level
Funding Summary**

Document Number
A11PC00100/0005

Title
COUNTY OF GILA

Page
3 of 4

Funding Strip Code

2012 - 2013 - - HOL400 - - 258A - - J3120 - - - - -

Change in Funded Amount

\$30,000.00

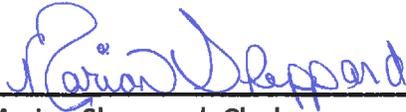
Shipping Addresses

Code	Detail
0001	Org: BIA - Office of Justice Services Addr: District III 2600 N Central Avenue 8th Floor Phoenix AZ 85004 Attn: Jaki Baha-Alchesay, Law Enforcement Assistant Phone: (602) 379-6958 ext. Fax: (602) 379-6462 ext.

Invoice Addresses

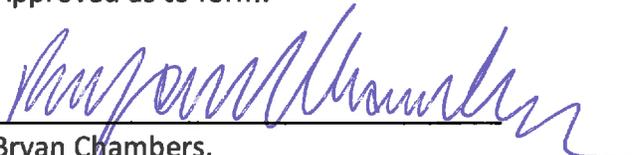
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Attest:



Marian Sheppard, Clerk

Approved as to form:



Bryan Chambers,
Deputy Attorney Principal

Amendment No. 0004

to

Contract No. A11PC00100

between

Bureau of Indian Affairs

and

Gila County on behalf of the

Gila County Juvenile Detention Center

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

CONTRACT ID CODE

Page
1 of 3

2. AMENDMENT/MODIFICATION NO. 0004	3. EFFECTIVE DATE 05/31/2012	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable)
6. ISSUED BY BIA - Western Regional Office Division of Acquisition - Western, 2600 N. Central Avenue, Suite 400 Phoenix, AZ 85004-3050		CODE 00011	7. ADMINISTERED BY (If other than Item 6) BIA - Western Regional Office Division of Acquisition - Western, 2600 N. Central Avenue, Suite 400 Phoenix, AZ 85004-3050
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and Zip Code) GILA, COUNTY OF 1400 E ASH ST GLOBE, AZ 85501-1093		9A. AMENDMENT OF SOLICITATION NO.	
		9B. DATED (SEE ITEM 11)	
		(X) 10A. MODIFICATION OF CONTRACT/ORDER NO. A11PC00100	
		(X) 10B. DATED (SEE ITEM 13) 07/13/2011	
CODE *	FACILITY CODE		

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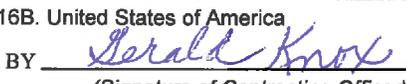
CHECK ONE	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
<input type="checkbox"/>	
<input checked="" type="checkbox"/>	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
<input type="checkbox"/>	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
<input type="checkbox"/>	D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor is not, is required to sign this document and return _____ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

A. DECREASE the total contract amount by \$17,000.00.

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) Tommie C. Martin, Chairman	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Gerald Knox, 1420-0660-1012
15B. CONTRACTOR/OFFEROR  (Signature of person authorized to sign)	15C. DATE SIGNED 8/7/12
16B. United States of America BY  (Signature of Contracting Officer)	16C. DATE SIGNED 05/31/2012

**Line Item
Summary**

Document Num'
A11PC00100/0004

Title
COUNTY OF GILA

Page
2 of 3

Line Item Number	Description	Delivery Date (Start date to End date)	Quantity	Unit of Issue	Unit Price	Total Cost
VENDOR CODE: 147259191						
0003	Option Year 1 - Contracted bed space for Tribal offenders	03/31/2013 (04/01/2012 to 03/31/2013)	0.00	YR	(\$17,000.00)	(\$17,000.00)
	Change in Unit Price					OPTION PERIOD

Previous Total: \$100,400.00
Modification Total: (\$17,000.00)
Grand Total: \$83,400.00
 (Includes Discounts)

Contractor Point of Contact: Gila County Juvenile Detention (928) 425-6051
 Note: Funding shall be incorporated by Modification upon availability of funds.

Shipping Addresses

Code	Detail
0001	Org: BIA - Office of Justice Services Addr: District III 2600 N Central Avenue 8th Floor Phoenix AZ 85004 Attn: Jaki Baha-Alchesay, Law Enforcement Assistant Phone: (602) 379-6958 ext. Fax: (602) 379-6462 ext.

Invoice Addresses

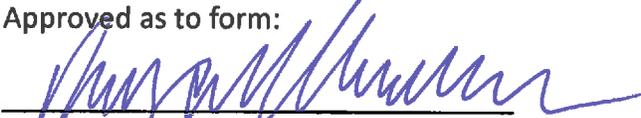
Code	Detail
0001	Org: BIA-Albuquerque Accounting Operations Addr: 1001 Indian School Road NW, Suite 352 Albuquerque NM 87104 Attn: Cecilia Clark, Financial Manager Phone: (505) 563-3151 ext. Fax: (505) 563-3038 ext.

Attest:



Marian Sheppard, Chief Deputy Clerk

Approved as to form:



Bryan B. Chambers,
Chief Deputy County Attorney

Amendment No. 0003

to

Contract No. A11PC00100

between

Bureau of Indian Affairs

and

Gila County on behalf of the

Gila County Juvenile Detention Center

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

1. CONTRACT ID CODE

Page
1 of 4

2. AMENDMENT/MODIFICATION NO. 0003	3. EFFECTIVE DATE 03/14/2012	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable)
6. ISSUED BY BIA - Western Regional Office Division of Acquisition - Western, 2600 N. Central Avenue, Suite 400 Phoenix, AZ 85004-3050		CODE 00011	7. ADMINISTERED BY (If other than Item 6) BIA - Western Regional Office Division of Acquisition - Western, 2600 N. Central Avenue, Suite 400 Phoenix, AZ 85004-3050
		CODE	00011

8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and Zip Code) GILA, COUNTY OF 1400 E ASH ST GLOBE, AZ 85501-1093	9A. AMENDMENT OF SOLICITATION NO.
	9B. DATED (SEE ITEM 11)
	(X) 10A. MODIFICATION OF CONTRACT/ORDER NO. A11PC00100
	(X) 10B. DATED (SEE ITEM 13) 07/13/2011
CODE *	FACILITY CODE

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended, is not extended.

Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:

(a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)
2012 - 2013 - - K0L400 - - 258A - - J3130 - - - - - \$25,000.00

**13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS.
IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.**

CHECK ONE	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
<input type="checkbox"/>	
<input type="checkbox"/>	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
<input type="checkbox"/>	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
<input checked="" type="checkbox"/>	D. OTHER (Specify type of modification and authority) FAR Clause No. 52.217-09 Option to Extend the Term of the Contract

E. IMPORTANT: Contractor is not, is required to sign this document and return _____ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

A. EXTEND the period of performance from March 31, 2012 to March 31, 2013, Option Year 1.

B. INCREASE the total contract amount by \$25,000.00.

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) Tommie C. Martin, Chairman	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Gerald Knox, 1420-0660-1012
15B. CONTRACTOR/OFFEROR  (Signature of person authorized to sign)	15C. DATE SIGNED 4/17/12
16B. United States of America BY  (Signature of Contracting Officer)	16C. DATE SIGNED 03/14/2012

Line Item Summary

Document Number
A11PC00100/01

Title
COUNTY OF GILA

Page
2 of 4

Total Funding: \$100,400.00

FYs	Fund	Budget Org	Sub	Object Class	Sub	Program	Cost Org	Sub	Proj/Job No.	Sub	Reporting Category
Division		Closed FYs		Cancelled Fund							

Line Item Number	Description	Delivery Date (Start date to End date)	Quantity	Unit of Issue	Unit Price	Total Cost
VENDOR CODE: 147259191						
0003	Option Year 1 - Contracted bed space for Tribal offenders	03/31/2013 (04/01/2012 to 03/31/2013)	0.00	YR	\$25,000.00	\$25,000.00
	Change in Unit Price					OPTION PERIOD

Previous Total: \$75,400.00
Modification Total: \$25,000.00
Grand Total: \$100,400.00
 (Includes Discounts)

Contractor Point of Contact: Gila County Juvenile Detention (928) 425-6051
 Note: Funding shall be incorporated by Modification upon availability of funds.

**Contract Level
Funding Summary**

Document Number
A11PC00100/)

Title
COUNTY OF GILA

Page
3 of 4

Funding Strip Code

2012 - 2013 - - K0L400 - - 258A - - J3130 - - - - -

Change in Funded Amount

\$25,000.00

Shipping Addresses

Code	Detail
0001	Org: BIA - Office of Justice Services Addr: District III 2600 N Central Avenue 8th Floor Phoenix AZ 85004 Attn: Jaki Baha-Alchesay, Law Enforcement Assistant Phone: (602) 379-6958 ext. Fax: (602) 379-6462 ext.

Invoice Addresses

Code	Detail
0001	Org: BIA-Albuquerque Accounting Operations Addr: 1001 Indian School Road NW, Suite 352 Albuquerque NM 87104 Attn: Cecilia Clark, Financial Manager Phone: (505) 563-3151 ext. Fax: (505) 563-3038 ext.

Attest:



Marian Sheppard, Chief Deputy Clerk

Approved as to form:



Bryan B. Chambers,
Chief Deputy County Attorney

Amendment No. 0002

to

Contract No. A11PC00100

between

Bureau of Indian Affairs

and

Gila County on behalf of the

Gila County Juvenile Detention Center

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

CONTRACT ID CODE

Page
1 of 3

2. AMENDMENT/MODIFICATION NO. 0002	3. EFFECTIVE DATE 10/21/2011	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (if applicable)
6. ISSUED BY BIA - OCFO-Western Division of Acquisition, 2600 N. Central Avenue, Suite 450 Phoenix, AZ 85004		CODE KH0230	7. ADMINISTERED BY (if other than Item 6) BIA - OCFO-Western Division of Acquisition, 2600 N. Central Avenue, Suite 450 Phoenix, AZ 85004
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and Zip Code) GILA, COUNTY OF 1400 E ASH ST GLOBE, AZ 85501-1093			9A. AMENDMENT OF SOLICITATION NO.
CODE *			9B. DATED (SEE ITEM 11)
FACILITY CODE			(X) 10A. MODIFICATION OF CONTRACT/ORDER NO. A11PC00100
			(X) 10B. DATED (SEE ITEM 13) 07/13/2011

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended, is not extended.

Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:

(a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

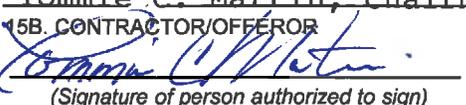
CHECK ONE	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
<input type="checkbox"/>	
<input checked="" type="checkbox"/>	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
<input type="checkbox"/>	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
<input type="checkbox"/>	D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor is not, is required to sign this document and return _____ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

A. INCREASE the total contract amount by \$12,300.00.

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) Tommie C. Martin, Chairman	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Gerald Knox, 1420-0660-1012
15B. CONTRACTOR/OFFEROR  (Signature of person authorized to sign)	16B. United States of America BY  (Signature of Contracting Officer)
15C. DATE SIGNED 11/15/11	16C. DATE SIGNED 10/21/2011

Line Item Summary	Document Nurr A11PC00100/0002	Title COUNTY OF GILA	Page 2 of 3
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Line Item Number	Description	Delivery Date (Start date to End date)	Quantity	Unit of Issue	Unit Price	Total Cost
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VENDOR CODE: 147259191

0001	Contracted bed space for juvenile offenders at the negotiated rate of \$131.40 per day per (04/01/2011 to 03/31/2012)	03/31/2012	0.00	YR	\$12,300.00	\$12,300.00
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Change in Unit Price
 juvenile for Truxton Canon Agency, Fort Apache Agency, Colorado River Agency and Salt River Agency, including within the exterior boundaries of the Indian Reservation(s) and Indian Allotments.

The Contractor will assist BIA/OJS by providing housing within its juvenile detention facility for juveniles who have been arrested and awaiting transport, or awaiting awaiting adjudication, servicing sentences, and /or awaiting release from custody as a result of having been arrested or having been convicted of Tribal violations occurring in Indian Country within the BIA Truxton Canon Agency, Fort Apache Agency, Colorado River Agency and Salt River Agency, within Agency's jurisdiction.

Previous Total: \$63,100.00
Modification Total: \$12,300.00
Grand Total: \$75,400.00
 (Includes Discounts)

Contractor Point of Contact: Gila County Juvenile Detention (928) 425-6051
 Note: Funding shall be incorporated by Modification upon availability of funds.

Shipping Addresses

Code	Detail
0001	Org: BIA - Office of Justice Services Addr: District III 2600 N Central Avenue 8th Floor Phoenix AZ 85004 Attn: Jaki Baha-Alchesay, Law Enforcement Assistant Phone: (602) 379-6958 ext. Fax: (602) 379-6462 ext.

Invoice Addresses

Code	Detail
0001	Org: BIA-Albuquerque Accounting Operations Addr: 1001 Indian School Road NW, Suite 352 Albuquerque NM 87104 Attn: Cecilia Clark, Financial Manager Phone: (505) 563-3151 ext. Fax: (505) 563-3038 ext.

Attest:



Marian Sheppard, Chief Deputy Clerk

Approved as to form:



Bryan B. Chambers,
Chief Deputy County Attorney

Amendment No. 0001

to

Contract No. A11PC00100

between

Bureau of Indian Affairs

and

Gila County on behalf of the

Gila County Juvenile Detention Center

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

CONTRACT ID CODE

Page
1 of 4

2. AMENDMENT/MODIFICATION NO. 0001	3. EFFECTIVE DATE 07/27/2011	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable)
6. ISSUED BY BIA - OCFO-Western Division of Acquisition, 2600 N. Central Avenue, Suite 450 Phoenix, AZ 85004		CODE KH0230	7. ADMINISTERED BY (If other than Item 6) BIA - OCFO-Western Division of Acquisition, 2600 N. Central Avenue, Suite 450 Phoenix, AZ 85004
		CODE KH0230	

8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and Zip Code) GILA, COUNTY OF 1400 E ASH ST GLOBE, AZ 85501-1093	9A. AMENDMENT OF SOLICITATION NO.
	9B. DATED (SEE ITEM 11)
	(X) 10A. MODIFICATION OF CONTRACT/ORDER NO. A11PC00100
	(X) 10B. DATED (SEE ITEM 13) 07/13/2011

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended, is not extended.

Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:
 (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)
 2011 - 2012 - - K0L400 - - 258A - - J3130 - - - - - \$63,000.00

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

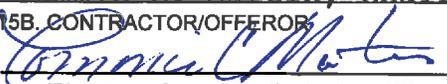
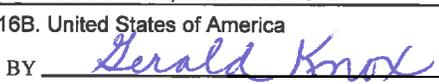
CHECK ONE	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
<input type="checkbox"/>	
<input checked="" type="checkbox"/>	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
<input type="checkbox"/>	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
<input type="checkbox"/>	D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor is not, is required to sign this document and return _____ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

A. INCREASE the total contract amount by \$63,000.00.

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) Rommie C. Martin, Chairman	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Gerald Knox, 1420-0660-1012
15B. CONTRACTOR/OFFEROR  (Signature of person authorized to sign)	15C. DATE SIGNED 11/15/11
16B. United States of America BY  (Signature of Contracting Officer)	16C. DATE SIGNED 07/27/2011

Line Item Summary	Document Num' A11PC00100/0001	Title COUNTY OF GILA	Page 2 of 4
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Total Funding: \$63,100.00

FYs	Fund	Budget Org	Sub	Object Class	Sub	Program	Cost Org	Sub	Proj/Job No.	Sub	Reporting Category
Division		Closed FYs		Cancelled Fund							

Line Item Number	Description	Delivery Date (Start date to End date)	Quantity	Unit of Issue	Unit Price	Total Cost
------------------	-------------	---	----------	---------------	------------	------------

VENDOR CODE: 147259191

0001	Contracted bed space for juvenile offenders at the negotiated rate of \$131.40 per day per	03/31/2012 (04/01/2011 to 03/31/2012)	0.00	YR	\$63,000.00	\$63,000.00
------	--	--	------	----	-------------	-------------

Change in Unit Price

juvenile for Truxton Canon Agency, Fort Apache Agency, Colorado River Agency and Salt River Agency, including within the exterior boundaries of the Indian Reservation(s) and Indian Allotments.

The Contractor will assist BIA/OJS by providing housing within its juvenile detention facility for juveniles who have been arrested and awaiting transport, or awaiting awaiting adjudication, servicing sentences, and /or awaiting release from custody as a result of having been arrested or having been convicted of Tribal violations occurring in Indian Country within the BIA Truxton Canon Agency, Fort Apache Agency, Colorado River Agency and Salt River Agency, within Agency's jurisdiction.

Previous Total: \$100.00
Modification Total: \$63,000.00
Grand Total: \$63,100.00
(Includes Discounts)

*Contractor Point of Contact: Gila County Juvenile Detention (928) 425-6051
Note: Funding shall be incorporated by Modification upon availability of funds.*

**Contract Level
Funding Summary**

Document Number
A11PC00100/0001

Title
COUNTY OF GILA

Page
3 of 4

Funding Strip Code

2011 - 2012 - - K0L400 - - 258A - - J3130 - - - - -

Change in Funded Amount

\$63,000.00

Shipping Addresses

Code	Detail
0001	Org: BIA - Office of Justice Services Addr: District III 2600 N Central Avenue 8th Floor Phoenix AZ 85004 Attn: Jaki Baha-Alchesay, Law Enforcement Assistant Phone: (602) 379-6958 ext. Fax: (602) 379-6462 ext.

Invoice Addresses

Code	Detail
0001	Org: BIA-Albuquerque Accounting Operations Addr: 1001 Indian School Road NW, Suite 352 Albuquerque NM 87104 Attn: Cecilia Clark, Financial Manager Phone: (505) 563-3151 ext. Fax: (505) 563-3038 ext.

Attest:


Marian Sheppard, Chief Deputy Clerk

Approved as to form:


Bryan W. Chambers,
Chief Deputy County Attorney

Contract No. A11PC00100

between

Bureau of Indian Affairs

and

Gila County on behalf of the

Gila County Juvenile Detention Center

2. CONTRACT (Proc. inst. ident.) NO. A11PC00100 3. EFFECTIVE DATE 04/01/2011 4. REQUISITION/PURCHASE REQUEST PROJECT NO.

5. ISSUED BY CODE KH0230 6. ADMINISTERED BY (If other than Item 5) CODE KH0230
BIA - OCFO-Western Division of Acquisition 2600 N. Central Avenue, Suite 450 Phoenix, AZ 85004-

7. NAME AND ADDRESS OF CONTRACTOR (No., street, city, county, State and ZIP Code) GILA, COUNTY OF 1400 E ASH ST GLOBE, AZ 85501-1093 8. DELIVERY FOB Origin Other (See below) 9. DISCOUNT FOR PROMPT PAYMENT

10. SUBMIT INVOICES (4 Copies unless other - wise specified) To THE ADDRESS SHOWN IN:  ITEM 12

11. SHIP TO/MARK FOR CODE H0L300 12. PAYMENT WILL BE MADE BY CODE ABQ
Jaki Baha-Alchesay BIA - Office of Justice Services District III 2600 N Central Avenue 8th Floor Phoenix, AZ 85004- BIA-Albuquerque Accounting Operations 1001 Indian School Road NW, Suite 352 Albuquerque, NM 87104-2303

13. AUTHORITY FOR USING OTHER THAN FULL AND OPEN COMPETITION: 10 U.S.C. 2304(c) () 41 U.S.C. 253(c) (1) 14. ACCOUNTING AND APPROPRIATION DATA 2010 - 2011 - - K0L400 - - 258A - - J3130 - - - - -

15A. ITEM NO.	15B. SUPPLIES/SERVICES	15C. QUANTITY	15D. UNIT	15E. UNIT PRICE	15F. AMOUNT
	SEE LINE ITEM DETAIL				

15G. TOTAL AMOUNT OF CONTRACT  \$ 100.00

16. TABLE OF CONTENTS

(X)	SEC	DESCRIPTION	PAGE(S)	(X)	SEC	DESCRIPTION	PAGE(S)
PART I - THE SCHEDULE				PART II - CONTRACT CLAUSES			
	A	SOLICITATION CONTRACT FORM		X	I	CONTRACT CLAUSES	
	B	SUPPLIES OR SERVICES AND PRICES/COSTS		PART III - LIST OF DOCUMENTS, EXHIBITS AND OTHER ATTACH.			
X	C	DESCRIPTION/SPECS/WORK STATEMENT		X	J	LIST OF ATTACHMENTS	
	D	PACKAGING AND MARKING		PART IV - REPRESENTATIONS AND INSTRUCTIONS			
	E	INSPECTION AND ACCEPTANCE			K	REPRESENTATIONS, CERTIFICATIONS, AND OTHER STATEMENTS OF OFFERORS	
X	F	DELIVERIES AND PERFORMANCE			L	INSTRS., CONDS., AND NOTICES TO OFFERORS	
X	G	CONTRACT ADMINISTRATION DATA			M	EVALUATION FACTORS FOR AWARD	
	H	SPECIAL CONTRACT REQUIREMENTS					

CONTRACTING OFFICER WILL COMPLETE ITEM 17 OR 18 AS APPLICABLE

17. CONTRACTOR'S NEGOTIATED AGREEMENT (Contractor is required to sign this document and return 1 copies to issuing office) Contractor agrees to furnish and deliver all items or perform all the services set forth or otherwise identified above and on any continuation sheets for the consideration stated herein. The rights and obligations of the parties to this contract shall be subject to and governed by the following documents: (a) this award/contract, (b) the solicitation, if any, and (c) such provisions, representations, certifications, and specifications, as attached or incorporated by reference herein. (Attachments are listed herein.)

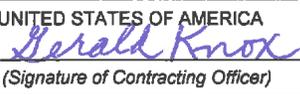
18. AWARD (Contractor is not required to sign this document.) Your offer on Solicitation Number _____ including the additions or changes made by you which additions or changes are set forth in full above, is hereby accepted as to the items listed above and on any continuation sheets. This award consummates the contract which consists of the following documents: (a) the Government's solicitation and your offer, and (b) this award/contract. No further contractual document is necessary.

19A. NAME AND TITLE OF SIGNER (Type or print) **Michael A. Pastor, Chairman**

20A. NAME OF CONTRACTING OFFICER Gerald Knox, 1420-0660-1012

19B. NAME OF CONTRACTOR By  (Signature of person authorized to sign)

19C. DATE SIGNED 6/27/11

20B. UNITED STATES OF AMERICA By  (Signature of Contracting Officer)

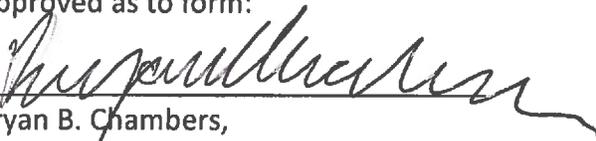
20C. DATE SIGNED 05/06/11

Attest:

A handwritten signature in blue ink, appearing to read "Marian Sheppard", written over a horizontal line.

Marian Sheppard, Chief Deputy Clerk

Approved as to form:

A handwritten signature in black ink, appearing to read "Bryan B. Chambers", written over a horizontal line.

Bryan B. Chambers,
Chief Deputy County Attorney

Line Item Summary		Document Number		Title								Page
		A11PC00100		COUNTY OF GILA								2 of 33
Total Funding:		\$100.00										
FYs	Fund	Budget Org	Sub	Object Class	Sub	Program	Cost Org	Sub	Proj/Job No.	Sub	Reporting Category	
2010 2011		K0L400		258A		J3130						
Division		Closed FYs		Cancelled Fund								
Line Item Number	Description	CLIN Ref	Delivery Date (Start Date to End Date)	Quantity	Unit of Issue	Unit Price	Total Cost (Includes Discounts)					
VENDOR CODE: 147259191												
0001	Contracted bed space for juvenile offenders at the negotiated rate of \$131.40 per day per	0001	03/31/2012 (04/01/2011 to 03/31/2012)	1.00	YR	\$100.000	\$ 100.00					
juvenile for Truxton Canon Agency, Fort Apache Agency, Colorado River Agency and Salt River Agency, including within the exterior boundaries of the Indian Reservation(s) and Indian Allotments.												
The Contractor will assist BIA/OJS by providing housing within its juvenile detention facility for juveniles who have been arrested and awaiting transport, or awaiting awaiting adjudication, servicing sentences, and /or awaiting release from custody as a result of having been arrested or having been convicted of Tribal violations occurring in Indian Country within the BIA Truxton Canon Agency, Fort Apache Agency, Colorado River Agency and Salt River Agency, within Agency's jurisdiction.												
0002	Medical Expenses	0002	03/31/2012 (04/01/2011 to 03/31/2012)	1.00	YR	\$0.000	\$ 0.00					
Emergencies such as needed medical/psychological treatment, prescriptions for inmates or emergencies (Section 3.2.3 and 3.2.7) such as detention center closures as identified in Section 3.2 of Statement of Work.												
0003	Option Year 1 - Contracted bed space for Tribal offenders	0003	03/31/2013 (04/01/2012 to 03/31/2013)	1.00	YR	\$0.000	\$ 0.00 OPTION PERIOD					
0004	Option Year 1 - Medical Expenses	0004	03/31/2013 (04/01/2012 to 03/31/2013)	1.00	YR	\$0.000	\$ 0.00 OPTION PERIOD					
Emergencies such as needed medical/psychological treatment, prescriptions for inmates or emergencies (Section 3.2.3 and 3.2.7) such as detention center closures as identified in Section 3.2 of Statement of Work.												
0005	Option Year 2 - Contracted bed space for Tribal offenders	0005	03/31/2014 (04/01/2013 to 03/31/2014)	1.00	YR	\$0.000	\$ 0.00 OPTION PERIOD					

Line Item Summary	Document Number A11PC00100	Title COUNTY OF GILA	Page 3 of 33
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Total Funding: \$100.00											
FYs	Fund	Budget Org	Sub	Object Class	Sub	Program	Cost Org	Sub	Proj/Job No.	Sub	Reporting Category
2010 2011		K0L400		258A		J3130					
Division	Closed FYs	Cancelled Fund									

Line Item Number	Description	CLIN Ref	Delivery Date (Start Date to End Date)	Quantity	Unit of Issue	Unit Price	Total Cost (Includes Discounts)
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0006	Option Year 2 - Medical Expenses	0006	03/31/2014	1.00	YR	\$.000	\$ 0.00
			(04/01/2013 to 03/31/2014)				OPTION PERIOD
	Emergencies such as needed medical/psychological treatment, prescriptions for inmates or emergencies (Section 3.2.3 and 3.2.7) such as detention center closures as identified in Section 3.2 of Statement of Work.						
0007	Option Year 3 - Contracted bed space for Tribal offenders		03/31/2015	1.00	YR	\$.000	\$ 0.00
			(04/01/2014 to 03/31/2015)				OPTION PERIOD
0008	Option Year 3 - Medical Expenses		03/31/2015	1.00	YR	\$.000	\$ 0.00
			(04/01/2014 to 03/31/2015)				OPTION PERIOD
	Emergencies such as needed medical/psychological treatment, prescriptions for inmates or emergencies (Section 3.2.3 and 3.2.7) such as detention center closures as identified in Section 3.2 of Statement of Work.						
0009	Option Year 4 - Contracted bed space for Tribal offenders		03/31/2016	1.00	YR	\$.000	\$ 0.00
			(04/01/2015 to 03/31/2016)				OPTION PERIOD
0010	Option Year 4 - Medical Expenses		03/31/2016	1.00	YR	\$.000	\$ 0.00
			(04/01/2015 to 03/31/2016)				OPTION PERIOD
	Emergencies such as needed medical/psychological treatment, prescriptions for inmates or emergencies (Section 3.2.3 and 3.2.7) such as detention center closures as identified in Section 3.2 of Statement of Work.						

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Total Funding:		\$100.00									
FYs	Fund	Budget Org	Sub	Object Class	Sub	Program	Cost Org	Sub	Proj/Job No.	Sub	Reporting Category
Division	Closed FYs	Cancelled Fund									

Line Item Number	Description	(Start Date to End Date)	Quantity	Unit of Issue	Unit Price	Total Cost (Includes Discounts)
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						Total Cost:	\$100.00
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*Contractor Point of Contact: Gila County Juvenile Detention (928) 425-6051
 Note: Funding shall be incorporated by Modification upon availability of funds.*

Contract Level Funding Summary	Document Number A11PC00100	Title COUNTY OF GILA	Page 5 of 33
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2010 - 2011 - - K0L400 - - 258A - - J3130 - - - - -

\$100.00

Total Funding: \$100.00

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SECTION C -- DESCRIPTIONS AND SPECIFICATIONS

C.1 STATEMENT OF WORK

Statement of Work
Gila County Juvenile Facility

SECTION 1 - DEFINITIONS

1.1. General Definitions

- 1.1.1. "BIA-OJS" or "Agency" means the United States Department of the Interior, Bureau of Indian Affairs (BIA), Office of Justice Services.
- 1.1.2. "District" means the region(s) of BIA-OJS as designated in this contract.
- 1.1.3. "County" means the County of Gila, in the State of Arizona, and the Gila County Juvenile Detention Center, Globe, Arizona.
- 1.1.4. "Contractor" means the facility, tribe or local government providing the service.
- 1.1.5. "Agency's jurisdiction" means the jurisdiction of the BIA-OJS, Tribes, Truxton Canon Agency, Fort Apache Agency, Colorado River Agency, Salt River Agency, including within the exterior boundaries of the Indian Reservation(s) and Indian Allotments.
- 1.1.6. "Juvenile" means any person who has not attained the age of 18.
- 1.1.7. "BIA-OJS Supervisory Corrections Specialist" means the Agency's District III Supervisory Correctional Specialist (SCS)
- 1.1.8. "Indian Country" has the same meaning as that term is defined in Section 1151 of Title 18, United States Code.
- 1.1.9. "Indian reservation or reservation" means within the exterior boundaries of the Indian Reservation(s) and Indian Allotment(s) under the Fort Apache Agency, Truxton Canon Agency, Colorado River Agency, Salt River Agency.
- 1.1.10. "Tribal prisoner or tribal inmate" means a juvenile arrested under authority of the Tribal Codes(s) of the respective tribes under the jurisdiction of the Fort Apache Agency, Truxton Canon Agency, Colorado River Agency, Salt River Agency, or convicted by a Tribal Court with personal jurisdiction over the offender and subject matter jurisdiction over the offense for a violation of the Tribal code, within the Agency's jurisdiction.
- 1.1.11. "Delinquent child" means a person under (18) years of age, who has committed an act that violates the Law and Order Code and/or or would be a crime if committed by an adult, or is verified fugitive from another jurisdiction. [As amended by Ordinance DOI 3(98)] or detained or convicted by a Tribal Court with personal jurisdiction over the child/offender and subject matter jurisdiction over the Agency's jurisdiction.
- 1.1.12. "Tribal violation" means a violation which offends the criminal laws of the Tribal Court or Code of Federal Regulations Court having jurisdiction of the arresting agency. This provision will not permit the confinement of juvenile offenders whose only charge or conviction is for a status offense as defined by the Office of Juvenile Justice and Delinquency Act of 1974 and subsequent revisions.

SECTION 2 - GENERAL INFORMATION

2.1. Scope of Work

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The contractor shall provide safe and secure detention/correctional services in accordance with the specific tasks as outlined in Section 3.

2.1.1. Purpose. The (Gila County Juvenile Detention Center) will actively assist the BIA-OJS by providing housing within its detention facility, for adult individuals who have been arrested and awaiting transport, or awaiting adjudication, serving sentences and/or awaiting release from custody as a result of having been arrested, or having been convicted of tribal violations occurring in Indian Country within the Truxton Canon Agency jurisdiction.

2.2 Contractor Personnel

2.2.1 The contractor shall provide or designate a qualified and capable on-site contract manager who shall be responsible for the performance of the work.

2.2.1.1. The contract manager or alternate shall have full authority to act for the contractor on all contract matters relating to the daily operation of this contract.

2.2.1.2. The contract manager or alternate shall be available during normal working hours to discuss issues relating to the contract with authorized government officials specific to this contract.

2.2.2. Contractor Employees. The contractor shall ensure contract employees are qualified and trained in accordance with contractor facility standards.

2.3 Quality Control

2.3.1. The contractor shall make available any reports of inspection and/or sanitation reports.

2.4 Quality Assurance

2.4.1. The government reserves the right to visit the facility to ensure adequate services are being provided.

2.5 Cost for services.

2.5.1 The cost shall be \$131.40 per prisoner day.

2.5.1.1 For the purpose of computing daily cost a "day" shall begin at 12:01 a.m. and end the following midnight.

2.5.1.2. Any part of a day shall be paid on a pro-rated basis (daily).

2.6 Contract Information

2.6.1 Contractor: Gila County Juvenile Detention Center
1425 E South Street
Globe, AZ 85501
(928) 425-6051
Fax (928) 425-3952

2.6.2 Agency: Vincente M. Anchondo, SCS
2600 N Central Ave
Phoenix, Arizona 85004
(602) 379-6958 ext 1809
(602) 541-7166 (cellular)

2.7 Period of Performance.

2.7.1. Shall be for the period beginning April 1, 2011 to March 31, 2016.

Section 3 - Specific Tasks

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- 3.1. The Gila County Juvenile Detention Center will accept juvenile offenders who have committed violations of tribal criminal law and who are placed there by the District III SCS or their authorized agents.
- 3.1.1. The Gila County Juvenile Detention Center agrees to house juvenile inmates and provide the necessary food, shelter and supervision services. Any Bureau or Tribal inmate lodged in the Gila County Juvenile Detention Center facility shall be subject to the same rules and regulations as any other person lodged within the facility.
- 3.1.2. Any Bureau or Tribal arrestee/prisoner awaiting adjudication or awaiting release who has not served his/her full sentence shall not be released except upon written orders from the appropriate tribal court.
- 3.1.3. The Gila County Juvenile Detention Center will not accept any person that has attained the age of 18 years for lodging within the facility. Gila County Juvenile Detention Center will accept female and male inmates.
- 3.1.4. The Agency making the arrest shall be responsible for transporting tribal arrestees and prisoners to the Gila County Juvenile Detention Center, Globe, Arizona, while awaiting adjudication, serving sentence and/or while awaiting release from custody.
- 3.1.5. Any unusual incident which affects any Bureau or tribal juvenile inmate held under this contract/purchase order will require the Gila County Juvenile Detention Center to contact the SCS within twenty-four (24) hours of its' occurrence, unless the incident resulted in serious injury or medical condition, death, escape, change of location of the tribal arrestee or prisoner, in such instances, the Gila County Juvenile Detention Center will notify the SCS, District III, immediately.
- 3.2. Medical needs of prisoners.
- 3.2.1. Whenever feasible and practicable, emergency medical, mental or dental needs of Bureau or Tribal juvenile inmates, who are enrolled members of a Federally-recognized Tribe, shall be provided by the Indian Health Service or a tribal health care facility/provider.
- 3.2.2. The Gila County Juvenile Detention Center shall promptly notify the BIA-OJS, District III SCS, or designee of such needs to afford the Agency the opportunity to arrange for the treatment and the transport to treatment or to otherwise advise the Gila County Juvenile Detention Center on action to be taken.
- 3.2.3. In case of extreme emergency where it is not feasible or practicable to seek BIA-OJS advice in advance, the Gila County Juvenile Detention Center may obtain such care for prisoners at local, Federal, or state facilities as emergency needs dictate.
- 3.2.3.1 In such instances the care provider will be advised by the Gila County Juvenile Detention Center to contact the nearest Indian Health Service facility for further instructions and for claims advice within 72 hours of first furnishing care or treatment.
- 3.2.3.2. The Gila County Juvenile Detention Center shall promptly notify the SCS, District III of actions taken when such emergency circumstances occur.
- 3.2.4. The following are health care facilities closest to the Gila County Juvenile Detention Center:
- Cobre Valley Community Hospital
5880 S Hospital Drive
Globe, Arizona 85501
(928) 425-3261
- 3.2.4.1. In case of extreme emergency only, the following Health Care Facility will be used:
- Cobre Valley Community Hospital
5880 S Hospital Drive
Globe, Arizona 85501
(928) 425-3261
- 3.2.5. In instances where Indian Health Service rejects claims for care provided by a non-Indian facility and the costs cannot be recovered by the provider under other federal or state programs, the Gila County Juvenile Detention Center will be billed by the provider.

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3.2.6. BIA-OJS Division of Corrections will only reimburse the Gila County Juvenile Detention Center for medical services if the treatment has been approved by BIA-OJS. BIA-OJS will only reimburse the contractor and not the actual provider of treatment, for authorized emergency medical, mental and dental care and medications.

3.2.7. A medical voucher will be prepared listing alphabetically the health care providers and total amount due to each vendor, the full inmate name, services provided, date of service, and total amount billed for each inmate. Original invoices from the health care provider must be attached to the medical voucher. Invoices must contain name and address of vendor, full inmate name, itemized description of services provided, date of service, cost of inmate's treatment, and total amount to be reimbursed by BIA-OJS. A statement certifying the accuracy of the medical voucher shall be placed on the bottom of each medical voucher by the Gila County Juvenile Detention Center facility administrator.

3.2.8. BIA-OJS will be responsible for providing a medical release of information form signed by the juvenile offender's parent/guardian or custodian for the purpose of obtaining the medical records.

3.2.8.1. The Gila County Juvenile Detention Center will be responsible for providing medical screening of the inmate at the time of booking and the BIA-OJS Police Officer, from their respective Agency, shall provide information regarding any current medical concerns at the time of transportation and booking.

3.2.8.2. BIA OJS or Tribal Police Officer shall be responsible to obtain medical clearance for any known or obvious medical needs prior to incarceration at Gila County Juvenile Detention Center.

Section 4 - Negative Declaration

4.1. This Statement of Work (SOW) does not reflect, in this or any other context any party's position with respect to the jurisdictional authority of another. Nothing in this SOW, or in any conduct undertaken pursuant to this SOW, shall be construed as enlarging or diminishing the jurisdictional authority of either party except to the extent necessary to implement and effectuate the provisions of this SOW. Nothing herein affects to any extent, statutory or tribal code provisions regarding the sovereign immunity of the parties. Neither this SOW nor the activities of the parties pursuant to this SOW shall be used to affect the legal or equitable position of any party in any pending or future litigation. Nothing in this Statement of Work shall be construed to impact or impair the extradition authority and processes of the Parties.

4.1.2. Nothing in this SOW shall be construed as waiving the sovereign immunity of Gila County Juvenile Detention Center or their employees from suit in State, Tribal or Federal court. Liability for suit in State, Tribal or Federal court is determined by existing State, Tribal and Federal law and is not altered by this Agreement. Nothing in this Agreement waives the sovereign immunity of the United States or BIA Police Officers, except as provided for in the Federal Tort Claims Act, 28 U.S.C. §§ 2401, 2671-2680.

Section 5 - Board Bill

5.1. The Gila County Juvenile Detention Center will submit, by the tenth day of the month, a board bill for the previous month's costs of housing BIA-OJS inmates. The board bill will contain the name and address of the Contractor, the contract or purchase order number, date that the board bill is prepared, name of each inmate housed for BIA-OJS, in conjunction with the number of days or portion of days each inmate was physically housed by the Gila County Juvenile Detention Center, daily inmate rate, and the total amount to be paid by BIA-OJS Division of Corrections. Any discrepancies shall be justified in writing by the Gila County Juvenile Detention Center.

5.1.1. The monthly board bill is to be mailed to:

Bureau of Indian Affairs
OJS-Accounting Operations
Attn: Cecilia Clark
1001 Indian School Road, NW, Suite 352
Albuquerque, NM 87104

Section 6 - Right to Refuse Placement

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6.1. Notwithstanding any of the above provisions of this SOW, should a limit be set by statute, judicial, or administrative decision, or otherwise, on the number of prisoners, which the Gila County Juvenile Detention Center may lawfully lodge in its facility at any one time, then Gila County Juvenile Detention Center may refuse to lodge any BIA-OJS prisoners if the number of prisoners in the Gila County Juvenile Detention Center at that time has reached 75 % of the maximum capacity allowable by law.

Section 7 - Hold Harmless

7.1. The Gila County Juvenile Detention Center agrees to hold harmless the BIA-OJS from:

7.1.1. Violation of constitutional rights arising from the detention of persons in the Gila County Juvenile Detention Center pursuant to this SOW.

7.1.2. The BIA-OJS and the Gila County Juvenile Detention Center agrees to assume its' own liability for any and all claims of any nature, including all costs, expenses and attorney's fees, which may in any manner, result from or arise out of this agreement.

Section 8 - Indemnification, Liability, and Insurance

8.1 The BIA-OJS assumes no liability and will not defend or indemnify for any claims, judgments, or liabilities by third parties for property damage, personal injury, or civil liability arising from the actions of the County or its officers, pursuant to this SOW.

8.2. The Gila County Juvenile Detention Center assumes no liability and will not defend or indemnify for any claims, judgments, or liabilities by third parties for property damage, personal injury, or civil liability arising from the actions of the BIA-OJS.

8.3. Each party shall remain solely responsible for the ordinary expenses of its employees and property, including insurance.

8.4. The Gila County Juvenile Detention Center will at all times maintain insurance coverage to protect the BIA-OJS from reasonable loss by liability claims arising out of the negligence of Grady County Detention or its agents or employees in the performance of this SOW.

8.5. Nothing in this SOW is intended to alter the parties' insurance obligations toward their employees or others.

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SECTION F -- DELIVERIES OR PERFORMANCE

F.1 52.242-15 STOP-WORK ORDER

AUGUST 1989

(a) The Contracting Officer may, at any time, by written order to the Contractor, require the Contractor to stop all, or any part, of the work called for by this contract for a period of 90 days after the order is delivered to the Contractor, and for any further period to which the parties may agree. The order shall be specifically identified as a stop-work order issued under this clause. Upon receipt of the order, the Contractor shall immediately comply with its terms and take all reasonable steps to minimize the incurrence of costs allocable to the work covered by the order during the period of work stoppage. Within a period of 90 days after a stop-work is delivered to the Contractor, or within any extension of that period to which the parties shall have agreed, the Contracting Officer shall either--

(1) Cancel the stop-work order; or

(2) Terminate the work covered by the order as provided in the Default, or the Termination for Convenience of the Government, clause of this contract.

(b) If a stop-work order issued under this clause is canceled or the period of the order or any extension thereof expires, the Contractor shall resume work. The Contracting Officer shall make an equitable adjustment in the delivery schedule or contract price, or both, and the contract shall be modified, in writing, accordingly, if--

(1) The stop-work order results in an increase in the time required for, or in the Contractor's cost properly allocable to, the performance of any part of this contract; and

(2) The Contractor asserts its right to the adjustment within 30 days after the end of the period of work stoppage; provided, that, if the Contracting Officer decides the facts justify the action, the Contracting Officer may receive and act upon the claim submitted at any time before final payment under this contract.

(c) If a stop-work order is not canceled and the work covered by the order is terminated for the convenience of the Government, the Contracting Officer shall allow reasonable costs resulting from the stop-work order in arriving at the termination settlement.

(d) If a stop-work order is not canceled and the work covered by the order is terminated for default, the Contracting Officer shall allow, by equitable adjustment or otherwise, reasonable costs resulting from the stop-work order.

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SECTION G -- CONTRACT ADMINISTRATION DATA

G.1 INVOICE AND PAYMENT

The Contractor shall submit all original invoice(s) to the Designated Billing Office. In addition, one (1) courtesy copy shall be sent to the Contracting Officer and the Contracting Officer's Representative (COR).

Submit original invoices to:

Designated Billing Office: The designated billing office also services as the payment office and will be responsible for obtaining certification from the COR that the payment has been approved (authorized) for payment by the Contracting Officer. Payment will be made by the following designated billing office:

BIA-Albuquerque Accounting Operations
Attn: Cecilia Clark, Financial Manager
1001 Indian School Road NW, Suite 352
Albuquerque, NM 87104
Telephone No.: (505)563-3151 Facsimile No.: (505)563-3038

Submit copy of the invoice to the Contracting Officer:

Gerald Knox, Contract Specialist
BIA-Western Regional Office - Division of Acquisition
2600 N. Central Avenue, 4th Floor
Phoenix, Arizona 85004
Telephone No.: (602)379-4029 Facsimile No.: (602)379-6763

Submit copy of the invoice to the Contracting Officer's Representative:

Jaki Baha-Alchesay, Contracting Officer's Representative
BIA - Western Regional Office
District III/Corrections/LEA
2600 N. Central Avenue, 4th Floor
Phoenix, Arizona 85004
Telephone No.: (602) 379-6958 X1824 Facsimile No.: (602)379-6462

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SECTION I -- CONTRACT CLAUSES

I.1 52.212-04 CONTRACT TERMS AND CONDITIONS--COMMERCIAL JUNE 2010
ITEMS

(a) **Inspection/Acceptance.** The Contractor shall only tender for acceptance those items that conform to the requirements of this contract. The Government reserves the right to inspect or test any supplies or services that have been tendered for acceptance. The Government may require repair or replacement of nonconforming supplies or reperformance of nonconforming services at no increase in contract price. If repair/replacement or reperformance will not correct the defects or is not possible, the Government may seek an equitable price reduction or adequate consideration for acceptance of nonconforming supplies or services. The Government must exercise its post-acceptance rights—

- (1) within a reasonable time after the defect was discovered or should have been discovered; and
- (2) before any substantial change occurs in the condition of the item, unless the change is due to the defect in the item.

(b) **Assignment.** The Contractor or its assignee may assign its rights to receive payment due as a result of performance of this contract to a bank, trust company, or other financing institution, including any Federal lending agency in accordance with the Assignment of Claims Act (31 U.S.C. 3727). However, when a third party makes payment (e.g., use of the Governmentwide commercial purchase card), the Contractor may not assign its rights to receive payment under this contract.

(c) **Changes.** Changes in the terms and conditions of this contract may be made only by written agreement of the parties.

(d) **Disputes.** This contract is subject to the Contract Disputes Act of 1978, as amended (41 U.S.C. 601-613). Failure of the parties to this contract to reach agreement on any request for equitable adjustment, claim, appeal or action arising under or relating to this contract shall be a dispute to be resolved in accordance with the clause at FAR 52.233-01, Disputes, which is incorporated herein by reference. The Contractor shall proceed diligently with performance of this contract, pending final resolution of any dispute arising under the contract.

(e) **Definitions.** The clause at FAR 52.202-01, Definitions, is incorporated herein by reference.

(f) **Excusable delays.** The Contractor shall be liable for default unless nonperformance is caused by an occurrence beyond the reasonable control of the Contractor and without its fault or negligence such as, acts of God or the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, unusually severe weather, and delays of common carriers. The Contractor shall notify the Contracting Officer in writing as soon as it is reasonably possible after the commencement or any excusable delay, setting forth the full particulars in connection therewith, shall remedy such occurrence with all reasonable dispatch and shall promptly give written notice to the Contracting Officer of the cessation of such occurrence.

(g) **Invoice.** (1) The Contractor shall submit an original invoice and three copies (or electronic invoice, if authorized) to the address designated in the contract to receive invoices. An invoice must include-

- (i) Name and address of the Contractor;
- (ii) Invoice date and number;
- (iii) Contract number, contract line item number and, if applicable, the order number;
- (iv) Description, quantity, unit of measure, unit price and extended price of the items delivered;
- (v) Shipping number and date of shipment, including the bill of lading number and weight of shipment if shipped on Government bill of lading;
- (vi) Terms of any discount for prompt payment offered;
- (vii) Name and address of official to whom payment is to be sent;
- (viii) Name, title, and phone number of person to notify in event of defective invoice; and
- (ix) Taxpayer Identification Number (TIN). The Contractor shall include its TIN on the invoice only if required elsewhere in this contract.
- (x) Electronic funds transfer (EFT) banking information.

(A) The Contractor shall include EFT banking information on the invoice only if required elsewhere in this contract.

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(B) If EFT banking information is not required to be on the invoice, in order for the invoice to be a proper invoice, the Contractor shall have submitted correct EFT banking information in accordance with the applicable solicitation provision, contract clause (e.g., 52.232-33, Payment by Electronic Funds Transfer-Central Contractor Registration, or 52.232-34, Payment by Electronic Funds Transfer-Other Than Central Contractor Registration), or applicable agency procedures.

(C) EFT banking information is not required if the Government waived the requirement to pay by EFT.

(2) Invoices will be handled in accordance with the Prompt Payment Act (31 U.S.C. 3903) and Office of Management and Budget (OMB) prompt payment regulations at 5 CFR part 1315.

(h) Patent indemnity. The Contractor shall indemnify the Government and its officers, employees and agents against liability, including costs, for actual or alleged direct or contributory infringement of, or inducement to infringe, any United States or foreign patent, trademark or copyright, arising out of the performance of this contract, provided the Contractor is reasonably notified of such claims and proceedings.

(i) Payment.-(1) Items accepted. Payment shall be made for items accepted by the Government that have been delivered to the delivery destinations set forth in this contract.

(2) Prompt payment. The Government will make payment in accordance with the Prompt Payment Act (31 U.S.C. 3903) and prompt payment regulations at 5 CFR part 1315.

(3) Electronic Funds Transfer (EFT). If the Government makes payment by EFT, see 52.212-5(b) for the appropriate EFT clause.

(4) Discount. In connection with any discount offered for early payment, time shall be computed from the date of the invoice. For the purpose of computing the discount earned, payment shall be considered to have been made on the date which appears on the payment check or the specified payment date if an electronic funds transfer payment is made.

(5) Overpayments. If the Contractor becomes aware of a duplicate contract financing or invoice payment or that the Government has otherwise overpaid on a contract financing or invoice payment, the Contractor shall—

(i) Remit the overpayment amount to the payment office cited in the contract along with a description of the overpayment including the—

(A) Circumstances of the overpayment (e.g., duplicate payment, erroneous payment, liquidation errors, date(s) of overpayment);

(B) Affected contract number and delivery order number, if applicable;

(C) Affected contract line item or subline item, if applicable; and

(D) Contractor point of contact.

(ii) Provide a copy of the remittance and supporting documentation to the Contracting Officer.

(6) Interest. (i) All amounts that become payable by the Contractor to the Government under this contract shall bear simple interest from the date due until paid unless paid within 30 days of becoming due. The interest rate shall be the interest rate established by the Secretary of the Treasury as provided in Section 611 of the Contract Disputes Act of 1978 (Public Law 95-563), which is applicable to the period in which the amount becomes due, as provided in (i)(6)(v) of this clause, and then at the rate applicable for each six-month period as fixed by the Secretary until the amount is paid.

(ii) The Government may issue a demand for payment to the Contractor upon finding a debt is due under the contract.

(iii) Final decisions. The Contracting Officer will issue a final decision as required by 33.211 if—

(A) The Contracting Officer and the Contractor are unable to reach agreement on the existence or amount of a debt within 30 days;

(B) The Contractor fails to liquidate a debt previously demanded by the Contracting Officer within the timeline specified in the demand for payment unless the amounts were not repaid because the Contractor has requested an installment payment agreement; or

(C) The Contractor requests a deferment of collection on a debt previously demanded by the Contracting Officer (see 32.607-2).

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(iv) If a demand for payment was previously issued for the debt, the demand for payment included in the final decision shall identify the same due date as the original demand for payment.

(v) Amounts shall be due at the earliest of the following dates:

(A) The date fixed under this contract.

(B) The date of the first written demand for payment, including any demand for payment resulting from a default termination.

(vi) The interest charge shall be computed for the actual number of calendar days involved beginning on the due date and ending on—

(A) The date on which the designated office receives payment from the Contractor;

(B) The date of issuance of a Government check to the Contractor from which an amount otherwise payable has been withheld as a credit against the contract debt; or

(C) The date on which an amount withheld and applied to the contract debt would otherwise have become payable to the Contractor.

(vii) The interest charge made under this clause may be reduced under the procedures prescribed in 32.608-2 of the Federal Acquisition Regulation in effect on the date of this contract.

(j) Risk of loss. Unless the contract specifically provides otherwise, risk of loss or damage to the supplies provided under this contract shall remain with the Contractor until, and shall pass to the Government upon:

(1) Delivery of the supplies to a carrier, if transportation is f.o.b. origin; or

(2) Delivery of the supplies to the Government at the destination specified in the contract, if transportation is f.o.b. destination.

(k) Taxes. The contract price includes all applicable Federal, State, and local taxes and duties.

(l) Termination for the Government's convenience. The Government reserves the right to terminate this contract, or any part hereof, for its sole convenience. In the event of such termination, the Contractor shall immediately stop all work hereunder and shall immediately cause any and all of its suppliers and subcontractors to cease work. Subject to the terms of this contract, the Contractor shall be paid a percentage of the contract price reflecting the percentage of the work performed prior to the notice of termination, plus reasonable charges the Contractor can demonstrate to the satisfaction of the Government using its standard record keeping system, have resulted from the termination. The Contractor shall not be required to comply with the cost accounting standards or contract cost principles for this purpose. This paragraph does not give the Government any right to audit the Contractor's records. The Contractor shall not be paid for any work performed or costs incurred which reasonably could have been avoided.

(m) Termination for cause. The Government may terminate this contract, or any part hereof, for cause in the event of any default by the Contractor, or if the Contractor fails to comply with any contract terms and conditions, or fails to provide the Government, upon request, with adequate assurances of future performance. In the event of termination for cause, the Government shall not be liable to the Contractor for any amount for supplies or services not accepted, and the Contractor shall be liable to the Government for any and all rights and remedies provided by law. If it is determined that the Government improperly terminated this contract for default, such termination shall be deemed a termination for convenience.

(n) Title. Unless specified elsewhere in this contract, title to items furnished under this contract shall pass to the Government upon acceptance, regardless of when or where the Government takes physical possession.

(o) Warranty. The Contractor warrants and implies that the items delivered hereunder are merchantable and fit for use for the particular purpose described in this contract.

(p) Limitation of liability. Except as otherwise provided by an express warranty, the Contractor will not be liable to the Government for consequential damages resulting from any defect or deficiencies in accepted items.

(q) Other compliances. The Contractor shall comply with all applicable Federal, State and local laws, executive orders, rules and regulations applicable to its performance under this contract.

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(r) Compliance with laws unique to Government contracts. The Contractor agrees to comply with 31 U.S.C. 1352 relating to limitations on the use of appropriated funds to influence certain Federal contracts; 18 U.S.C. 431 relating to officials not to benefit; 40 U.S.C. 3701, et seq., Contract Work Hours and Safety Standards Act; 41 U.S.C. 51-58, Anti-Kickback Act of 1986; 41 U.S.C. 265 and 10 U.S.C. 2409 relating to whistleblower protections; Section 1553 of the American Recovery and Reinvestment Act of 2009 relating to whistleblower protections; 49 U.S.C. 40118, Fly American; and 41 U.S.C. 423 relating to procurement integrity.

(s) Order of precedence. Any inconsistencies in this solicitation or contract shall be resolved by giving precedence in the following order:

- (1) The schedule of supplies/services.
- (2) The Assignments, Disputes, Payments, Invoice, Other Compliances, and Compliance with Laws Unique to Government Contracts paragraphs of this clause.
- (3) The clause at 52.212-05.
- (4) Addenda to this solicitation or contract, including any license agreements for computer software.
- (5) Solicitation provisions if this is a solicitation.
- (6) Other paragraphs of this clause.
- (7) The Standard Form 1449.
- (8) Other documents, exhibits, and attachments.
- (9) The specification.

(t) Central Contractor Registration (CCR). (1) Unless exempted by an addendum to this contract, the Contractor is responsible during performance and through final payment of any contract for the accuracy and completeness of the data within the CCR database, and for any liability resulting from the Government's reliance on inaccurate or incomplete data. To remain registered in the CCR database after the initial registration, the Contractor is required to review and update on an annual basis from the date of initial registration or subsequent updates its information in the CCR database to ensure it is current, accurate and complete. Updating information in the CCR does not alter the terms and conditions of this contract and is not a substitute for a properly executed contractual document.

(2)(i) If a Contractor has legally changed its business name, "doing business as" name, or division name (whichever is shown on the contract), or has transferred the assets used in performing the contract, but has not completed the necessary requirements regarding novation and change-of-name agreements in FAR Subpart 42.12, the Contractor shall provide the responsible Contracting Officer a minimum of one business day's written notification of its intention to (A) change the name in the CCR database; (B) comply with the requirements of Subpart 42.12; and (C) agree in writing to the timeline and procedures specified by the responsible Contracting Officer. The Contractor must provide with the notification sufficient documentation to support the legally changed name.

(ii) If the Contractor fails to comply with the requirements of paragraph (t)(2)(i) of this clause, or fails to perform the agreement at paragraph (t)(2)(i)(C) of this clause, and, in the absence of a properly executed novation or change-of-name agreement, the CCR information that shows the Contractor to be other than the Contractor indicated in the contract will be considered to be incorrect information within the meaning of the "Suspension of Payment" paragraph of the electronic funds transfer (EFT) clause of this contract.

(3) The Contractor shall not change the name or address for EFT payments or manual payments, as appropriate, in the CCR record to reflect an assignee for the purpose of assignment of claims (see Subpart 32.8, Assignment of Claims). Assignees shall be separately registered in the CCR database. Information provided to the Contractor's CCR record that indicates payments, including those made by EFT, to an ultimate recipient other than that Contractor will be considered to be incorrect information within the meaning of the "Suspension of payment" paragraph of the EFT clause of this contract.

(4) Offerors and Contractors may obtain information on registration and annual confirmation requirements via the internet at <http://www.ccr.gov> or by calling 1-888-227-2423 or 269-961-5757.

**I.2 52.212-05 CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS-- MARCH 2011
COMMERCIAL ITEMS**

(a) The Contractor shall comply with the following Federal Acquisition Regulation (FAR) clauses, which are incorporated in this contract by reference, to implement provisions of law or Executive orders applicable to acquisitions of commercial items:

- (1) 52.222-50, Combating Trafficking in Persons (FEB 2009) (22 U.S.C. 7104(g)).
- ___ Alternate I (AUG 2007) of 52.222-50 (22 U.S.C.7104(g)).

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(2) 52.233-3, Protest After Award (AUG 1996) (31 U.S.C. 3553).

(3) 52.233-4, Applicable Law for Breach of Contract Claim (OCT 2004) (Pub. L. 108-77, 108-78).

(b) The Contractor shall comply with the FAR clauses in this paragraph (b) that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items:

___ (1) 52.203-6, Restrictions on Subcontractor Sales to the Government (SEPT 2006), with Alternate I (OCT 1995) (41 U.S.C. 253g and 10 U.S.C. 2402).

x (2) 52.203-13, Contractor Code of Business Ethics and Conduct (APR 2010) (Pub. L. 110-252, Title VI, Chapter I (41 U.S.C. 251 note)).

___ (3) 52.203-15, Whistleblower Protections under the American Recovery and Reinvestment Act of 2009 (JUNE 2010) (Section 1553 of Pub. L. 111-5). (Applies to contracts funded by the American Recovery and Reinvestment Act of 2009.)

___ (4) 52.204-10, Reporting Executive Compensation and First-Tier Subcontract Awards (JUL 2010) (Pub. L. 109-282) (31 U.S.C. 6101 note).

___ (5) 52.204-11, American Recovery and Reinvestment Act—Reporting Requirements (JUL 2010) (Pub. L. 111-5).

___ (6) 52.219-3, Notice of Total HUBZone Set-Aside (JAN 1999) (15 U.S.C. 657a).

___ (7) 52.219-4, Notice of Price Evaluation Preference for HUBZone Small Business Concerns (JULY 2005) (if the offeror elects to waive the preference, it shall so indicate in its offer) (15 U.S.C. 657a).

___ (8) [Reserved]

___ (9)(i) 52.219-6, Notice of Total Small Business Set-Aside (JUNE 2003) (15 U.S.C. 644).

___ (ii) Alternate I (OCT 1995) of 52.219-6.

___ (iii) Alternate II (MAR 2004) of 52.219-6.

___ (10)(i) 52.219-7, Notice of Partial Small Business Set-Aside (JUNE 2003) (15 U.S.C. 644).

___ (ii) Alternate I (OCT 1995) of 52.219-7.

___ (iii) Alternate II (MAR 2004) of 52.219-7.

___ (11) 52.219-8, Utilization of Small Business Concerns (MAY 2004) (15 U.S.C. 637(d)(2) and (3)).

___ (12)(i) 52.219-9, Small Business Subcontracting Plan (OCT 2010) (15 U.S.C. 637(d)(4)).

___ (ii) Alternate I (OCT 2001) of 52.219-9.

___ (iii) Alternate II (OCT 2001) of 52.219-9.

___ (iv) Alternate III (JUL 2010) of 52.219-9.

___ (13) 52.219-14, Limitations on Subcontracting (DEC 1996) (15 U.S.C. 637(a)(14)).

___ (14) 52.219-16, Liquidated Damages—Subcontracting Plan (JAN 1999) (15 U.S.C. 637(d)(4)(F)(i)).

___ (15)(i) 52.219-23, Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns (OCT 2008) (10 U.S.C. 2323) (if the offeror elects to waive the adjustment, it shall so indicate in its offer).

___ (ii) Alternate I (JUNE 2003) of 52.219-23.

___ (16) 52.219-25, Small Disadvantaged Business Participation Program—Disadvantaged Status and Reporting (APR 2008) (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323).

___ (17) 52.219-26, Small Disadvantaged Business Participation Program—Incentive Subcontracting (OCT 2000) (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323).

___ (18) 52.219-27, Notice of Total Service-Disabled Veteran-Owned Small Business Set-Aside (MAY 2004) (15 U.S.C. 657 f).

___ (19) 52.219-28, Post Award Small Business Program Rerepresentation (APR 2009) (15 U.S.C. 632(a)(2)).

x (20) 52.222-3, Convict Labor (JUNE 2003) (E.O. 11755).

x (21) 52.222-19, Child Labor—Cooperation with Authorities and Remedies (JUL 2010) (E.O. 13126).

___ (22) 52.222-21, Prohibition of Segregated Facilities (FEB 1999).

x (23) 52.222-26, Equal Opportunity (MAR 2007) (E.O. 11246).

x (24) 52.222-35, Equal Opportunity for Veterans (SEP 2010) (38 U.S.C. 4212).

x (25) 52.222-36, Affirmative Action for Workers with Disabilities (OCT 2010) (29 U.S.C. 793).

x (26) 52.222-37, Employment Reports on Veterans (SEP 2010) (38 U.S.C. 4212).

x (27) 52.222-54, Employment Eligibility Verification (JAN 2009). (Executive Order 12989). (Not applicable to the acquisition of commercially available off-the-shelf items or certain other types of commercial items as prescribed in 22.1803.)

___ (28)(i) 52.223-9, Estimate of Percentage of Recovered Material Content for EPA-Designated Items (MAY 2008) (42 U.S.C. 6962(c)(3)(A)(ii)). (Not applicable to the acquisition of commercially available off-the-shelf items.)

___ (ii) Alternate I (MAY 2008) of 52.223-9 (42 U.S.C. 6962(i)(2)(C)). (Not applicable to the acquisition of commercially available off-the-shelf items.)

___ (29) 52.223-15, Energy Efficiency in Energy-Consuming Products (DEC 2007) (42 U.S.C. 8259b).

___ (30)(i) 52.223-16, IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products (DEC 2007) (E.O. 13423).

___ (ii) Alternate I (DEC 2007) of 52.223-16.

x (31) 52.223-18, Contractor Policy to Ban Text Messaging While Driving (SEP 2010) (E.O. 13513).

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- ___ (32) 52.225-1, Buy American Act—Supplies (FEB 2009) (41 U.S.C. 10a-10d).
- ___ (33)(i) 52.225-3, Buy American Act—Free Trade Agreements—Israeli Trade Act (JUNE 2009) (41 U.S.C. 10a-10d, 19 U.S.C. 3301 note, 19 U.S.C. 2112 note, 19 U.S.C. 3805 note, Pub. L. 108-77, 108-78, 108-286, 108-302, 109-53, 109-169, 109-283, and 110-138).
- ___ (ii) Alternate I (JAN 2004) of 52.225-3.
- ___ (iii) Alternate II (JAN 2004) of 52.225-3.
- ___ (34) 52.225-5, Trade Agreements (AUG 2009) (19 U.S.C. 2501, et seq., 19 U.S.C. 3301 note).
- ___ (35) 52.225-13, Restrictions on Certain Foreign Purchases (JUNE 2008) (E.O.'s, proclamations, and statutes administered by the Office of Foreign Assets Control of the Department of the Treasury).
- ___ (36) 52.226-4, Notice of Disaster or Emergency Area Set-Aside (NOV 2007) (42 U.S.C. 5150).
- ___ (37) 52.226-5, Restrictions on Subcontracting Outside Disaster or Emergency Area (NOV 2007) (42 U.S.C.5150).
- ___ (38) 52.232-29, Terms for Financing of Purchases of Commercial Items (FEB 2002) (41 U.S.C. 255(f), 10 U.S.C. 2307(f)).
- ___ (39) 52.232-30, Installment Payments for Commercial Items (OCT 1995) (41 U.S.C. 255(f), 10 U.S.C. 2307(f)).
- _x_ (40) 52.232-33, Payment by Electronic Funds Transfer—Central Contractor Registration (OCT 2003) (31 U.S.C. 3332).
- ___ (41) 52.232-34, Payment by Electronic Funds Transfer—Other than Central Contractor Registration (MAY 1999) (31 U.S.C. 3332).
- ___ (42) 52.232-36, Payment by Third Party (FEB 2010) (31 U.S.C. 3332).
- ___ (43) 52.239-1, Privacy or Security Safeguards (AUG 1996) (5 U.S.C. 552a).
- ___ (44)(i) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (FEB 2006) (46 U.S.C. Appx. 1241(b) and 10 U.S.C. 2631).
- ___ (ii) Alternate I (Apr 2003) of 52.247-64.

(c) The Contractor shall comply with the FAR clauses in this paragraph (c), applicable to commercial services, that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items:

- _x_ (1) 52.222-41, Service Contract Act of 1965 (Nov 2007) (41 U.S.C. 351, et seq.).
- ___ (2) 52.222-42, Statement of Equivalent Rates for Federal Hires (MAY 1989) (29 U.S.C. 206 and 41 U.S.C. 351, et seq.).
- ___ (3) 52.222-43, Fair Labor Standards Act and Service Contract Act—Price Adjustment (Multiple Year and Option Contracts) (SEP 2009) (29 U.S.C. 206 and 41 U.S.C. 351, et seq.).
- ___ (4) 52.222-44, Fair Labor Standards Act and Service Contract Act—Price Adjustment (SEP 2009) (29 U.S.C. 206 and 41 U.S.C. 351, et seq.).
- ___ (5) 52.222-51, Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Requirements (NOV 2007) (41 351, et seq.).
- ___ (6) 52.222-53, Exemption from Application of the Service Contract Act to Contracts for Certain Services— Requirements (FEB 2009) (41 U.S.C. 351, et seq.).
- _x_ (7) 52.226-6, Promoting Excess Food Donation to Nonprofit Organizations (MAR 2009) (Pub. L. 110-247).
- ___ (8) 52.237-11, Accepting and Dispensing of \$1 Coin (SEPT 2008) (31 U.S.C. 5112(p)(1)).

(d) Comptroller General Examination of Record. The Contractor shall comply with the provisions of this paragraph (d) if this contract was awarded using other than sealed bid, is in excess of the simplified acquisition threshold, and does not contain the clause at 52.215-2, Audit and Records—Negotiation.

- (1) The Comptroller General of the United States, or an authorized representative of the Comptroller General, shall have access to and right to examine any of the Contractor's directly pertinent records involving transactions related to this contract.
- (2) The Contractor shall make available at its offices at all reasonable times the records, materials, and other evidence for examination, audit, or reproduction, until 3 years after final payment under this contract or for any shorter period specified in FAR Subpart 4.7, Contractor Records Retention, of the other clauses of this contract. If this contract is completely or partially terminated, the records relating to the work terminated shall be made available for 3 years after any resulting final termination settlement. Records relating to ment of claims arising under or relating to this contract shall be made available until such appeals, litigation, or claims are finally resolved.
- (3) As used in this clause, records include books, documents, accounting procedures and practices, and other data, regardless of type and regardless of form. This does not require the Contractor to create or maintain any record that the Contractor does not maintain in the ordinary course of business or pursuant to a provision of law.

(e)(1) Notwithstanding the requirements of the clauses in paragraphs (a), (b), (c), and (d) of this clause, the Contractor is not required to flow down any FAR clause, other than those in this paragraph (e)(1) in a subcontract for commercial items. Unless otherwise indicated below, the extent of the flow down shall be as required by the clause—

- (i) 52.203-13, Contractor Code of Business Ethics and Conduct (APR 2010) (Pub. L. 110-252, Title VI, Chapter 1 (41 U.S.C. 251 note)).
- (ii) 52.219-8, Utilization of Small Business Concerns (MAY 2004) (15 U.S.C. 637(d)(2) and (3)), in all subcontracts that offer further subcontracting opportunities. If the subcontract (except subcontracts to small business concerns) exceeds \$650,000 (\$1.5 million for

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YEAR

Funds are not presently available for performance under this contract beyond December 31, 2011 . The Government's obligation for performance of this contract beyond that date is contingent upon the availability of appropriated funds from which payment for contract purposes can be made. No legal liability on the part of the Government for any payment may arise for performance under this contract beyond December 31, 2011, until funds are made available to the Contracting Officer for performance and until the Contractor receives notice of availability, to be confirmed in writing by the Contracting Officer.

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SECTION J -- LIST OF DOCUMENTS, EXHIBITS AND OTHER ATTACHMENTS

J.1 ALL DOI NATIONWIDE - PROHIBITION ON TEXTING WHILE DRIVING

Memorandum

To: All DOI Employees
From: Deputy Secretary
Subject: Prohibition on Texting While Driving

Recent deadly crashes involving drivers distracted by text messaging while driving highlight a growing danger. Text messaging causes drivers to take their eyes off the road and at least one hand off the steering wheel, endangering both themselves and others. President Obama recently issued Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving." This important order prohibits Federal employees from text messaging while doing any of the following:

- " Driving Government-owned, Government-leased, or Government-rented vehicles (GOVs);
- " Driving privately-owned vehicles (POV) while on official Government business; and
- " Using electronic equipment supplied by the Government (including, but not limited to, cell phones, Blackberries, or other electronic devices) while driving.

A Federal Government-wide prohibition on the use of text messaging while driving on official business or while using Government-supplied equipment will help save lives, reduce injuries, and set an example for state and local governments, private employers, and individual drivers.

Texting or text messaging means reading from or entering data into any handheld or other electronic device, including SMS texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication.

In addition, the Executive Order requires Federal agencies to take steps to encourage Federal contractors, subcontractors, recipients, and sub recipients of financial assistance to adopt and enforce their own policies that ban employees from texting while driving GOVs or company-owned, company-leased, or company-rented vehicles or while driving POVs on official Government business or when performing work for, or on behalf of, the Government. Those entities are further encouraged to educate their employees and to urge voluntary compliance with a texting ban for off-duty employees.

All DOI employees are directed to comply with E.O. 13513 immediately, and human capital, procurement, and other applicable teams are directed to update all relevant policies and procedures to include the express prohibitions of the Order as soon as possible. In addition, employees and contractors are strongly encouraged to refrain from off-duty text messaging on personal devices while operating POVs.

PROHIBITION ON TEXT MESSAGING AND USING ELECTRONIC EQUIPMENT SUPPLIED BY THE GOVERNMENT WHILE DRIVING:

Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, was signed by President Barack Obama on October 1, 2009 (Ref.: <http://edocket.access.gpo.gov/2009/pdf/E9-24203.pdf>). This Executive Order introduces a Federal Government-wide prohibition on the use of text messaging while driving on official business or while using Government-supplied equipment. Additional guidance enforcing the ban will be issued at a later date. In the meantime, please adopt and enforce policies that immediately ban text messaging while driving company-owned or rented vehicles, government-owned or leased vehicles, or while driving privately owned vehicles when on official government business or when performing any work for or on behalf of the government. Clause 1450-0016-002 is provided in Section I.

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J.3 SERVICE CONTRACT ACT - WAGE DETERMINATIONS

WD 05-2024 (Rev.-13) was first posted on www.wdol.gov on 12/14/2010

REGISTER OF WAGE DETERMINATIONS UNDER | U.S. DEPARTMENT OF LABOR
 THE SERVICE CONTRACT ACT | EMPLOYMENT STANDARDS ADMINISTRATION
 By direction of the Secretary of Labor | WAGE AND HOUR DIVISION
 WASHINGTON D.C. 20210

Shirley F. Ebbesen | Wage Determination No.: 2005-2024
 Director | Division of | Revision No.: 13
 Wage Determinations | Date Of Revision: 12/08/2010

State: Arizona

Area: Arizona Counties of Apache, Coconino, Gila, Maricopa, Navajo, Pinal, Yavapai

****Fringe Benefits Required Follow the Occupational Listing****

OCCUPATION CODE - TITLE	FOOTNOTE	RATE
01000 - Administrative Support And Clerical Occupations		
01011 - Accounting Clerk I	14.85	
01012 - Accounting Clerk II	16.68	
01013 - Accounting Clerk III	18.65	
01020 - Administrative Assistant	25.36	
01040 - Court Reporter	16.73	
01051 - Data Entry Operator I	12.52	
01052 - Data Entry Operator II	13.66	
01060 - Dispatcher, Motor Vehicle	16.40	
01070 - Document Preparation Clerk	13.55	
01090 - Duplicating Machine Operator	13.55	
01111 - General Clerk I	12.53	
01112 - General Clerk II	13.67	
01113 - General Clerk III	15.34	
01120 - Housing Referral Assistant	20.78	
01141 - Messenger Courier	12.33	
01191 - Order Clerk I	12.32	
01192 - Order Clerk II	14.86	
01261 - Personnel Assistant (Employment) I	14.98	
01262 - Personnel Assistant (Employment) II	16.76	
01263 - Personnel Assistant (Employment) III	18.69	
01270 - Production Control Clerk	20.26	
01280 - Receptionist	12.58	
01290 - Rental Clerk	14.97	
01300 - Scheduler, Maintenance	16.66	
01311 - Secretary I	16.66	
01312 - Secretary II	18.64	
01313 - Secretary III	20.78	
01320 - Service Order Dispatcher	14.32	
01410 - Supply Technician	25.36	
01420 - Survey Worker	16.63	
01531 - Travel Clerk I	13.28	
01532 - Travel Clerk II	14.46	
01533 - Travel Clerk III	15.61	
01611 - Word Processor I	13.82	

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01612 - Word Processor II	15.78
01613 - Word Processor III	17.54
05000 - Automotive Service Occupations	
05005 - Automobile Body Repairer, Fiberglass	20.34
05010 - Automotive Electrician	20.30
05040 - Automotive Glass Installer	19.42
05070 - Automotive Worker	19.42
05110 - Mobile Equipment Servicer	16.62
05130 - Motor Equipment Metal Mechanic	22.69
05160 - Motor Equipment Metal Worker	19.62
05190 - Motor Vehicle Mechanic	21.59
05220 - Motor Vehicle Mechanic Helper	15.12
05250 - Motor Vehicle Upholstery Worker	18.14
05280 - Motor Vehicle Wrecker	19.62
05310 - Painter, Automotive	22.12
05340 - Radiator Repair Specialist	19.58
05370 - Tire Repairer	14.21
05400 - Transmission Repair Specialist	21.59
07000 - Food Preparation And Service Occupations	
07010 - Baker	12.03
07041 - Cook I	10.50
07042 - Cook II	12.16
07070 - Dishwasher	8.60
07130 - Food Service Worker	10.17
07210 - Meat Cutter	16.58
07260 - Waiter/Waitress	9.75
09000 - Furniture Maintenance And Repair Occupations	
09010 - Electrostatic Spray Painter	16.50
09040 - Furniture Handler	10.88
09080 - Furniture Refinisher	16.50
09090 - Furniture Refinisher Helper	12.16
09110 - Furniture Repairer, Minor	14.59
09130 - Upholsterer	16.50
11000 - General Services And Support Occupations	
11030 - Cleaner, Vehicles	9.97
11060 - Elevator Operator	9.97
11090 - Gardener	12.96
11122 - Housekeeping Aide	11.10
11150 - Janitor	11.10
11210 - Laborer, Grounds Maintenance	10.31
11240 - Maid or Houseman	9.59
11260 - Pruner	10.14
11270 - Tractor Operator	12.53
11330 - Trail Maintenance Worker	10.31
11360 - Window Cleaner	12.00
12000 - Health Occupations	
12010 - Ambulance Driver	13.87
12011 - Breath Alcohol Technician	18.71
12012 - Certified Occupational Therapist Assistant	24.60
12015 - Certified Physical Therapist Assistant	18.94
12020 - Dental Assistant	16.61
12025 - Dental Hygienist	34.70
12030 - EKG Technician	21.08
12035 - Electroneurodiagnostic Technologist	21.08
12040 - Emergency Medical Technician	13.87
12071 - Licensed Practical Nurse I	16.73
12072 - Licensed Practical Nurse II	18.71
12073 - Licensed Practical Nurse III	20.87
12100 - Medical Assistant	14.39

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12130 - Medical Laboratory Technician		19.61
12160 - Medical Record Clerk		13.11
12190 - Medical Record Technician		15.57
12195 - Medical Transcriptionist		17.02
12210 - Nuclear Medicine Technologist		33.98
12221 - Nursing Assistant I		10.25
12222 - Nursing Assistant II		11.53
12223 - Nursing Assistant III		12.58
12224 - Nursing Assistant IV		14.12
12235 - Optical Dispenser		15.39
12236 - Optical Technician		14.85
12250 - Pharmacy Technician		14.15
12280 - Phlebotomist	14.12	
12305 - Radiologic Technologist	24.34	
12311 - Registered Nurse I	26.93	
12312 - Registered Nurse II	33.08	
12313 - Registered Nurse II, Specialist	33.08	
12314 - Registered Nurse III	40.02	
12315 - Registered Nurse III, Anesthetist	40.02	
12316 - Registered Nurse IV	47.96	
12317 - Scheduler (Drug and Alcohol Testing)	23.09	
13000 - Information And Arts Occupations		
13011 - Exhibits Specialist I	17.08	
13012 - Exhibits Specialist II	21.08	
13013 - Exhibits Specialist III	25.71	
13041 - Illustrator I	18.79	
13042 - Illustrator II	23.18	
13043 - Illustrator III	28.27	
13047 - Librarian	23.06	
13050 - Library Aide/Clerk	14.20	
13054 - Library Information Technology Systems Administrator	20.92	
13058 - Library Technician	14.08	
13061 - Media Specialist I	15.03	
13062 - Media Specialist II	16.81	
13063 - Media Specialist III	18.75	
13071 - Photographer I	14.99	
13072 - Photographer II	17.27	
13073 - Photographer III	21.32	
13074 - Photographer IV	26.01	
13075 - Photographer V	31.55	
13110 - Video Teleconference Technician	16.68	
14000 - Information Technology Occupations		
14041 - Computer Operator I	15.04	
14042 - Computer Operator II	17.51	
14043 - Computer Operator III	20.13	
14044 - Computer Operator IV	22.75	
14045 - Computer Operator V	24.82	
14071 - Computer Programmer I	23.00	
14072 - Computer Programmer II	24.90	
14073 - Computer Programmer III	(see 1)	
14074 - Computer Programmer IV	(see 1)	
14101 - Computer Systems Analyst I	(see 1)	
14102 - Computer Systems Analyst II	(see 1)	
14103 - Computer Systems Analyst III	(see 1)	
14150 - Peripheral Equipment Operator	15.04	
14160 - Personal Computer Support Technician	22.75	
15000 - Instructional Occupations		
15010 - Aircrew Training Devices Instructor (Non-Rated)	29.46	

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15020 - Aircrew Training Devices Instructor (Rated)	36.56
15030 - Air Crew Training Devices Instructor (Pilot)	40.22
15050 - Computer Based Training Specialist / Instructor	29.46
15060 - Educational Technologist	21.91
15070 - Flight Instructor (Pilot)	40.22
15080 - Graphic Artist	21.68
15090 - Technical Instructor	20.91
15095 - Technical Instructor/Course Developer	25.58
15110 - Test Proctor	16.87
15120 - Tutor	16.87
16000 - Laundry, Dry-Cleaning, Pressing And Related Occupations	
16010 - Assembler	9.06
16030 - Counter Attendant	9.06
16040 - Dry Cleaner	11.32
16070 - Finisher, Flatwork, Machine	9.06
16090 - Presser, Hand	9.06
16110 - Presser, Machine, Drycleaning	9.06
16130 - Presser, Machine, Shirts	9.06
16160 - Presser, Machine, Wearing Apparel, Laundry	9.06
16190 - Sewing Machine Operator	12.05
16220 - Tailor	12.81
16250 - Washer, Machine	9.86
19000 - Machine Tool Operation And Repair Occupations	
19010 - Machine-Tool Operator (Tool Room)	16.74
19040 - Tool And Die Maker	22.78
21000 - Materials Handling And Packing Occupations	
21020 - Forklift Operator	13.52
21030 - Material Coordinator	19.58
21040 - Material Expediter	19.58
21050 - Material Handling Laborer	11.91
21071 - Order Filler	12.24
21080 - Production Line Worker (Food Processing)	13.52
21110 - Shipping Packer	14.52
21130 - Shipping/Receiving Clerk	14.52
21140 - Store Worker I	9.13
21150 - Stock Clerk	14.39
21210 - Tools And Parts Attendant	13.52
21410 - Warehouse Specialist	13.52
23000 - Mechanics And Maintenance And Repair Occupations	
23010 - Aerospace Structural Welder	26.77
23021 - Aircraft Mechanic I	25.34
23022 - Aircraft Mechanic II	26.77
23023 - Aircraft Mechanic III	28.40
23040 - Aircraft Mechanic Helper	17.74
23050 - Aircraft, Painter	24.07
23060 - Aircraft Servicer	21.28
23080 - Aircraft Worker	22.80
23110 - Appliance Mechanic	18.79
23120 - Bicycle Repairer	12.92
23125 - Cable Splicer	29.26
23130 - Carpenter, Maintenance	17.36
23140 - Carpet Layer	15.63
23160 - Electrician, Maintenance	20.14
23181 - Electronics Technician Maintenance I	18.00
23182 - Electronics Technician Maintenance II	23.29
23183 - Electronics Technician Maintenance III	25.37
23260 - Fabric Worker	14.70
23290 - Fire Alarm System Mechanic	19.80
23310 - Fire Extinguisher Repairer	15.17

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23311 - Fuel Distribution System Mechanic	29.33
23312 - Fuel Distribution System Operator	20.70
23370 - General Maintenance Worker	17.48
23380 - Ground Support Equipment Mechanic	25.34
23381 - Ground Support Equipment Servicer	21.28
23382 - Ground Support Equipment Worker	22.80
23391 - Gunsmith I	15.17
23392 - Gunsmith II	18.14
23393 - Gunsmith III	21.09
23410 - Heating, Ventilation And Air-Conditioning Mechanic	19.83
23411 - Heating, Ventilation And Air Contditioning Mechanic (Research Facility)	20.95
23430 - Heavy Equipment Mechanic	21.55
23440 - Heavy Equipment Operator	21.23
23460 - Instrument Mechanic	24.18
23465 - Laboratory/Shelter Mechanic	19.62
23470 - Laborer	11.55
23510 - Locksmith	19.50
23530 - Machinery Maintenance Mechanic	25.00
23550 - Machinist, Maintenance	17.73
23580 - Maintenance Trades Helper	13.00
23591 - Metrology Technician I	24.18
23592 - Metrology Technician II	25.25
23593 - Metrology Technician III	26.51
23640 - Millwright	23.72
23710 - Office Appliance Repairer	19.75
23760 - Painter, Maintenance	16.50
23790 - Pipefitter, Maintenance	20.86
23810 - Plumber, Maintenance	19.81
23820 - Pneudraulic Systems Mechanic	21.09
23850 - Rigger	21.09
23870 - Scale Mechanic	18.14
23890 - Sheet-Metal Worker, Maintenance	17.99
23910 - Small Engine Mechanic	16.52
23931 - Telecommunications Mechanic I	22.60
23932 - Telecommunications Mechanic II	26.99
23950 - Telephone Lineman	18.23
23960 - Welder, Combination, Maintenance	17.37
23965 - Well Driller	21.09
23970 - Woodcraft Worker	21.09
23980 - Woodworker	14.71
24000 - Personal Needs Occupations	
24570 - Child Care Attendant	10.73
24580 - Child Care Center Clerk	16.79
24610 - Chore Aide	10.71
24620 - Family Readiness And Support Services Coordinator	15.56
24630 - Homemaker	18.38
25000 - Plant And System Operations Occupations	
25010 - Boiler Tender	23.78
25040 - Sewage Plant Operator	22.71
25070 - Stationary Engineer	23.78
25190 - Ventilation Equipment Tender	14.81
25210 - Water Treatment Plant Operator	22.71
27000 - Protective Service Occupations	
27004 - Alarm Monitor	18.73
27007 - Baggage Inspector	11.01
27008 - Corrections Officer	19.77

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27010 - Court Security Officer	20.49	
27030 - Detection Dog Handler	16.13	
27040 - Detention Officer	19.77	
27070 - Firefighter	21.80	
27101 - Guard I	11.01	
27102 - Guard II	16.13	
27131 - Police Officer I	25.69	
27132 - Police Officer II	28.53	
28000 - Recreation Occupations		
28041 - Carnival Equipment Operator	13.84	
28042 - Carnival Equipment Repairer	15.17	
28043 - Carnival Equipment Worker	9.89	
28210 - Gate Attendant/Gate Tender	14.95	
28310 - Lifeguard	11.90	
28350 - Park Attendant (Aide)	16.73	
28510 - Recreation Aide/Health Facility Attendant	12.21	
28515 - Recreation Specialist	17.99	
28630 - Sports Official	13.33	
28690 - Swimming Pool Operator	19.72	
29000 - Stevedoring/Longshoremen Occupational Services		
29010 - Blocker And Bracer	19.45	
29020 - Hatch Tender	19.45	
29030 - Line Handler	19.45	
29041 - Stevedore I	17.16	
29042 - Stevedore II	21.45	
30000 - Technical Occupations		
30010 - Air Traffic Control Specialist, Center (HFO) (see 2)	35.77	
30011 - Air Traffic Control Specialist, Station (HFO) (see 2)	24.66	
30012 - Air Traffic Control Specialist, Terminal (HFO) (see 2)	27.16	
30021 - Archeological Technician I	17.49	
30022 - Archeological Technician II	19.58	
30023 - Archeological Technician III	24.25	
30030 - Cartographic Technician	24.59	
30040 - Civil Engineering Technician	21.56	
30061 - Drafter/CAD Operator I	17.49	
30062 - Drafter/CAD Operator II	19.84	
30063 - Drafter/CAD Operator III	22.12	
30064 - Drafter/CAD Operator IV	26.82	
30081 - Engineering Technician I	16.02	
30082 - Engineering Technician II	17.98	
30083 - Engineering Technician III	21.48	
30084 - Engineering Technician IV	25.33	
30085 - Engineering Technician V	30.27	
30086 - Engineering Technician VI	34.64	
30090 - Environmental Technician	22.20	
30210 - Laboratory Technician	22.92	
30240 - Mathematical Technician	24.69	
30361 - Paralegal/Legal Assistant I	21.19	
30362 - Paralegal/Legal Assistant II	25.09	
30363 - Paralegal/Legal Assistant III	30.61	
30364 - Paralegal/Legal Assistant IV	37.15	
30390 - Photo-Optics Technician	24.69	
30461 - Technical Writer I	22.49	
30462 - Technical Writer II	27.51	
30463 - Technical Writer III	31.24	
30491 - Unexploded Ordnance (UXO) Technician I	22.74	
30492 - Unexploded Ordnance (UXO) Technician II	27.51	
30493 - Unexploded Ordnance (UXO) Technician III	32.97	
30494 - Unexploded (UXO) Safety Escort	22.74	

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30495 - Unexploded (UXO) Sweep Personnel		22.74
30620 - Weather Observer, Combined Upper Air Or Surface Programs	(see 2)	22.12
30621 - Weather Observer, Senior	(see 2)	24.12
31000 - Transportation/Mobile Equipment Operation Occupations		
31020 - Bus Aide		8.17
31030 - Bus Driver		17.45
31043 - Driver Courier		13.84
31260 - Parking and Lot Attendant		10.32
31290 - Shuttle Bus Driver		15.35
31310 - Taxi Driver		10.88
31361 - Truckdriver, Light		15.35
31362 - Truckdriver, Medium		18.71
31363 - Truckdriver, Heavy		19.29
31364 - Truckdriver, Tractor-Trailer		19.29
99000 - Miscellaneous Occupations		
99030 - Cashier		11.86
99050 - Desk Clerk		10.74
99095 - Embalmer		24.27
99251 - Laboratory Animal Caretaker I		10.57
99252 - Laboratory Animal Caretaker II		13.33
99310 - Mortician		28.19
99410 - Pest Controller		14.44
99510 - Photofinishing Worker		13.44
99710 - Recycling Laborer		18.15
99711 - Recycling Specialist		23.31
99730 - Refuse Collector		17.29
99810 - Sales Clerk		12.38
99820 - School Crossing Guard		8.69
99830 - Survey Party Chief		26.46
99831 - Surveying Aide		15.94
99832 - Surveying Technician		22.46
99840 - Vending Machine Attendant		14.89
99841 - Vending Machine Repairer		18.88
99842 - Vending Machine Repairer Helper		14.89

ALL OCCUPATIONS LISTED ABOVE RECEIVE THE FOLLOWING BENEFITS:

HEALTH & WELFARE: Life, accident, and health insurance plans, sick leave, pension plans, civic and personal leave, severance pay, and savings and thrift plans. Minimum employer contributions costing an average of \$3.50 per hour computed on the basis of all hours worked by service employees employed on the contract.

VACATION: 2 weeks paid vacation after 1 year of service with a contractor or successor; 3 weeks after 5 years, and 4 weeks after 15 years. Length of service includes the whole span of continuous service with the present contractor or successor, wherever employed, and with the predecessor contractors in the performance of similar work at the same Federal facility. (Reg. 29 CFR 4.173)

HOLIDAYS: A minimum of ten paid holidays per year, New Year's Day, Martin Luther King Jr's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day. (A contractor may substitute for any of the named holidays another day off with pay in accordance with a plan communicated to the employees involved.) (See 29 CFR 4174)

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THE OCCUPATIONS WHICH HAVE NUMBERED FOOTNOTES IN PARENTHESES RECEIVE THE FOLLOWING:

1) **COMPUTER EMPLOYEES:** Under the SCA at section 8(b), this wage determination does not apply to any employee who individually qualifies as a bona fide executive, administrative, or professional employee as defined in 29 C.F.R. Part 541. Because most Computer System Analysts and Computer Programmers who are compensated at a rate not less than \$27.63 (or on a salary or fee basis at a rate not less than \$455 per week) an hour would likely qualify as exempt computer professionals, (29 C.F.R. 541.400) wage rates may not be listed on this wage determination for all occupations within those job families. In addition, because this wage determination may not list a wage rate for some or all occupations within those job families if the survey data indicates that the prevailing wage rate for the occupation equals or exceeds \$27.63 per hour conformances may be necessary for certain nonexempt employees. For example, if an individual employee is nonexempt but nevertheless performs duties within the scope of one of the Computer Systems Analyst or Computer Programmer occupations for which this wage determination does not specify an SCA wage rate, then the wage rate for that employee must be conformed in accordance with the conformance procedures described in the conformance note included on this wage determination.

Additionally, because job titles vary widely and change quickly in the computer industry, job titles are not determinative of the application of the computer professional exemption. Therefore, the exemption applies only to computer employees who satisfy the compensation requirements and whose primary duty consists of:

- (1) The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications;
- (2) The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;
- (3) The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or
- (4) A combination of the aforementioned duties, the performance of which requires the same level of skills. (29 C.F.R. 541.400).

2) **AIR TRAFFIC CONTROLLERS AND WEATHER OBSERVERS - NIGHT PAY & SUNDAY PAY:** If you work at night as part of a regular tour of duty, you will earn a night differential and receive an additional 10% of basic pay for any hours worked between 6pm and 6am. If you are a full-time employed (40 hours a week) and Sunday is part of your regularly scheduled workweek, you are paid at your rate of basic pay plus a Sunday premium of 25% of your basic rate for each hour of Sunday work which is not overtime (i.e. occasional work on Sunday outside the normal tour of duty is considered overtime work).

HAZARDOUS PAY DIFFERENTIAL: An 8 percent differential is applicable to employees employed in a position that represents a high degree of hazard when working with or in close proximity to ordnance, explosives, and incendiary materials. This includes work such as screening, blending, dying, mixing, and pressing of sensitive ordnance, explosives, and pyrotechnic compositions such as lead azide, black powder and photoflash powder. All dry-house activities involving propellants or explosives.

Demilitarization, modification, renovation, demolition, and maintenance operations on sensitive ordnance, explosives and incendiary materials. All operations involving regrading and cleaning of artillery ranges.

A 4 percent differential is applicable to employees employed in a position that

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represents a low degree of hazard when working with, or in close proximity to ordnance, (or employees possibly adjacent to) explosives and incendiary materials which involves potential injury such as laceration of hands, face, or arms of the employee engaged in the operation, irritation of the skin, minor burns and the like; minimal damage to immediate or adjacent work area or equipment being used. All operations involving, unloading, storage, and hauling of ordnance, explosive, and incendiary ordnance material other than small arms ammunition. These differentials are only applicable to work that has been specifically designated by the agency for ordnance, explosives, and incendiary material differential pay.

**** UNIFORM ALLOWANCE ****

If employees are required to wear uniforms in the performance of this contract (either by the terms of the Government contract, by the employer, by the state or local law, etc.), the cost of furnishing such uniforms and maintaining (by laundering or dry cleaning) such uniforms is an expense that may not be borne by an employee where such cost reduces the hourly rate below that required by the wage determination. The Department of Labor will accept payment in accordance with the following standards as compliance:

The contractor or subcontractor is required to furnish all employees with an adequate number of uniforms without cost or to reimburse employees for the actual cost of the uniforms. In addition, where uniform cleaning and maintenance is made the responsibility of the employee, all contractors and subcontractors subject to this wage determination shall (in the absence of a bona fide collective bargaining agreement providing for a different amount, or the furnishing of contrary affirmative proof as to the actual cost), reimburse all employees for such cleaning and maintenance at a rate of \$3.35 per week (or \$.67 cents per day). However, in those instances where the uniforms furnished are made of "wash and wear" materials, may be routinely washed and dried with other personal garments, and do not require any special treatment such as dry cleaning, daily washing, or commercial laundering in order to meet the cleanliness or appearance standards set by the terms of the Government contract, by the contractor, by law, or by the nature of the work, there is no requirement that employees be reimbursed for uniform maintenance costs.

The duties of employees under job titles listed are those described in the "Service Contract Act Directory of Occupations", Fifth Edition, April 2006, unless otherwise indicated. Copies of the Directory are available on the Internet. A links to the Directory may be found on the WHD home page at <http://www.dol.gov/esa/whd/> or through the Wage Determinations On-Line (WDOL) Web site at <http://wdol.gov/>.

REQUEST FOR AUTHORIZATION OF ADDITIONAL CLASSIFICATION AND WAGE RATE {Standard Form 1444 (SF 1444)}

Conformance Process:

The contracting officer shall require that any class of service employee which is not listed herein and which is to be employed under the contract (i.e., the work to be performed is not performed by any classification listed in the wage determination), be classified by the contractor so as to provide a reasonable relationship (i.e., appropriate level of skill comparison) between such unlisted classifications and the classifications listed in the wage determination. Such conformed classes of employees shall be paid the monetary wages and furnished the fringe benefits as are determined. Such conforming process shall be initiated by the contractor prior to the performance of contract work by such unlisted class(es) of employees. The conformed classification, wage rate, and/or fringe benefits shall be retroactive to the commencement date of the contract. {See Section 4.6 (C)(vi)} When multiple wage determinations are included in a contract, a separate SF 1444

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should be prepared for each wage determination to which a class(es) is to be conformed.

The process for preparing a conformance request is as follows:

- 1) When preparing the bid, the contractor identifies the need for a conformed occupation(s) and computes a proposed rate(s).
- 2) After contract award, the contractor prepares a written report listing in order proposed classification title(s), a Federal grade equivalency (FGE) for each proposed classification(s), job description(s), and rationale for proposed wage rate(s), including information regarding the agreement or disagreement of the authorized representative of the employees involved, or where there is no authorized representative, the employees themselves. This report should be submitted to the contracting officer no later than 30 days after such unlisted class(es) of employees performs any contract work.
- 3) The contracting officer reviews the proposed action and promptly submits a report of the action, together with the agency's recommendations and pertinent information including the position of the contractor and the employees, to the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, for review. (See section 4.6(b)(2) of Regulations 29 CFR Part 4).
- 4) Within 30 days of receipt, the Wage and Hour Division approves, modifies, or disapproves the action via transmittal to the agency contracting officer, or notifies the contracting officer that additional time will be required to process the request.
- 5) The contracting officer transmits the Wage and Hour decision to the contractor.
- 6) The contractor informs the affected employees.

Information required by the Regulations must be submitted on SF 1444 or bond paper.

When preparing a conformance request, the "Service Contract Act Directory of Occupations" (the Directory) should be used to compare job definitions to insure that duties requested are not performed by a classification already listed in the wage determination. Remember, it is not the job title, but the required tasks that determine whether a class is included in an established wage determination. Conformances may not be used to artificially split, combine, or subdivide classifications listed in the wage determination.



GILA COUNTY ATTORNEY
Bradley D. Beauchamp

Re: County Attorney's Office approval of IGA pursuant to A.R.S. § 11-952(D).

To whom it may concern:

The County Attorney's Office has reviewed the Intergovernmental Agreement attached to this agenda item and has determined that it is in its "proper form" and "is within the powers and authority granted under the laws of this state to such public agency or public procurement unit" pursuant to A.R.S. § 11-952(D).

Explanation of the Gila County Attorney's Office Intergovernmental Agreement (IGA) Review

A.R.S. § 11-952(D) requires that

every agreement or contract involving any public agency or public procurement unit of this state . . . before its execution, shall be submitted to the attorney for each such public agency or public procurement unit, who shall determine whether the agreement is in proper form and is within the powers and authority granted under the laws of this state to such public agency or public procurement unit.

In performing this review, the County Attorney's Office reviews IGAs to see that they are in "proper form" prior to their execution. "Proper form" means that the contract conforms to fundamental contract law, conforms to specific legislative requirements, and is within the powers and authority granted to the public agency. It does not mean that the County Attorney's Office approves of or supports the policy objectives contained in the IGA. That approval is solely the province of the public agency through its elected body.

Likewise, this approval is not a certification that the IGA has been properly executed. Proper execution can only be determined after all the entities entering into the IGA have taken legal action to approve the IGA. There is no statutory requirement for the County Attorney's Office to certify that IGAs are properly executed.

Nonetheless, it is imperative for each public agency to ensure that each IGA is properly executed because A.R.S. § 11-952(F) requires that "[a]ppropriate action ... applicable to the governing bodies of the participating agencies approving or extending the duration of the ... contract shall be necessary before any such agreement, contract or extension may be filed or become effective." This can be done by ensuring that the governing body gives the public proper notice of the meeting wherein action will be taken to approve the IGA, that the item is adequately described in the agenda accompanying the notice, and that the governing body takes such action. Any questions regarding whether the IGA has been properly executed may be directed to the County Attorney's Office.

Proper execution of IGAs is important because A.R.S. § 11-952(H) provides that "[p]ayment for services under this section shall not be made unless pursuant to a fully approved written contract." Additionally, A.R.S. § 11-952(I) provides that "[a] person who authorizes payment of any monies in violation of this section is liable for the monies paid plus twenty per cent of such amount and legal interest from the date of payment."

The public agency or department submitting the IGA for review has the responsibility to read and understand the IGA in order to completely understand its obligations under the IGA if it is ultimately approved by the public entity's board. This is because while the County Attorney's Office can approve the IGA as to form, the office may not have any idea whether the public agency has the capacity to actually comply with its contractual obligations. Also, the County Attorney's Office does not monitor IGA compliance. Hence the public entity or submitting department will need to be prepared to monitor their own compliance. A thorough knowledge of the provisions of the IGA will be necessary to monitor compliance.

Before determining whether an IGA contract "is in proper form," the County Attorney's Office will answer any questions or concerns the public agency has about the contract. It is the responsibility of the public agency or department submitting the IGA for review to ask any specific questions or address any concerns it has about the IGA to the County Attorney's Office at the same time they submit the IGA for review. Making such an inquiry also helps improve the County Attorney's Office review of the IGA because it will help focus the review on specific issues that are of greatest concern to the public agency. Failing to make such an inquiry when the agency does have issues or concerns will decrease the ability of the County Attorney's Office to meaningfully review the IGA.

ARF-2757

Consent Agenda Item 4. B.

Regular BOS Meeting

Meeting Date: 09/16/2014

Submitted For: Bradley

Beauchamp,
County
Attorney

Submitted By:

Brenda Van Haren, Victim Witness
Advocate, County Attorney

Department: County Attorney

Fiscal Year: 2014-2015

Budgeted?: Yes

Contract Dates July 1, 2014

Grant?: No

Begin & End: to June 30,
2015

Matching No

Fund?: Renewal

Requirement?:

Information

Request/Subject

FY 2015 Victims' Rights Program Award Agreement No. 2015-004 with the Office of the Attorney General.

Background Information

Monies are distributed and received by the Attorney General pursuant to A.R.S. 41-2401 and A.R.S. 8-418 and constitute a continuing appropriation. These monies are also subject to legislative appropriation. The allocated funding received from the Attorney General's Office provides for salary and employee-related expenses of a full-time Victim-Advocate / Notification Clerk within the Gila County Attorney's Office. FY2015 award in the amount \$33,900 has no financial impact on Gila County and requires no matched funds from the County.

Evaluation

The award of \$33,900 is used to cover existing employee salaries and employee related expenses commencing July 1, 2014, and terminating on June 30, 2015. The funding agreement is used to support costs of implementing victims' rights laws mandated by the provisions of Arizona Revised Statutes Title 13, Crime Victims' Rights, and Title 8, Victims' Rights for Juvenile Offenses.

Conclusion

The intent of the program funds is two-fold - one, to provide financial support to the Gila County Attorney's Office charged with performing the duties under A.R.S. Title 13 and A.R.S. Title 8, and two, to encourage efficient and effective use of resources to meet statutory requirements aimed at ensuring victims' rights and access to justice. Mandated services provided to victims include, but are not limited to notification of all court hearings, court escorts, victim compensation, provide emotional support, assist in transportation, scheduling interviews with prosecutors and to assist with any other social service needs. These funds are essential to carrying out these duties.

Recommendation

It is recommended by the Gila County Attorney that the Board accept and approve the FY2015 Victims' Rights Program Award Agreement No. AG# 2015-004 in the amount of \$33,900 for the salary / benefits of a full-time Victim Advocate in the County Attorney's Office.

Suggested Motion

Approval of FY 2015 Victims' Rights Program Award Agreement No. AG# 2015-004 between the Gila County Attorney's Office and the Arizona Attorney General's Office in the amount of \$33,900 to cover the existing salary and employee-related expenses for a full-time advocate, with no cash match funds required, for the period July 1, 2014, through June 30, 2015.

Attachments

FY2015 Victims' Rights Program Award Agreement

Legal Explanation



State of Arizona
Office of the Attorney General
FY 2015 Victims' Rights Program
AWARD AGREEMENT
A.G. #: 2015-004

RECIPIENT

Name:	Gila County Attorney's Office
Contract:	Brenda Van Haren
Address:	155 South Broad Street, Globe, AZ 85501
Award Amount:	\$33,900.00
Purpose:	To support the direct costs of implementing victims' rights laws pursuant to those provisions of Arizona Revised Statutes Title 13, Chapter 40 and Title 8, Chapter 3, Article 7 impacting County Attorney as an entity type.

Moneys having been deposited and received by the Attorney General pursuant to Arizona Revised Statutes § 41-2401, § 8-418 and legislative appropriations, this AGREEMENT is made under the authority of the Attorney General pursuant to Arizona Revised Statutes § 41-191.08 -- Victims' Rights Fund.

This AGREEMENT is made this first day of July 2014, by and between the Arizona Attorney General, and the AGENCY, the "Contractor", to commence on July 1, 2014 and terminate June 30, 2015. The Attorney General, having been satisfied as to the qualifications of Contractor, agrees to pay Contractor the above shown AWARD subject to Contractor's agreement as follows:

I. The Contractor agrees:

- A. Award funds will not be used to supplant state, local and federal funds that would otherwise be available to provide services to victims of crime as mandated by A.R.S. Title 13, Chapter 40 and Title 8, Chapter 3, Article 7
- B. Award funds will be used only for allowable costs that can be proven necessary and essential to effect the direct provision or performance of those statutorily mandated victims' rights duties (services), as described in the Program Guidelines - Section IV, and as specified in Contractor's approved \$33,900.00 award budget as follows:
 Personnel: \$23,700.00 ERE/Benefits: \$10,200.00
 Title: Legal Secretary to Victim Services Percent: 75%
 Consulting: \$0.00
 Operating: \$0.00
 Equipment: \$0.00
- C. To complete and submit, on or before August 14, 2015, an annual report to the Attorney General as prescribed in A.R.S. § 41-191.08(F).
- D. To comply with FY 2015 Victims' Rights Program Guidelines, as well as the applicable provisions of A.R.S. Title 13, Chapter 40 and A.R.S. Title 8, Chapter 3, Article 7.
- E. To allow (a) representative(s) of the Attorney General to complete program and financial audits as the Attorney General believes necessary to ensure Contractor compliance with this agreement and with State law.
- F. To retain all records relating to the agreement, and performance under the agreement, for a period of five years after the completion of the project, and to allow inspection and audit of all such documents at reasonable times, pursuant to A.R.S. § 35-214.
- G. To comply with all applicable nondiscrimination requirements of A.R.S. § 41-1463, Arizona State Executive Order 2009-09, and all other applicable state and federal civil rights laws.
- H. In the event that a federal or state court or administrative agency, after a due process hearing, makes a finding of discrimination on the grounds of race, color, religion, national origin, sex, age, or handicap against the program, the Contractor will forward a copy of the findings to the Attorney General within ten calendar days of the written findings.
- I. In accordance with A.R.S. § 41-4401, Contractor warrants compliance with all Federal immigration laws and regulations relating to employees and warrants its compliance with AAC Section A.R.S. § 23-214, Subsection A.
- J. To retain ownership interest in all equipment acquired with VRP funds (or in the proceeds resulting from the sale of such equipment) provided that: (1) the equipment purchase was not in violation of the VRP Award Agreement, and (2) the useful life of the equipment in question has not elapsed.

II. It is further agreed between the parties as follows:

- A. To use arbitration in the event of disputes and to the extent required by A.R.S. § 12-1518.
- B. Except as provided in paragraph C below, if the Attorney General finds that the Contractor has not complied with the requirements of this agreement, the Contractor will receive a notice which identifies the area(s) of non-compliance and the appropriate corrective action to be taken. If the Contractor does not respond within thirty calendar days to this notice, or does not provide sufficient information concerning the steps which are being taken to correct the problem, the Attorney General may terminate the contract and require the return of all funds which are found to have been spent in violation of this agreement.
- C. The Attorney General may reduce or discontinue funding to the Contractor in subsequent fiscal years, at the Attorney General's discretion, for the Contractor's failure to complete and submit, on or before August 14, 2015, the report that is required pursuant to A.R.S. § 41-191.08(F) or for other reasons such as available funding. Every payment obligation of the Attorney General under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the Attorney General at the end of the period for which funds are available. No liability shall accrue to the Attorney General in the event this provision is exercised, and the Attorney General shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.
- D. Any and all award funds not expended by June 30, 2015, will be returned to the Attorney General.
- E. This agreement is subject to cancellation pursuant to A.R.S. § 38-511.

IN WITNESS WHEREOF, the parties have made and executed this AGREEMENT on the day and year first above written.

FOR THE ATTORNEY GENERAL:

 Jerry Connolly, Procurement Manager

 Date:

FOR THE CONTRACTOR:

 Michael A. Pastor Chairman BOS

 Authorized Signature

 Date:

 Printed Name and Title

ATTEST:

APPROVED AS TO FORM:

 Clerk of the Governing Board (if applicable)

 Date:

 Legal Counsel (if applicable)

 Date:

Marian Sheppard

Bryan B. Chambers



GILA COUNTY ATTORNEY
Bradley D. Beauchamp

Re: County Attorney's Office approval of IGA pursuant to A.R.S. § 11-952(D).

To whom it may concern:

The County Attorney's Office has reviewed the Intergovernmental Agreement attached to this agenda item and has determined that it is in its "proper form" and "is within the powers and authority granted under the laws of this state to such public agency or public procurement unit" pursuant to A.R.S. § 11-952(D).

Explanation of the Gila County Attorney's Office Intergovernmental Agreement (IGA) Review

A.R.S. § 11-952(D) requires that

every agreement or contract involving any public agency or public procurement unit of this state . . . before its execution, shall be submitted to the attorney for each such public agency or public procurement unit, who shall determine whether the agreement is in proper form and is within the powers and authority granted under the laws of this state to such public agency or public procurement unit.

In performing this review, the County Attorney's Office reviews IGAs to see that they are in "proper form" prior to their execution. "Proper form" means that the contract conforms to fundamental contract law, conforms to specific legislative requirements, and is within the powers and authority granted to the public agency. It does not mean that the County Attorney's Office approves of or supports the policy objectives contained in the IGA. That approval is solely the province of the public agency through its elected body.

Likewise, this approval is not a certification that the IGA has been properly executed. Proper execution can only be determined after all the entities entering into the IGA have taken legal action to approve the IGA. There is no statutory requirement for the County Attorney's Office to certify that IGAs are properly executed.

Nonetheless, it is imperative for each public agency to ensure that each IGA is properly executed because A.R.S. § 11-952(F) requires that "[a]ppropriate action ... applicable to the governing bodies of the participating agencies approving or extending the duration of the ... contract shall be necessary before any such agreement, contract or extension may be filed or become effective." This can be done by ensuring that the governing body gives the public proper notice of the meeting wherein action will be taken to approve the IGA, that the item is adequately described in the agenda accompanying the notice, and that the governing body takes such action. Any questions regarding whether the IGA has been properly executed may be directed to the County Attorney's Office.

Proper execution of IGAs is important because A.R.S. § 11-952(H) provides that "[p]ayment for services under this section shall not be made unless pursuant to a fully approved written contract." Additionally, A.R.S. § 11-952(I) provides that "[a] person who authorizes payment of any monies in violation of this section is liable for the monies paid plus twenty per cent of such amount and legal interest from the date of payment."

The public agency or department submitting the IGA for review has the responsibility to read and understand the IGA in order to completely understand its obligations under the IGA if it is ultimately approved by the public entity's board. This is because while the County Attorney's Office can approve the IGA as to form, the office may not have any idea whether the public agency has the capacity to actually comply with its contractual obligations. Also, the County Attorney's Office does not monitor IGA compliance. Hence the public entity or submitting department will need to be prepared to monitor their own compliance. A thorough knowledge of the provisions of the IGA will be necessary to monitor compliance.

Before determining whether an IGA contract "is in proper form," the County Attorney's Office will answer any questions or concerns the public agency has about the contract. It is the responsibility of the public agency or department submitting the IGA for review to ask any specific questions or address any concerns it has about the IGA to the County Attorney's Office at the same time they submit the IGA for review. Making such an inquiry also helps improve the County Attorney's Office review of the IGA because it will help focus the review on specific issues that are of greatest concern to the public agency. Failing to make such an inquiry when the agency does have issues or concerns will decrease the ability of the County Attorney's Office to meaningfully review the IGA.

ARF-2763

Consent Agenda Item 4. C.

Regular BOS Meeting

Meeting Date: 09/16/2014
Submitted For: Malissa Buzan, Director **Submitted By:** Christine Lopez, Administrative Clerk
Specialist, Community Services Division
Department: Community Services Division **Division:** WIA Department
Fiscal Year: Program Year 2014 - 2015 **Budgeted?:** Yes
Contract Dates July 1, 2014 - June 30, **Grant?:** No
Begin & End: 2015
Matching No **Fund?:** New
Requirement?:

Information

Request/Subject

Memorandum of Understanding between Gila County and Tonto Basin Library.

Background Information

Access Points are employment information centers which was launched by the Department of Labor under the Workforce Investment Act (WIA). The initiative was part of an effort to create local outreach centers where job seekers could access workforce development services in their local communities. This concept created a unique opportunity for community agencies and the WIA One-Stop System to engage and partner to promote access to the workforce system.

An incentive grant from Arizona Department of Economic Security shall fund this initiative.

Evaluation

While each Access Point offers a unique set of resources (depending on the participating partners), all Access Points offer free computer and Internet access for the purpose of job searching. Access Points connect job seekers to both employment and community resources in a convenient location and close to home.

Gila County agrees to provide:

- access to employment resources;
- training to help job seekers with job search;
- personal contacts in and connections to the One-Stop Centers, staff and key partners;
- inspection of the locations and signage for location;
- training of staff to help job seekers with job search activities;
- equipment maintenance;
- supplies, Access Point signage; and
- desktop computers (Microsoft Program with Internet access), printer, computer desk and chair

• **(Access Point) agrees to:**

- host a publicly accessible Access Point consisting of a computer with Internet access and Point of Contact trained by workforce system staff;
- help job seekers as needed and staff availability;
- publicize job seeker services to the Access Point's community;
- send staff to initial training;
- submit sign-in sheets monthly to document activities;
- assure that it will take reasonable precautions to ensure hardware, software, and/or other equipment remain secure and in good repair;
- abide by all applicable federal, state and local laws; and
- refer customers to the One-Stop and supportive services as needed.

Conclusion

The purpose of this Memorandum of Understanding is to establish a local Access Point at the Tonto Basin Library in Tonto Basin, AZ. Under the Workforce Investment Act, the "Access Point" model consists of local entities/organizations and/or business where job services can be provided, assisted by trained individuals.

Recommendation

Recommendation to approve the Memorandum of Understanding between Gila County and the Tonto Basin Library to become an "Access Point" under the Workforce Investment Act for the period July 1, 2014, through June 30, 2015.

Suggested Motion

Approval of a Memorandum of Understanding between Gila County and the Tonto Basin Library, whereby the Tonto Basin Library will become an "Access Point" under the Workforce Investment Act for the period July 1, 2014, through June 30, 2015.

Attachments

MOU between Gila County and Tonto Basin Library

Legal Explanation

**MEMORANDUM OF UNDERSTANDING
BETWEEN
GILA COUNTY AND TONTO BASIN LIBRARY**

This Memorandum of Understanding is between Tonto Basin Library (hereafter referred to as the Access Point) and Gila County (dba Gila/Pinal Workforce Investment Board).

WHEREAS Tonto Basin Library (Access Point) is duly authorized to execute and administer contracts under A.R.S. §41-1954; and

WHEREAS Gila County is duly authorized to execute and administer contracts under A.R.S. §11-201; and

THEREFORE Tonto Basin Library (Access Point) and Gila/Pinal Workforce Investment Board agree to abide by all the terms and conditions set forth in this Memorandum of Understanding. This Memorandum of Understanding shall constitute the entire Memorandum of Understanding between the parties and supersede all other understandings, oral or written.

1.0 Purpose of Memorandum of Understanding

The purpose of the Memorandum of Understanding is to establish local Access Points in different areas throughout Gila and Pinal Counties. Under the Workforce Investment Act, the “Access Point” model consists of local entities, businesses and faith and community based organizations where job search services can be provided, assisted by trained individuals who connect them to the Arizona Job Connection website.

Access Points are places where people can go and look for jobs assisted by trained individuals who connect them to the One-Stop System via computer and direct referrals. Tonto Basin Library (Access Point) will provide job seekers free access to a computer with internet access to further their job search. Job seekers can apply for jobs, create or update cover letters and resumes, apply for public assistance programs, and can get connected with One-Stop Center – all in one convenient location, and close to home.

2.0 Term of Memorandum of Understanding

2.1 This Memorandum of Understanding shall have an effective date of July 1, 2014 and end on June 30, 2015, and is renewable annually by mutual agreement with the parties.

2.2 Either party may terminate the Memorandum of Understanding by providing thirty (30) days prior written notice to the other party.

2.3 The indemnification provisions of this Memorandum of Understanding shall survive the termination of the agreement.

3.0 Gila County agrees to provide Tonto Basin Library (Access Point) with:

3.1 Access to employment resources;

3.2 Training to help job seekers with job search;

3.3 Personal contacts in and connections to the One-Stop Centers, staff and key partners;

3.4 Inspection of the locations and signage for location;

3.5 Training of staff to help job seekers with job search activities;

- 3.6 Equipment maintenance;
- 3.7 Supplies, Access Point signage; and
- 3.8 Desktop computers (Microsoft Program with internet access), printer, computer desk and chair.

4.0 Equipment/Budget

- 4.1 All equipment purchased with Workforce Investment Act funds shall remain the property of Gila County.

Tonto Basin Library (Access Point) agrees to:

- 5.1 Host a publicly accessible Access Point consisting of a computer with internet access and Point of Contact trained by workforce system staff;
- 5.2 Help job seekers as needed and staff availability;
- 5.3 Publicize job seeker services to the Access Point's community;
- 5.4 Send staff to initial training;
- 5.5 Submit sign-in sheets monthly to document activities;
- 5.6 Assures that it will take reasonable precautions to ensure hardware, software, and/or other equipment remain secure and in good repair;
- 5.7 Agrees to abide by all applicable federal, state and local laws; and
- 5.8 Refer customers to the One-Stop and supportive services as needed.

6.0 Indemnification

The parties agree that to the extent permitted by law, each party shall indemnify, defend, and save the other party harmless, including any of the party's departments, agencies, officers, employees, elected officials or agents, from and against all loss, expense, damage or claim of any nature whatsoever which is caused by any activity, condition or event arising out of the performance or nonperformance in whole or in part by the indemnifying party of any of the provisions of this Memorandum of Understanding. Each party hereby indemnifies the other party against all liability, losses and damages of any nature for or on account of any injuries or death of persons or damages to or destruction of property arising out of or in any way connected in whole or in part with the performance or nonperformance of this Memorandum of Understanding, except such injury or damage as shall have been occasioned solely by the negligence of that other party. The damages which are the subject of this indemnity shall include but not be limited to the damages incurred by any party, their departments, agencies, officers, employees, elected officials or agents shall include in the event of an action, court costs, expenses for litigation and reasonable attorney's fees.

7.0 NON-DISCRIMINATION & EQUAL OPPORTUNITY ASSURANCE

- 7.1 Tonto Basin Library (Access Point) and Gila County shall comply with Executive Order 75-5, as modified by Executive Order 99-4, which mandates that all persons, regardless of race, color, religion, sex, age, national origin, or political affiliation, shall have equal access to employment opportunities, and all other applicable State and Federal employment laws, rules and regulations, including the Americans with Disabilities Act. Entity shall take affirmative action to ensure that applicants for employment and employees are not discriminated against due to race, creed, religion, sex, national origin or disability.
- 7.2 Tonto Basin Library (Access Point) and Gila County shall comply with the Americans with Disabilities Act of 1990 (Public Law 101-336) and the Arizona Disability Act of 1992 (A.R.S.

§41-1492 et seq.), which prohibits discrimination on the basis of physical or mental disabilities in delivering contract services or in the employment, or advance in employment, of qualified persons.

7.3 Tonto Basin Library (Access Point) and Gila County shall comply with the following:

(1) Section 188 of the Workforce Investment Act of 1998 (WIA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation, or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title I B financially assisted program or activity;

(2) Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color, and national origin;

(3) Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;

(4) The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and

(5) Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

9.0 AMENDMENTS OR MODIFICATIONS

9.1 This Memorandum of Understanding may be amended or modified at any time by mutual agreement. No agent, employee or other representative of either party is empowered to alter any of the terms of the Memorandum of Understanding, unless done in writing and signed by the authorized representative of the respective parties.

10.0 VETERANS' PRIORITY PROVISIONS

10.1 This program, funded by the U.S. Department of Labor is subject to the provisions of the "Jobs for Veterans Act" (JVA), Public Law 107-288 (38 USC 4215). The JVA provides priority of service to Veterans and spouses of certain Veterans for the receipt of employment, training, and placement services. Please note that to obtain priority of service; a Veteran must meet the program's eligibility requirements. Training and Employment Guidance Letter (TEGL) No. 5-03(September 16, 2003) provided general guidance on the scope of the Veterans priority statute and its effect on current employment and training programs. In addition to the TEGL, a series of questions and answers related to priority of service is posted at <http://www.doleta.gov/programs/VETs/> for fifteen (15) programs administered by the Employment and Training Administration (ETA). The Planning Guidance (either the Stand-Alone Planning Guidance at 70 FR 19206 (April 12, 2005)) or the Unified Planning Guidance at 70 FR 19222 (April 12, 2005)) and TEGL 13-06 and TEGL 13-06, Change 1, entitled "Instructions for Workforce Investment Act and Wagner Peyser Act State Planning and Waiver Requests for Years 3 and 4 of the Strategic Five-Year State Plan (PY 2007 and 2008)" required states to describe the policies and strategies in place to ensure, pursuant to the Jobs for Veterans Act, that priority of service is provided to Veterans (and certain spouses) who otherwise meet the eligibility requirements for all employment and training programs funded by the U.S. Department of Labor and administered by ETA. In addition, the states were required to provide assurances that they will comply with the Veterans' Priority Provisions established by the Jobs for Veterans Act (38 USC 4215). States are bound by their approved state plans.

11. MISCELLANEOUS PROVISIONS

11.1 This Memorandum of Understanding shall not be construed to imply authority to perform any tasks or accept any responsibility not expressly set forth herein.

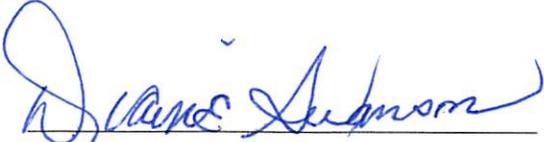
- 11.2 All notices or demands required under this Memorandum of Understanding from either party to the other shall be in writing and shall be deemed to have been given when the notice is delivered in person or deposited in a U.S. mailbox in a postage prepaid envelope addressed as follows:

Access Point Contact:
Tonto Basin Library
P.O. Box 368
Tonto Basin, Arizona 85553

Gila County
Malissa Buzan, Community Services Director
5515 S. Apache Avenue
Suite 200
Globe, AZ 85501

- 11.3 This Memorandum of Understanding is non-assignable in whole or in part by either party hereto without the written consent of both parties.
- 11.4 This Memorandum of Understanding shall inure solely to the benefit of Tonto Basin Library (Access Point) and Gila County, and shall create no rights in any other person or entity.
- 11.6 In the event of any controversy which may arise out of this Memorandum of Understanding, the parties agree to abide by required arbitration as set forth in A.R.S. §12-1518. In addition to the forgoing, a party may file a complaint at any time to seek a preliminary injunction or other provisional judicial relief, if, in its sole judgment, such action is necessary to protect and preserve the rights of the party.

**FOR AND ON BEHALF OF
ACCESS POINT**



Signature

Diane Swanson

Printed Name

Tonto Basin Library Board Vice President
Title

8-27-14
Date

**FOR AND ON BEHALF OF THE GILA
COUNTY (dba GILA/PINAL
WORKFORCE INVESTMENT BOARD)**

Signature

Printed Name

Chairman, Gila County Board of Supervisors
Title

Date

APPROVED AS TO FORM

Bryan B. Chambers, Deputy County Attorney

Date

ATTEST

Marian Sheppard, Clerk of the Board

Date



GILA COUNTY ATTORNEY
Bradley D. Beauchamp

Re: County Attorney's Office "approval as to form" of contract or agreement.

To whom it may concern:

The County Attorney's Office has reviewed the contract or agreement attached to this agenda item and has determined that it is in its proper form and is within the powers and authority granted under the laws of this state to the public agency requesting the County Attorney's Office review.

**Explanation of the Gila County Attorney's Office
"Approval as to Form" Review**

The Gila County Attorney's Office is often called upon to review contracts and other agreements between public entities represented by the County Attorney and private vendors, contractors, and individuals.

In performing this review, the County Attorney's Office reviews these contracts to see that they are in "proper form" prior to their execution. "Proper form" means that the contract conforms to fundamental contract law, conforms to specific legislative requirements, and is within the powers and authority granted to the public agency. It does not mean that the County Attorney's Office approves of or supports the policy objectives contained in the contract. That approval is solely the province of the public agency through its elected body.

The public agency or department submitting the contract for review has the responsibility to read and understand the contract in order to completely understand its obligations under the contract if it is ultimately approved by the public entity's board. This is because while the County Attorney's Office can approve the contract as to form, the office may not have any idea whether the public agency has the capacity to actually comply with its contractual obligations. Also, the County Attorney's Office does not monitor contract compliance. Hence the public entity or

submitting department will need to be prepared to monitor their own compliance. A thorough knowledge of the provisions of the contract will be necessary to monitor compliance.

Before signing a contract “approved as to form,” the County Attorney’s Office will answer any questions or concerns the public agency has about the contract. It is the responsibility of the public agency or department submitting the contract for review to ask any specific questions or address any concerns it has about the contract to the County Attorney’s Office at the same time they submit the contract for review. Making such an inquiry also helps improve the County Attorney’s Office review of the contract because it will help focus the review on specific issues that are of greatest concern to the public agency. Failing to make such an inquiry when the agency does have issues or concerns will decrease the ability of the County Attorney’s Office to meaningfully review the agreement.

ARF-2745

Consent Agenda Item 4. D.

Regular BOS Meeting

Meeting Date: 09/16/2014

Submitted For: Malissa Buzan, Director

Submitted By: Christine Lopez, Administrative Clerk
Specialist, Community Services Division

Department: Community Services Division **Division:** GEST Department

Information

Request/Subject

Amendment No. 1 to Request for Qualified Vendor Agreement (RFQVA) No. DDD 710000 between the Arizona Department of Economic Security, Division of Developmental Disabilities (DDD), and the Gila County Board of Supervisors d/b/a Gila Employment and Special Training (GEST).

Background Information

The GEST Department provides DDD services in Gila County via a Request for Qualified Vendor Agreement (RFQVA) No. DDD 710000. Amendment No. 1 to the RFQVA No. DDD 710000 requires GEST to submit updated Assurances and Submittals and Data Sharing Agreement documents in order to continue to provide and be reimbursed for services.

The submittal of the documents will allow the GEST Department to maintain a Qualified Vendor Agreement with the DDD.

Evaluation

Amendment No. 1 to RFQVA No. DDD 710000 will amend the Assurances and Submittals section of the Qualified Vendor Agreement, and will add the Data Sharing Agreement as a supporting document to the Qualified Vendor Agreement.

Conclusion

Amendment No. 1 to the RFQVA No. DDD 710000, will allow the GEST Department to continue to provide DDD services to residents of Gila County, and remain in compliance with federal and state regulations and provisions of the Qualified Vendor Agreement.

Recommendation

The Community Services Division Director recommends that the Chairman of the Gila County Board of Supervisors sign Amendment No. 1 to the RFQVA No. DDD 710000, so that the GEST Department may continue to provide DDD services to eligible consumers in Gila County.

Suggested Motion

Approval of Amendment No. 1 to Request for Qualified Vendor Agreement No. DDD 710000 between the Arizona Department of Economic Security, Division of Developmental Disabilities (DDD), and the Gila County Board of Supervisors d/b/a Gila County Employment and Special Training Department to continue to provide DDD services to residents of Gila County, and remain in compliance with federal and state regulations and provisions of the Qualified Vendor Agreement.

Attachments

DDD 710000 Amendment No. 1

GEST Contract No. DDD 710000

Legal Explanation

<p>RFQVA AMENDMENT</p> <p>RFQVA #s: DDD 704011, 704012, 704014, 704015</p> <p>Amendment to Extend Final Term Dates of Qualified Vendor Agreements and Solicitation</p> <p>Page 1 of 2</p>	<p>DEPARTMENT OF ECONOMIC SECURITY</p> <p>Agency: Division of Developmental Disabilities</p> <p>Address: 1789 W. Jefferson, Site Code 791 A P.O. Box 6123 Phoenix, Arizona 85005</p> <p>Phone: (602) 542-6808</p>
<p>A signed copy of the signature page, page 2, of this amendment must be submitted with the hard copy of the Application, or, if a Qualified Vendor Agreement has been awarded as of the date of issue of this amendment, the Qualified Vendor must return a signed copy of this amendment within 30 days of the date of issue to:</p> <p style="text-align: center;">Contract Management Section Business Operations – Site Code 791 A Division of Developmental Disabilities Arizona Department of Economic Security P.O. Box 6123 Phoenix, Arizona 85005</p> <p>The RFQVA is amended as follows:</p> <p>This amendment extends the Agreement Term of all Qualified Vendor Agreements to 12/31/2010. This amendment supersedes both the Agreement Term stated in § 1, NOTICE OF REQUEST FOR QUALIFIED VENDOR APPLICATIONS (RFQVA) and § 6.3.8-9 of the Standard Terms and Conditions. The agreement can be terminated as specified in Section 6, DES/DDD Terms and Conditions.</p>	
<p>No attachments or enclosures.</p>	
<p>EXCEPT AS PREVIOUSLY AMENDED, ALL OTHER PROVISIONS OF THE RFQVA SHALL REMAIN IN THEIR ENTIRETY.</p> <p>NOTE: IN ACCORDANCE WITH A.R.S. § 36-557.K, RATES FOR THE SERVICES PURCHASE THROUGH THIS RFQVA ARE INCLUDED IN THE MOST CURRENT RATEBOOK, WHICH IS AVAILABLE ON THE DIVISION'S WEBSITE.</p>	

ASSURANCES AND SUBMITTALS**INSTRUCTIONS:**

The Applicant must respond to each of the following items, then print and sign the document and attach hardcopies of the applicable submittals. The submittals shall indicate the item number to which it corresponds and also include the Applicant's Federal Employer Identification Number (FEIN).

- ▲ 1 Does the Applicant/Qualified Vendor agree to maintain and comply with any license(s), certification(s), and/or registration(s) set forth under federal or Arizona law, rules, or policy for the provision of each developmental disability service applied for? Yes
- ▲ 2 Does the Applicant/Qualified Vendor understand that payment will not be made for services delivered prior to the effective date of any licensure, certification(s), and/or registration(s) required by federal or Arizona law, rules, or policy? Yes
- ▲ 3 Has the Applicant/Qualified Vendor or any of its Key Personnel had a community developmental disability service or similar service license(s), certification(s) and/or registration(s) revoked, denied, or suspended in Arizona or in any other state within the past five (5) years? *(For the purposes of these Assurances and Submittals, "Key Personnel" shall include the Applicant/Qualified Vendor if an individual, or if the Applicant/Qualified Vendor is a corporation or other entity, any partner, manager, director, officer, or person directly or indirectly controlling 10% or more of the outstanding voting shares or other ownership interest of the Applicant/Qualified Vendor)* No
- 3.1 If "yes", submit an explanation and current status.
- ▲ 4 Has the Applicant/Qualified Vendor or any of its Key Personnel been a party to any contract terminated for cause relating to community developmental disability services or similar services in Arizona or in any other state within the past five (5) years? No
- 4.1 If "yes", submit a detailed description of such terminations.
- ▲ 5 Has the Applicant/Qualified Vendor or any of its Key Personnel been a party to any litigation relating to community developmental disability services or similar services in Arizona or in any other state within the past five (5) years? No
- 5.1 If "yes", submit a detailed description of such terminations.
- ▲ 6 Are there any court actions or judgments pending or entered within the last five (5) years against the Applicant/Qualified Vendor or any of its Key Personnel related to the provision of community developmental disability services or similar services in Arizona or in any other state? No
- 6.1 If "yes", submit a summary of those suits or judgments and describe actions the Applicant/Qualified Vendor has taken to prevent future suits or judgments.

ASSURANCES AND SUBMITTALS

- ▲ 7 Has the Applicant/Qualified Vendor or any of its Key Personnel been convicted of a criminal offense related to Medicare, Medicaid, or the State Children's Health Insurance Program? No
- 7.1 If "yes", submit a summary of those suits or judgments and describe actions the Applicant/Qualified Vendor has taken to prevent future suits or judgments.
- ▲ 8 Has the Applicant/Qualified Vendor or any of its Key Personnel been convicted of a felony? No
- 8.1 If "yes", submit information on the Key Personnel and the conviction.
- ▲ 9 Has any federal or state agency ever made a finding of noncompliance with any civil rights requirements with respect to the Applicant/Qualified Vendor or any of its Key Personnel? No
- 9.1 If "yes", submit an explanation.
- ▲ 10 Has the Applicant/Qualified Vendor or any of its Key Personnel been debarred, suspended, or otherwise lawfully prohibited from any public procurement activity, or does the Applicant/Qualified Vendor employ, consult, subcontract with, or otherwise reimburse for services any person substantially involved in the management of another entity that is now debarred, suspended, or otherwise lawfully prohibited from any public procurement activity? No
- 10.1 If "yes", submit an explanation.
- 10.2 Is a suspension or debarment currently pending?
- 10.2.1 If "yes" to Assurance 10.2, submit an explanation.
- ▲ 11 Are there any judgments, tax deficiencies or claims pending or entered against the Applicant/Qualified Vendor or against any entity affiliated by common ownership or directorship with the Applicant/Qualified Vendor that would require disclosure in an audited financial statement or that would affect the financial stability of the Applicant/ Qualified Vendor? *(For purposes of these Assurances and Submittals, "common ownership" means that persons owning over 25% of the Applicant/Qualified Vendor's outstanding voting shares or other ownership interests also own over 25% of another corporation or entity's outstanding voting shares or other ownership interests; "common directorship" means that a majority of the persons comprising the directors or Applicant/ Qualified Vendor, or performing similar management and oversight functions if the Applicant/Qualified Vendor is limited liability company or other non-corporate entity, also comprise the majority of the directors of another corporation or persons performing similar management and oversight functions with respect to a limited liability company or other non-corporate entity.)* No
- 11.1 If "yes", submit a disclosure statement.
- ▲ 12 Has the Applicant/Qualified Vendor or any of its Key Personnel declared bankruptcy within the last seven (7) years? No
- 12.1 If "yes", submit the most recent or the final court-approved order disposing of the case, including any court-approved plans.

ASSURANCES AND SUBMITTALS

- ▲ 13 Is the Applicant/Qualified Vendor a corporation or other entity that is affiliated with another corporation or entity? No
- 13.1 If "yes", submit an organizational chart that demonstrates ownership and/or corporate affiliations.
- ▲ 14 Does the Applicant/Qualified Vendor or any of its Key Personnel or administrative staff have a relative, as defined in Arizona Revised Statutes ("A.R.S.") § 38-502, who is an employee of the Division with direct or indirect responsibility for the purchasing, authorizing, monitoring, or evaluating of community developmental disability services or vendors? No
- 14.1 If "yes", submit a statement disclosing the conflict or potential conflict of interest.
- ▲ 15 Is the Applicant/Qualified Vendor required to make a full written disclosure pursuant to the provision of Section 6.4.9 (Substantial Interest Disclosure) of the *DES/DDD Standard Terms and Conditions for Qualified Vendors*? No
- 15.1 If "yes", submit a full written disclosure of the proposed payments and amount.
- ▲ 16 Does the Applicant/Qualified Vendor certify that it did not engage in collusion or other anti-competitive practices in connection with the preparation or submission of the Application or any Amendment to the QVA? Yes
- ▲ 17 Does the Applicant/Qualified Vendor certify that it will comply with Section 6.3.3 (Audit) of the *DES/DDD Standard Terms and Conditions for Qualified Vendors* and prepare and submit to the Division the required financial reports according to the timeframe specified? Yes
- ▲ 18 Does the Applicant/Qualified Vendor certify that it will submit the Certificates of Insurance, required by Section 6.7.6 (Indemnification and Insurance) of the *DES/DDD Standard Terms and Conditions for Qualified Vendors*, prior to accepting a referral or providing a service? Yes
- ▲ 18.1 Does the Applicant/Qualified Vendor understand that service authorizations and payments may be withheld unless the Applicant/Qualified Vendor has provided acceptable proof of insurance coverage as required by Section 6.7.6 (Indemnification and Insurance) of the *DES/DDD Standard Terms and Conditions for Qualified Vendors*? Yes
- ▲ 18.2 Does the Applicant/Qualified Vendor certify that it will submit any renewal or change to the Certificates of Insurance to the Division's Contract Management Unit within ten (10) business days of renewal or change? Yes
- ▲ 18.3 Does the Applicant/Qualified Vendor certify that the Applicant's/Qualified Vendor's Insurer or the Applicant/Qualified Vendor will provide the Division's Contract Management Unit with a copy of all notices of insurance cancellation (including, but not limited to, notices issued prior to the effective date of cancellation) immediately upon issuance or receipt? Yes

ASSURANCES AND SUBMITTALS

- ▲ 19 Will the Applicant/Qualified Vendor use a subcontractor(s) to provide QVA services? No

 - 19.1 If “yes” to Assurance 19, submit information about each subcontract as required in Section 6.6.3 (Subcontracts) of the DES/DDD Standard Terms and Conditions for Qualified Vendors.
 - 19.2 If “yes” to Assurance 19, will the Applicant/Qualified Vendor provide all the required insurance for the subcontractor(s)?
 - 19.3 If “no” to Assurance 19.2, does the Applicant/Qualified Vendor certify that it will obtain the required Certificates of Insurance from the subcontractor(s) and submit the certificates to the Division’s Contract Management Unit?
 - 19.4 If “yes” to Assurance 19, does the Applicant/Qualified Vendor certify that its subcontracts incorporate by reference the entirety of the QVA and the Arizona Health Care Cost Containment System’s (“AHCCCS”) Minimum Subcontract Provisions?

- ▲ 20 Does the Applicant/Qualified Vendor warrant compliance with the Federal Immigration and Nationality Act (FINA) and all other federal immigration laws and regulations related to the immigration status of its employees and Key Personnel? Yes

 - ▲ 20.1 Is the Applicant/Qualified Vendor providing services through subcontractors? No

 - 20.1.1 If “yes” to Assurance 20.1, does the Applicant/Qualified Vendor agree to obtain statements from its subcontractors certifying compliance and furnish the statements to the Division upon request? These warranties shall remain in effect through the term of the QVA. The Applicant/ Qualified Vendor and its subcontractors shall also maintain Employment Eligibility Verification forms (I-9) as required by the U.S. Department of Labor’s Immigration and Control Act for all employees performing work under the QVA. I-9 forms are available at www.USCIS.gov.
 - 20.1.2 The State may request verification of compliance for any Qualified Vendor or subcontractor performing work under the QVA. All costs necessary to verify compliance are the responsibility of the Qualified Vendor. Does the Applicant/Qualified Vendor understand this potential provision?

- ▲ 21 Does the Applicant/Qualified Vendor warrant compliance with all Federal immigration laws and regulations relating to employees and warrant its compliance with A.R.S. § 23-214, subsection A? (That subsection reads: “After December 31, 2007, every employer, after hiring an employee, shall verify the employment eligibility of the employee through the E-Verify program and shall keep a record of the verification for the duration of the employee’s employment or at least three years, whichever is longer.”) Yes

ASSURANCES AND SUBMITTALS

- ▲ 22 Does the Applicant/Qualified Vendor certify that background checks for employment through the ADES Child Protective Services (“CPS”) Central Registry shall be conducted for each existing employee and subcontractors, including volunteers, who provide direct services to children or vulnerable adults? By answering “yes”, the Applicant/ Qualified Vendor certifies that background checks for each subsequent employee, subcontractor, and volunteer will be done as required by law, regulation, and contract. The Applicant/Qualified Vendor may utilize Section 9, Attachment G, Request for Search of Central Registry for Background Check, of the RFQVA # DDD 710000 for this purpose. Yes
- ▲ 22.1 Does the Applicant/Qualified Vendor certify that before being employed or volunteering in a position that provides direct service to children or vulnerable adults, (1) persons shall certify on forms that are provided by the ADES whether an allegation of abuse or neglect was made against them and was substantiated, and (2), the completed forms shall be maintained as confidential? Yes
- ▲ 22.2 Does the Applicant/Qualified Vendor certify that a person awaiting receipt of the CPS Central Registry Background Check will be permitted to provide direct service to ADES clients only if the person has first completed and submitted the Direct Service Position certification and: (1) the person is not currently the subject of an investigation of child abuse or neglect in Arizona or any other state or jurisdiction, and (2) the person has not been the subject of an investigation of child abuse or neglect in Arizona, or another state or jurisdiction, which resulted in a substantiated finding? Yes
- ▲ 22.3 Does the Applicant/Qualified Vendor certify that if the Central Registry Background Check specifies any disqualifying act and the person does not have a Central Registry exception, the person shall be prohibited from providing direct services to ADES clients? Yes
- ▲ 23 As a registered provider with the Arizona Health Care Cost Containment System Administration (“AHCCCSA”), does the Applicant/Qualified Vendor certify that it will screen all employees, contractors, and/or subcontractors no less frequently than monthly to determine whether any of them have been excluded from participation in federally-funded health care programs by checking the following databases and any other such databases that may be prescribed? Yes
- ▲ 23.1 The List of Excluded Individuals and Entities (“LEIE”), which may be accessed at <http://www.oig.hhs.gov/fraud/exclusions.asp>? Yes
- ▲ 23.2 The System for Award Management (“SAM”), which may be accessed at <https://www.sam.gov/portal/public/SAM/>? Yes
- ▲ 24 Will all solicitation amendments to RFQVA # DDD 710000 issued by the Division be acknowledged by an authorized signature and will the signature page(s) of the Amendment(s) be submitted with the hardcopy Application? Yes
- ▲ 25 Did a consultant assist the Applicant in completing the Application or assist the Qualified Vendor in preparing an amendment to the awarded QVA? No

ASSURANCES AND SUBMITTALS

25.1 If "yes", submit a list of the name(s) and affiliation(s) (i.e., company/business name) of each consultant.

▲ 26 Did the Applicant/Qualified Vendor use another Application for a QVA and/or an awarded QVA as a resource in preparing this Application or an amendment to the QVA? No

26.1 If "yes", submit a list of the name(s) of each Applicant that submitted an Application and/or the name(s) of each awarded QVA that was used as a resource.

▲ 27 Is the hardcopy of the Qualified Vendor Application package or the QVA Amendment a true copy of the information submitted in electronic form in the QVADS and does it contain all required attachments and submittals? Yes

I have the authority and responsibility to submit this Application and to act as a representative of the Applicant in all phases of the Application process or the Qualified Vendor in all phases of amending as awarded QVA.

The information provided in the Application or any subsequent Amendment, including information entered into the QVADS and any attachments and submittals, is true, correct, and accurate to the best of my knowledge. I understand that any false statements may disqualify this Application from further consideration or be cause for termination of the QVA.

I agree to notify the Division within ten (10) business days of any changes to the information provided in this Application or in any subsequent amendment Amendment of an awarded QVA.

9-16-14

 Authorized Signature Michael A. Pastor, Chairman
 Gila County Board of Supervisors
 86-6000444

 Date

 Federal Employer Identification Number

FAILURE TO COMPLETE, SIGN, SUBMIT, AND UPDATE AS NECESSARY THIS FORM MAY BE CAUSE FOR REJECTION OF THE APPLICATION OR TERMINATION OF AN AWARDED QVA.

The Division may contact any source available to verify the information submitted in the Application or any subsequent Amendment proposed to an awarded QVA and may use this information and any additional information obtained from the source(s) in evaluating the Application or any subsequent Amendment to an awarded QVA.

ARIZONA DEPARTMENT OF ECONOMIC SECURITY

Information Security Administration,

1720 W. Madison St., Site 820Z

Phoenix, AZ 85007

Phone: (602) 771-2670 · Fax: (602) 364-0481

DATA-SHARING REQUEST/AGREEMENT

BETWEEN

REQUESTING ENTITY:

Division of Developmental Disabilities

(DES Division/Administration/Program/Office Name or External Organization Name)

AND

DATA MANAGER: ARIZONA DEPARTMENT OF ECONOMIC SECURITY

Donna Schneider

(Division/Administration/Program/Office Name)

(Division/Administration/Program/Office Name)

(Division/Administration/Program/Office Name)

(Division/Administration/Program/Office Name)

Effective Date: _____

Agreement No.: _____

SECTION I. REQUEST (Completed by Requesting Entity)

Use attachment if necessary

1a. PURPOSE OF THIS REQUEST *(What information is being requested and why? How will it be used? Give details/specifics.)*

In order to provide the services agreed upon in the Qualified Vendor Agreement, the Division of Developmental Disabilities may provide to the Qualified Vendor information relating to persons receiving services through the Division including, but not limited to information contained in planning documents, medical records, and service related reports.

1b. INFORMATION TECHNOLOGY AND CONNECTIVITY

Data is sent by the Division via secure email. Data can be retrieved via the Division secure FTP site.

The requester enters all information required for successful communication between the requesting entity and the DES IT Staff.

Contact Name (1): Helene Lopez	Phone: (928)425 -7631, Ex. 8664
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Contact Name (2): Malissa Buzan	Phone: (928) 425 -7631
---------------------------------	------------------------

Contact Address: 5515 S. Apache Ave. Suite 200, Globe, Arizona 85501

Contact (1) E-Mail Address: hlopez@gilacountyaz.gov	Contact (2) E-Mail Address: mbuzan@gilacountyaz.gov
--	--

Contact Fax No: (928) 425- 9468

SECTION I. (cont.) REQUEST (Completed by Requesting Entity)

Use attachment if necessary

2. CITE LAW, REGULATION, DIRECTIVE OR OTHER BASIS FOR THIS REQUEST

The Qualified Vendor uses Division data to provide services as contemplated by A.R.S. § 36-557; the vendor shall safeguard confidential information in accordance with Federal and State laws and regulations, including but not limited to, A.R.S. §§ 36-568.01, 36-2932, and 41-1959, the Health Information Portability and Accountability Act (45 Code of Federal Regulations Parts 160 and 164), and Arizona Health Care Cost Containment System/Arizona Long Term Care System rules.

3. WILL OTHER ENTITIES INTERFACE WITH YOUR AGENCY?

Yes No If Yes, identify entity and reason(s): **PLEASE COMPLETE**

4. WILL INFORMATION BE DISCLOSED/SHARED WITH ANOTHER ENTITY?

Yes No If Yes, identify entity and reason(s) for disclosure: **PLEASE COMPLETE**

5. WILL DES DATA BE REPACKAGED/INCLUDED IN OTHER DATA BASES, FILES, TAPES, ETC.

Yes No If Yes, identify entity and reason(s): **PLEASE COMPLETE**

6. DESIRED OUTPUT (Printout, tape, terminal access/display, etc.)

Secure email

7. DESCRIBE SAFEGUARDS IN PLACE TO GUARD AGAINST UNAUTHORIZED ACCESS/DISCLOSURE OF THE INFORMATION

PLEASE COMPLETE

PRINT NAME AND TITLE OF AUTHORIZED CONTACT

Helene Lopez, Program Manager

PHONE NO. (928)425 -7631, Ext. 8664

FAX (928) 425 -9468

E-MAIL hlopez@gilacountyaz.gov

DATE

8-13-14

MAILING ADDRESS/SITE CODE

5515 S. Apache Ave., Ste 200

CITY

Globe

STATE

AZ

ZIP CODE

85501

SECTION II. STIPULATIONS REGARDING THE USE OF INFORMATION**STIPULATIONS APPLICABLE TO THE REQUESTING ENTITY:**

1. Disclosure of the data provided to the Requesting Entity is not permitted unless specifically authorized.
2. Repackaging or redistribution of data or screens, or creation of separate files will not be permitted unless specifically authorized.
3. The data shall be used only to assist in valid administrative needs as stated in Section I, item 1 of this Agreement.
4. All data shall be stored in a physically secure facility.
5. All data in electronic format shall be stored or processed so that unauthorized persons cannot retrieve the information by means of a computer, remote access, or other means.
6. Only authorized staff will be given access needed to accomplish the purpose(s) specified in Section I, item 1 of this Agreement.
7. All staff shall attend an authorized data security awareness training class, where they will be instructed on confidentiality, privacy laws and penalties imposed when compliance is breached. All staff with access to DES systems and/or applications must complete an annual recertification security awareness training class as scheduled by DES.
8. A **Request for Terminal Access and Other Activity (J-125)** shall be used to request specific access for each authorized staff member and must be signed by the staff supervisor or designee.
9. All authorized staff is required to sign a **User Affirmation Statement (J-129)**, as a condition for using requested data. This affirmation statement must be resigned at three (3) year intervals as scheduled by DES.
10. Any personnel changes requiring change or removal of access as described in Section I, item 1 of this Agreement, shall be reported promptly to the respective data security analyst.
11. Federal and state audit and data security personnel may have access to offices and records of the requesting entity to monitor or verify compliance with this agreement.
12. This Data-Sharing Agreement will remain in effect for 10 years from the effective date unless otherwise stipulated in Section III or overridden by the Contract, a Memorandum Of Understanding or an InterAgency Agreement. If length is overridden by another document, please reference the document in Section III.
13. Upon Contract Termination, Media Sanitization procedures shall be adhered to in accordance to Arizona Statewide Policy – P8250 v 1.0 - The Business Unit shall sanitize digital and non-digital information system media containing Confidential information prior to disposal, release of organizational control, or release for reuse using defined sanitization techniques and procedures in accordance with the Media Protection Standard S8250. [NIST 800-53 MP-6] [HIPAA 164.310(d)(2)(i)] [HIPAA 164.310(d)(2)(ii)] [IRS Pub 1075]
14. All DES Contracts retention terms and conditions will be adhered to as written on the said contract unless otherwise stated and DES Retention Policy ((DES 1-37-12-(01)(02)(03)) is applicable.

STIPULATIONS APPLICABLE TO PROVIDER:

1. DES will use the Requesting Entity employee identifying information solely for the purpose of establishing on-line access.
2. Only authorized DES employees will have access to requesting agency employee data.
3. In accordance with applicable federal, state, and/or local privacy regulations, DES will protect all information collected from the Requesting Entity.

STIPULATIONS APPLICABLE TO HIPAA – HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT:

1. All staff shall attend an authorized HIPAA awareness training class, where they will be instructed on confidentiality, privacy, information safeguards and penalties imposed when compliance is breached.
2. If applicable, there is a “Business Associate Contract” [45 CFR 164.502(e), 154.504(e). 164.532(d) & (e)] on file and will be attached to this data sharing agreement as an addendum.

SECTION III (1). ADDITIONAL INFORMATION

1.0 This data sharing agreement shall have the same term as the Qualified Vendor Agreement.

Print Name Helene Lopez	PHONE NO.	DATE
Signature _____	(928)425 -7631	

SECTION IV (1-A). RECOMMENDATIONS (Completed by the data managing program)

- Recommend **APPROVAL**
- Request is not recommended for approval.

Print Name	SITE CODE	PHONE NO.	DATE
Signature _____		() -	

SECTION IV (1-B). HIPAA RECOMMENDATIONS (Completed by the HIPAA DIVISION PRIVACY OFFICER)

- Recommend **APPROVAL**
- Request is not recommended for approval.

Print Name	SITE CODE	PHONE NO.	DATE
Signature _____		() -	

SECTION III (2). ADDITIONAL INFORMATION

Print Name Signature _____	PHONE NO. () -	DATE
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SECTION IV (2-A). RECOMMENDATIONS (Completed by the data managing program)

Recommend **APPROVAL**
 Request is not recommended for approval.

Print Name Signature _____	SITE CODE	PHONE NO. () -	DATE
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SECTION IV (2-B). HIPAA RECOMMENDATIONS (Completed by the HIPAA DIVISION PRIVACY OFFICER)

Recommend **APPROVAL**
 Request is not recommended for approval.

Print Name Signature _____	SITE CODE	PHONE NO. () -	DATE
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SECTION V. APPROVAL (Completed by the requesting entity and the data managing program)

I attest to the correctness of the information provided in Section I and agree to the stipulations and costs listed in Section II and III. I agree to comply with all provisions of the DES Data Security Policy. Should any violations of the DES Data Security Policy occur, this Agreement may be terminated. I further understand that DES will periodically review the terms of the Agreement to ensure it conforms with DES Policies and Procedures. In the event changes in either federal or state law or regulations occur that conflict with the terms of the Agreement or render the terms of the Agreement void, impracticable, or otherwise impossible, this Agreement will terminate immediately. A new Agreement or an amendment to the existing Agreement will be initiated to provide for any changes, which cannot be accommodated within the provisions of the existing Agreement. The Requesting Entity shall hold harmless and indemnify the State of Arizona and its Department of Economic Security for any liability resulting from acts or omissions attributable to the Requesting Entity.

IN WITNESS HERETO, the PARTIES have executed this Agreement by signature of their duly authorized officials:

For the Requesting Entity:

Entity Name Gila County dba Gila Employment and Special Training

Print Signatory Name Michael A. Pastor

Title Chairman, Gila County Board of Supervisors

Signature _____

Date _____

For the Department of Economic Security:

Entity Name Donna Schneider

Print Signatory Name Donna Schneider

Title FOCUS Manager

Signature _____

Date 7/24/2014

For the Department of Economic Security:

Entity Name _____

Print Signatory Name _____

Title _____

Signature _____

Date _____

For the Department of Economic Security:

Entity Name _____

Print Signatory Name _____

Title _____

Signature _____

Date _____

For the Department of Economic Security:

Entity Name _____

Print Signatory Name _____

Title _____

Signature _____

Date _____

For the Department of Economic Security:

Entity Name _____

Print Signatory Name _____

Title _____

Signature _____

Date _____

SECTION VI. APPROVAL (Completed by the Information Security Administration)

This signed Agreement meets all requirements necessary to permit the controlled sharing of the DES data while simultaneously providing for the protection of the data. I certify that:

- THIS AGREEMENT CONFORMS to DES Information Security Policy.**
- THIS AGREEMENT DOES NOT CONFORM to the DES Information Security Policy. Implementation of this Agreement cannot proceed until the following action is taken:**

_____ **Carl Carpenter** _____

(Signature) (Title) (DATE)

DES Chief Information Security Officer

**APPLICATION AND
QUALIFIED VENDOR AGREEMENT AWARD**

Arizona Department of
Economic Security
Division of
Developmental Disabilities

APPLICATION

TO: THE STATE OF ARIZONA

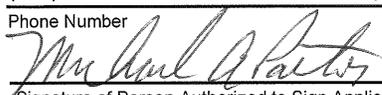
The Undersigned hereby applies and agrees to provide the service(s) in compliance with the corresponding RFQVA(s).

For clarification of this application, contact:

David Caddell
Name:
(928) 4257631
Phone Number
(928) 4259468
Fax Number
dcaddell@co.gila.az.us
E-Mail Address:

If awarded a Qualified Vendor Agreement, all notices should be sent to:

David B. Caddell
Name:
5515 South Apache Ave. Suite 200
Street Address
Globe AZ 85501
City State Zip
(928) 4257631 (928) 4259468
Phone Number Fax Number
dcaddell@co.gila.az.us
E-Mail Address:

866000444
Federal Employer Identification Number or SSN
Gila Employment and Special Training
Company Name:
5515 South Apache Ave. Suite 200
Mailing Address
Globe AZ 85501
City State Zip
(928) 4257631 (928) 4259468
Phone Number Fax Number

Signature of Person Authorized to Sign Application
Michael Pastor
Printed Name
Chairman, Gila Cnty
Title

2nd Signature of Person Authorized to Sign Application

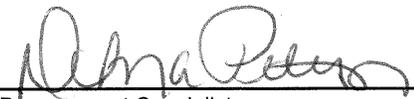
2nd Printed Name

2nd Title

APPROVAL OF APPLICATION AND AGREEMENT AWARD (FOR STATE OF ARIZONA USE ONLY)

Your application is hereby approved. The Qualified Vendor is now bound to provide the service(s) listed in the attached award notice based upon the corresponding RFQVA for each service, including all terms, conditions, service specifications, scope of work, amendments, etc., and the Qualified Vendor's application as accepted by the State.

This agreement shall henceforth be referred to as Qualified Vendor Agreement No.05785. The begin date and the effective date of this agreement is either the date that this award is signed by the Procurement Officer or January 1, 2011, whichever is later.


Procurement Specialist

State of Arizona
Awarded this Date: 3/24/11

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status : MANAGEMENT APPROVED

Vendor Contract Information

FEI# or SSN: 866000444
Executive/Owner Gila County Gila County
AHCCCS ID: 925886
Organization Type: Agency

Principal Contact Information

Name: Helene Lopez
Telephone: (928) 4257631 FAX: (928) 4259468
Email Address: hlopez@co.gila.az.us

Notice Contact Information

Name: Helene Lopez
Telephone: (928) 4257631 FAX: (928) 4259468
Email Address: hlopez@co.gila.az.us

Vendor Street Address

5515 South Apache Ave. Suite 200

Globe, ARIZONA 85501

Telephone: (928) 4257631

Vendor Mailing Address

5515 South Apache Ave. Suite 200

Globe, ARIZONA 85501

FAX: (928) 4259468

Billing/Payment Information

Name: Helene Lopez 5515 South Apache Ave. Suite 200
Telephone: (928) 4257631
Email Address: hlopez@co.gila.az.us Globe, ARIZONA 85501
FAX: (928) 4259468

Authorized Signatory

Name: Michael Pastor
Title: Chairman, Gila Cnty

2nd Authorized Signatory

Name:
Title:

DDD QUALIFIED VENDOR APPLICATION

FEI #:	866000444	Vendor:	Gila Employment and Special Training
Contract #:	05785	Contract Status :	Staff Approved

Vendor Sites

EMPLOYMENT SUPPORT AIDE	Approved	01/01/2011
GROUP SUPPORTED EMPLOYMENT	Approved	01/01/2011
HABILITATION SERVICES - INDIVIDUALLY DESIGNED LIVING ARRANGEMENT	Approved	01/01/2011
HABILITATION SERVICES - SUPPORT - HOURLY	Approved	01/01/2011
INDIVIDUAL SUPPORTED EMPLOYMENT	Approved	01/01/2011
RESPIRE CARE HOURLY & DAILY	Approved	01/01/2011
TRANSPORTATION	Approved	01/01/2011
TRANSPORTATION, EMPLOYMENT RELATED	Approved	01/01/2011

DDD QUALIFIED VENDOR APPLICATION

FEI #:	866000444	Vendor:	Gila Employment and Special Training
Contract #:	05785	Contract Status :	Staff Approved

Vendor Sites

EMPLOYMENT SUPPORT AIDE	Approved	01/01/2011
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INDIVIDUAL SUPPORTED EMPLOYMENT	Approved	01/01/2011
RESPIRE CARE HOURLY & DAILY	Approved	01/01/2011
TRANSPORTATION	Approved	01/01/2011
TRANSPORTATION, EMPLOYMENT RELATED	Approved	01/01/2011

DDD QUALIFIED VENDOR APPLICATION
FEI #: 866000444
Contract #: 05785
Contract Status Start Date: 01/01/2011

Vendor: Gila Employment and Special Training
Contract Status : MANAGEMENT APPROVED
Contract Status Code:

Services	RFQVA	Service Status	Service Status Start Date
ATTENDANT CARE - Agency with Choice	DDD710000	Approved	01/01/2011
DAY TREATMENT & TRAINING - ADULT	DDD710000	Approved	01/01/2011
DAY TREATMENT & TRAINING - CHILDREN SUMMER PROGRAM	DDD710000	Approved	01/01/2011
EMPLOYMENT SUPPORT AIDE	DDD710000	Approved	01/01/2011
GROUP SUPPORTED EMPLOYMENT	DDD710000	Approved	01/01/2011
HABILITATION SERVICES - INDIVIDUALLY DESIGNED LIVING ARRANGEMENT - Agency with Choice	DDD710000	Approved	01/01/2011
HABILITATION SERVICES - SUPPORT - HOURLY - Agency with Choice	DDD710000	Approved	01/01/2011
INDIVIDUAL SUPPORTED EMPLOYMENT	DDD710000	Approved	01/01/2011
RESPIRE CARE HOURLY & DAILY	DDD710000	Approved	01/01/2011
TRANSPORTATION	DDD710000	Approved	01/01/2011
TRANSPORTATION, EMPLOYMENT RELATED	DDD710000	Approved	01/01/2011

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status: MANAGEMENT APPROVED

Service Level Detail
ATTENDANT CARE

Service Status
Approved

Service Status
Start Date
01/01/2011

Program Description

Briefly describe your program for this service from referral through service delivery.

Upon referral the GEST staff review documents provided by the Division Support Coordinator and assign the appropriate staff to meet the client's needs. GEST staff will work with the ISP team in the formulation of the plan. The plan shall include specific written training strategies and methods of instruction. Ongoing assessment will be done by staff to ensure that any changes in needs be brought to the ISP team's attention. Transportation needs will be assessed by the ISP team and documented in the plan. Each month the ISP objectives will be reviewed, documented and forwarded to the designated Division representative. The ISP team will determine when the individual's goals have been achieved in accordance with the ISP. Staff will provide ongoing evaluation to provide the documentation for the team and will assist in determining new goals and objectives. Through activities provided by GEST individuals will develop methods of starting and/or developing friendships, social skills, problem solving, appropriate leisure activities according to age. Planning activities will include input from the clients, and a calender of events will be posted on site and each client will be advised of the events.

Community Access

When community access is required to meet the ISP, how do you support direct service staff for community access?

- NO Transportation in an individual/staff owned vehicle
- YES Transportation in an agency owned, leased or contracted
- NO Reimbursement for public transportation

Describe methods used to ensure that all provider and agency supplied vehicles are properly maintained.

The GEST Program has a fleet of 7 vehicles including two full sized vans. The vehicles are regularly maintained and serviced by the mechanics at the Gila County Shop. Other vehicles from our Division Pool are also available to us should the need arise, this also ensures our ability to provide services should one of our vehicles be out of service for any length of time. Regular maintainance needs reports are forwarded to our department from the County Shop Office to alert us as to the need for servicing. Prior to any out of town activity trips, the GEST staff schedule the vehicle to be utilized in the shop for a complete "check over" prior to traveling out of town.

Describe methods used to ensure that all individual and staff owned and agency supplied vehicles maintain state minimum insurance requirements.

All GEST Program vehicles are insured annually through the Arizona Counties Insurance. Vehicles insurance policies are housed at the Gila County Courthouse, Emergency Services department.

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status: MANAGEMENT APPROVED

Service Level Detail
ATTENDANT CARE

Service Status
Approved

Service Status
Start Date
01/01/2011

Describe any special requirements that the vendor and employees must meet to transport individuals. Include an explanation of how often driving records of employees are reviewed.

All direct service staff who transport clients are required to have a clean driving record. Criminal background checks are done every three years when recertifying for fingerprint clearance. All GEST staff are required to produce a copy of their drivers license yearly to review expiration dates. Driving records of all GEST employees are reviewed annually by the Program Manager. All GEST staff have completed a "Top Driver" class, facilitated by the National Safety Council, offered through the County Emergency Services department, and a review of the "Top Driver" manual is reviewed yearly in a staff meeting. Staff have completed training through ADOT on the operation of the GEST handicap van that is wheelchair accommodated, and staff participate in the annual inspection, completed by CAAG personnel, on that van.

In number of days, how often are driving records reviewed by the vendor?

365

Recruitment and Training Policies

Describe briefly the recruitment and initial training plan for direct service staff.

Describe briefly the ongoing training plan for direct service staff.

Describe briefly the backup plan for direct service staff absences (preplanned and emergency absence).

Incident Reporting

How are incidents of abuse, neglect, exploitation or injury reported internally?

How are incidents of abuse, neglect, exploitation or injury reported externally?

Describe the internal review process for incident reports and how corrective action is implemented.

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status: MANAGEMENT APPROVED

Service Level Detail
ATTENDANT CARE

Service Status
Approved

Service Status
Start Date
01/01/2011

Complaint/Grievance Process

Describe the complaints/grievances process.

Program Feedback Process

How is input from consumers, families and/or consumer representatives encouraged?

Describe the process used to measure consumer/family/consumer representative satisfaction with services.

Describe how consumers/families/consumer representatives are involved in the hiring and/or evaluation of direct service staff.

Describe how consumers/families/consumer representatives are involved in the evaluation process for the improvement of services.

Consumer Involvement

Describe all of the other methods used by your organization to provide opportunities for consumers/families/consumer representatives to be actively involved in your organization's operations (i.e., advisory groups, staff recruitment, staff training and development, monitoring, social events, etc.).

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status: MANAGEMENT APPROVED

Service Level Detail
ATTENDANT CARE

Service Status
Approved

Service Status
Start Date
01/01/2011

Please indicate if there are any active community advisory groups.

Internal Quality Efforts

Describe the process used by the vendor to monitor and evaluate the services provided as they relate to the ISP objectives.

Describe the overall vendor approach toward the improvement of the quality and appropriateness of services provided.

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status: MANAGEMENT APPROVED

Service Level Detail
DAY TREATMENT & TRAINING - ADULT

Service Status
Approved

Service Status
Start Date
01/01/2011

Program Description

Briefly describe your program for this service from referral through service delivery.

Upon referral the GEST staff review documents provided by the Division Support Coordinator and assign the appropriate staff to meet the client's needs. GEST staff will work with the ISP team in the formulation of the plan. The plan shall include specific written training strategies and methods of instruction. Ongoing assessment will be done by staff to ensure that any changes in needs be brought to the ISP teams attention. Transportation needs will be assessed by the ISP team and documented in the plan. Each month the ISP objectives will be reviewed, documented and forwarded to the designated Division representative. The ISP team will determine when the individual's goals have been achieved in accordance with the ISP. Staff will provide ongoing evaluation to provide the documentation for the team and will assist in determining new goals and objectives. Through activities provided by GEST individuals will develop methods of starting and/or developing friendships, social skills, problem solving, appropriate leisure activities according to age. Planning activities will include input from the clients, and a calendar of events will be posted on site and each client will be advised of the events.

Community Access

When community access is required to meet the ISP, how do you support direct service staff for community access?

- NO Transportation in an individual/staff owned vehicle
- YES Transportation in an agency owned, leased or contracted
- NO Reimbursement for public transportation

Describe methods used to ensure that all provider and agency supplied vehicles are properly maintained.

The GEST Program has a fleet of 7 vehicles including two full sized vans. The vehicles are regularly maintained and serviced by the mechanics at the Gila County Shop. Other vehicles from our Division Pool are also available to us should the need arise, this also ensures our ability to provide services should one of our vehicles be out of service for any length of time. Regular maintenance needs reports are forwarded to our department from the County Shop Office to alert us as to the need for servicing. Prior to any out of town activity trips, the GEST staff schedule the vehicle to be utilized in the shop for a complete "check over" prior to traveling out of town.

Describe methods used to ensure that all individual and staff owned and agency supplied vehicles maintain state minimum insurance requirements.

All GEST Program vehicles are insured annually through the Arizona Counties Insurance. Vehicles insurance policies are housed at the Gila County Courthouse, Emergency Services department.

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status: MANAGEMENT APPROVED

Service Level Detail
DAY TREATMENT & TRAINING - ADULT

Service Status
Approved

Service Status
Start Date
01/01/2011

Describe any special requirements that the vendor and employees must meet to transport individuals. Include an explanation of how often driving records of employees are reviewed.

All direct service staff who transport clients are required to have a clean driving record. Criminal background checks are done every three years when recertifying for fingerprint clearance. All GEST staff are required to produce a copy of their drivers license yearly to review expiration dates. Driving records of all GEST employees are reviewed annually by the Program Manager. All GEST staff have completed a "Top Driver" class, facilitated by the National Safety Council, offered through the County Emergency Services department, and a review of the "Top Driver" manual is reviewed yearly in a staff meeting. Staff have completed training through ADOT on the operation of the GEST handicap van that is wheelchair accommodated, and staff participate in the annual inspection, completed by CAAG personnel, on that van.

In number of days, how often are driving records reviewed by the vendor?

365

Recruitment and Training Policies

Describe briefly the recruitment and initial training plan for direct service staff.

Describe briefly the ongoing training plan for direct service staff.

Describe briefly the backup plan for direct service staff absences (preplanned and emergency absence).

Incident Reporting

How are incidents of abuse, neglect, exploitation or injury reported internally?

How are incidents of abuse, neglect, exploitation or injury reported externally?

Describe the internal review process for incident reports and how corrective action is implemented.

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status: MANAGEMENT APPROVED

Service Level Detail
DAY TREATMENT & TRAINING - ADULT

Service Status
Approved

Service Status
Start Date
01/01/2011

Complaint/Grievance Process

Describe the complaints/grievances process.

Program Feedback Process

How is input from consumers, families and/or consumer representatives encouraged?

Describe the process used to measure consumer/family/consumer representative satisfaction with services.

Describe how consumers/families/consumer representatives are involved in the hiring and/or evaluation of direct service staff.

Describe how consumers/families/consumer representatives are involved in the evaluation process for the improvement of services.

Consumer Involvement

Describe all of the other methods used by your organization to provide opportunities for consumers/families/consumer representatives to be actively involved in your organization's operations (i.e., advisory groups, staff recruitment, staff training and development, monitoring, social events, etc.).

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status: MANAGEMENT APPROVED

Service Level Detail

DAY TREATMENT & TRAINING - ADULT

Service Status

Approved

Service Status

Start Date

01/01/2011

Please indicate if there are any active community advisory groups.

Internal Quality Efforts

Describe the process used by the vendor to monitor and evaluate the services provided as they relate to the ISP objectives.

Describe the overall vendor approach toward the improvement of the quality and appropriateness of services provided.

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status: MANAGEMENT APPROVED

Service Level Detail
DAY TREATMENT & TRAINING - CHILDREN SUMMER PROGRAM

Service Status
Approved

Service Status
Start Date
01/01/2011

Program Description

Briefly describe your program for this service from referral through service delivery.

Upon referral the GEST staff review documents provided by the Division Support Coordinator and assign the appropriate staff to meet the client's needs. GEST staff will work with the ISP team in the formulation of the plan. The plan shall include specific written training strategies and methods of instruction. Ongoing assessment will be done by staff to ensure that any changes in needs be brought to the ISP teams attention. Transportation needs will be assessed by the ISP team and documented in the plan. Each month the ISP objectives will be reviewed, documented and forwarded to the designated Division representative. The ISP team will determine when the individual's goals have been achieved in accordance with the ISP. Staff will provide ongoing evaluation to provide the documentation for the team and will assist in determining new goals and objectives. Through activities provided by GEST individuals will develop methods of starting and/or developing friendships, social skills, problem solving, appropriate leisure activities according to age. Planning activities will include input from the clients, and a calendar of events will be posted on site and each client will be advised of the events.

Community Access

When community access is required to meet the ISP, how do you support direct service staff for community access?

- NO Transportation in an individual/staff owned vehicle
- YES Transportation in an agency owned, leased or contracted
- NO Reimbursement for public transportation

Describe methods used to ensure that all provider and agency supplied vehicles are properly maintained.

The GEST Program has a fleet of 7 vehicles including two full sized vans. The vehicles are regularly maintained and serviced by the mechanics at the Gila County Shop. Other vehicles from our Division Pool are also available to us should the need arise, this also ensures our ability to provide services should one of our vehicles be out of service for any length of time. Regular maintenance needs reports are forwarded to our department from the County Shop Office to alert us as to the need for servicing. Prior to any out of town activity trips, the GEST staff schedule the vehicle to be utilized in the shop for a complete "check over" prior to traveling out of town.

Describe methods used to ensure that all individual and staff owned and agency supplied vehicles maintain state minimum insurance requirements.

All GEST Program vehicles are insured annually through the Arizona Counties Insurance. Vehicles insurance policies are housed at the Gila County Courthouse, Emergency Services department.

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status: MANAGEMENT APPROVED

Service Level Detail
DAY TREATMENT & TRAINING - CHILDREN SUMMER PROGRAM

Service Status
Approved

Service Status
Start Date
01/01/2011

Describe any special requirements that the vendor and employees must meet to transport individuals. Include an explanation of how often driving records of employees are reviewed.

All direct service staff who transport clients are required to have a clean driving record. Criminal background checks are done every three years when recertifying for fingerprint clearance. All GEST staff are required to produce a copy of their drivers license yearly to review expiration dates. Driving records of all GEST employees are reviewed annually by the Program Manager. All GEST staff have completed a "Top Driver" class, facilitated by the National Safety Council, offered through the County Emergency Services department, and a review of the "Top Driver" manual is reviewed yearly in a staff meeting. Staff have completed training through ADOT on the operation of the GEST handicap van that is wheelchair accommodated, and staff participate in the annual inspection, completed by CAAG personnel, on that van.

In number of days, how often are driving records reviewed by the vendor?

365

Recruitment and Training Policies

Describe briefly the recruitment and initial training plan for direct service staff.

Describe briefly the ongoing training plan for direct service staff.

Describe briefly the backup plan for direct service staff absences (preplanned and emergency absence).

Incident Reporting

How are incidents of abuse, neglect, exploitation or injury reported internally?

How are incidents of abuse, neglect, exploitation or injury reported externally?

Describe the internal review process for incident reports and how corrective action is implemented.

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status: MANAGEMENT APPROVED

Service Level Detail
DAY TREATMENT & TRAINING - CHILDREN SUMMER PROGRAM

Service Status
Approved

Service Status
Start Date
01/01/2011

Complaint/Grievance Process

Describe the complaints/grievances process.

Program Feedback Process

How is input from consumers, families and/or consumer representatives encouraged?

Describe the process used to measure consumer/family/consumer representative satisfaction with services.

Describe how consumers/families/consumer representatives are involved in the hiring and/or evaluation of direct service staff.

Describe how consumers/families/consumer representatives are involved in the evaluation process for the improvement of services.

Consumer Involvement

Describe all of the other methods used by your organization to provide opportunities for consumers/families/consumer representatives to be actively involved in your organization's operations (i.e., advisory groups, staff recruitment, staff training and development, monitoring, social events, etc.).

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status: MANAGEMENT APPROVED

Service Level Detail

DAY TREATMENT & TRAINING - CHILDREN SUMMER PROGRAM

Service Status

Approved

Service Status

Start Date

01/01/2011

Please indicate if there are any active community advisory groups.

Internal Quality Efforts

Describe the process used by the vendor to monitor and evaluate the services provided as they relate to the ISP objectives.

Describe the overall vendor approach toward the improvement of the quality and appropriateness of services provided.

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status: MANAGEMENT APPROVED

Service Level Detail
EMPLOYMENT SUPPORT AIDE

Service Status
Approved

Service Status
Start Date
01/01/2011

Program Description

Briefly describe your program for this service from referral through service delivery.

Upon referral the GEST staff review documents provided by the Division Support Coordinator and assign the appropriate staff to meet the client's needs. GEST staff will work with the ISP team in the formulation of the plan. The plan shall include specific written training strategies and methods of instruction. Ongoing assessment will be done by staff to ensure that any changes in needs be brought to the ISP team's attention. Transportation needs will be assessed by the ISP team and documented in the plan. Each month the ISP objectives will be reviewed, documented and forwarded to the designated Division representative. The ISP team will determine when the individual's goals have been achieved in accordance with the ISP. Staff will provide ongoing evaluation to provide the documentation for the team and will assist in determining new goals and objectives. Through activities provided by GEST individuals will develop methods of starting and/or developing friendships, social skills, problem solving, appropriate leisure activities according to age. Planning activities will include input from the clients, and a calendar of events will be posted on site and each client will be advised of the events.

Community Access

When community access is required to meet the ISP, how do you support direct service staff for community access?

- NO Transportation in an individual/staff owned vehicle
- YES Transportation in an agency owned, leased or contracted
- NO Reimbursement for public transportation

Describe methods used to ensure that all provider and agency supplied vehicles are properly maintained.

The GEST Program has a fleet of 7 vehicles including two full sized vans. The vehicles are regularly maintained and serviced by the mechanics at the Gila County Shop. Other vehicles from our Division Pool are also available to us should the need arise, this also ensures our ability to provide services should one of our vehicles be out of service for any length of time. Regular maintenance needs reports are forwarded to our department from the County Shop Office to alert us as to the need for servicing. Prior to any out of town activity trips, the GEST staff schedule the vehicle to be utilized in the shop for a complete "check over" prior to traveling out of town.

Describe methods used to ensure that all individual and staff owned and agency supplied vehicles maintain state minimum insurance requirements.

All GEST Program vehicles are insured annually through the Arizona Counties Insurance. Vehicles insurance policies are housed at the Gila County Courthouse, Emergency Services department.

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status: MANAGEMENT APPROVED

Service Level Detail
EMPLOYMENT SUPPORT AIDE

Service Status
Approved

Service Status
Start Date
01/01/2011

Describe any special requirements that the vendor and employees must meet to transport individuals. Include an explanation of how often driving records of employees are reviewed.

All direct service staff that transport clients are required to have a clean driving record. Criminal background checks are done every three years when recertifying for fingerprint clearance. All GEST staff is required to produce a copy of their driver's license yearly to review expiration dates. Driving records of all GEST employees are reviewed annually by the Program Manager. All GEST staff has completed a "Top Driver" class, facilitated by the National Safety Council, offered through the County Emergency Services department, and a review of the "Top Driver" manual is reviewed yearly in a staff meeting. Staff has completed training through ADOT on the operation of the GEST handicap van that is wheelchair accommodated, and all staff participates in the annual inspection, completed by CAAG personnel, on that van. The GEST Program applied for and was awarded a new van with a lift and a 15 passenger van from ADOT. Delivery of these new vehicles should take place in mid October, 2005.

In number of days, how often are driving records reviewed by the vendor?

365

Recruitment and Training Policies

Describe briefly the recruitment and initial training plan for direct service staff.

All GEST staff are Gila County Employees, therefore recruitment for direct service staff is done following Gila County policy. When a position for direct service staff becomes available, a "Request To Post" form is completed and routed to the Personnel Department. A Job description containing all the necessary qualifications and experience is posted. Applications are forwarded to GEST Department from the Personnel Department, where they are reviewed. When the posting end date is reached, all the applications that have been reviewed will be separated according to applicable qualifications and/or experience necessary for the position. The applicants to be considered for the position (usually not more than seven) will be called in for an interview. The interviewing panel which consists of at least three staff will then interview the qualified candidates, and make a decision based on the information, qualifications, and experience given by the applicants. All newly hired staff is required to attend a Gila County "New Employee" (four hours) orientation. All Gila County Job postings are displayed at the Courthouse location and are published in the local newspaper.

Describe briefly the ongoing training plan for direct service staff.

Training of direct service staff is done in an "On The Job" manner and the length of the training time depends on the experience and expertise of the trainee. (All newly hired staff are required to complete a six month probationary time.) A current experienced and seasoned direct service staff person will conduct the training, and work along side of the trainee to ensure that services are provided in compliance with the Divisions Policies and Procedures and that the client's needs are being met and the trainee understands all aspects of service provision. All current GEST staff, with the exception of a newly hired Mobile Crew Coordinator/direct service staff person have longevity, (at least seven years plus) with the GEST program and the program does not experience much turn over in staff. GEST staff stays in compliance with the Division regarding required recertification in CPR, First Aid, CIT and Fingerprint clearance.

Describe briefly the backup plan for direct service staff absences (preplanned and emergency absence).

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status: MANAGEMENT APPROVED

Service Level Detail
EMPLOYMENT SUPPORT AIDE

Service Status
Approved

Service Status
Start Date
01/01/2011

In the event that a direct service staff member has an unplanned absence, all other GEST direct service staff are available and can flex their individual schedules to accommodate the client in providing scheduled services. All direct staff is cross trained and adaptable to provide and care for all clients. GEST direct service staff has weekly meetings in which they discuss all client issues, problems needs or concerns. GEST is a small rural service provider therefore all direct service staff are acquainted with all our clients and they all, staff and clients, participate in client activities. Direct staff is aware of all the client's individual behaviors, meds, and specific disability needs. If a direct service staff plans leave time, the entire staff will meet to discuss and formulate a "plan of action" for service provision to the clients so that no gap in services will occur.

Incident Reporting

How are incidents of abuse, neglect, exploitation or injury reported internally?

No written policies and procedures regarding reporting of incidents of abuse, neglect and exploitation currently exist, however, GEST follows the policy and procedure in reporting the above stated incidents according to the Division's policies and procedures manual in reporting all incidents of abuse neglect, exploitation or injury. GEST staff utilizes the DD-191 form which is completed within one hour of the occurrence. The GEST Program Manager is notified by the direct service staff person within one hour of any incident via telephone. The Program Manager then within one hour, notifies a Division representative and the client's family/representative.

How are incidents of abuse, neglect, exploitation or injury reported externally?

The GEST Program complies with the reporting procedures outlined in the DES/DDD Policies and Procedures manual. As a service provider for persons with disabilities, GEST staff is mandated by law to be reporters of abuse, neglect, or exploitation if reasonable basis to suspect such abuse has occurred. GEST staff will immediately report to a peace Officer or Protective Services worker any incident of abuse of any kind. After reporting any incident of abuse, GEST staff will complete a DD-191 incident report which is immediately routed to a Division representative. A copy of the DD-191 is also kept in the clients file on site.

Describe the internal review process for incident reports and how corrective action is implemented.

The GEST Program Manager and the direct service staff who generated the Incident Report, review the report and coordinate with the Division representative to ascertain if a staffing is in order, who should attend and what appropriate corrective action will be needed and how the corrective action will be completed. A discussion is facilitated to decide the best possible corrective action to take and how to implement those actions.

Complaint/Grievance Process

Describe the complaints/grievances process.

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status: MANAGEMENT APPROVED

Service Level Detail
EMPLOYMENT SUPPORT AIDE

Service Status
Approved

Service Status
Start Date
01/01/2011

All clients have the right to fair and equal treatment. Complaints that allege violation of a client's rights to fair and equal treatment shall be filed with GEST and mailed to the GEST office at 1400 E. Ash St., Globe, AZ 85501. Initially the Program Manager will schedule a meeting with the client, the assigned direct service staff and other appropriate staff members. If the grievance cannot be resolved during this meeting, another meeting will be held with the client's Division Support Coordinator/Representative (if the Support Coordinator/Representative was not present at the initial meeting). If the grievance is not resolved at the second meeting, the written appeal and all accompanying documents will be forwarded to the Department of Economic Security/DDD. Clients will not be denied services by exercising their grievance rights.

Program Feedback Process

How is input from consumers, families and/or consumer representatives encouraged?

The GEST Program maintains an "open door/open line of communication" with all interested parties and input is always encouraged and welcome. All GEST staff network and coordinate regularly with clients, families, representatives and they provide their personal pager and cell phone numbers to all interested parties in an effort to ensure continued communication. A "Special Events" calendar is posted on site and flyers are sent out periodically inviting all interested parties to attend any of our events. GEST maintains an excellent relationship with the Division, clients, families, representatives and other community agencies. Input is also shared at all client staffings and reconvenes as well as all annuals.

Describe the process used to measure consumer/family/consumer representative satisfaction with services.

The GEST program provides a "customer satisfaction survey" to all clients who exit the program and to "on going" clients on a quarterly basis. The information from these surveys is discussed in regular staff meetings to better and more efficiently serve and meet the needs of our clients. Since GEST provides services in a small rural community, program feedback is received through a variety of ways. Feedback is gleaned through staffings, networking of direct service staff in the community, and through linkages with other agencies. GEST staff is very active in the community and they network on a continuing basis to establish improved consumer/contractor communications.

Describe how consumers/families/consumer representatives are involved in the hiring and/or evaluation of direct service staff.

Since GEST staff are all Gila County employees, the hiring and evaluation of direct service staff is done internally, however, all input from clients, families, representatives is considered by the Program Manager in the evaluation of direct service staff.

Describe how consumers/families/consumer representatives are involved in the evaluation process for the improvement of services.

GEST staff will facilitate collective participation by consumers and families in identifying barriers to consumer's satisfaction and to obtain feedback and input to establish improved consumer/provider communications a least quarterly. Documentation of services and activities will be maintained in agency's files and will be recorded daily and weekly. A monthly progress report will be forwarded to the Division representative. Progress will be documented and reported to the ISP team and input solicited from the members.

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status: MANAGEMENT APPROVED

Service Level Detail
EMPLOYMENT SUPPORT AIDE

Service Status
Approved

Service Status
Start Date
01/01/2011

Consumer Involvement

Describe all of the other methods used by your organization to provide opportunities for consumers/families/consumer representatives to be actively involved in your organization's operations (i.e., advisory groups, staff recruitment, staff training and development, monitoring, social events, etc.).

As stated before, GEST maintains an "open door/open line of communication will all interested parties and input is always encouraged and welcome. All GEST network and coordinate regularly with clients, families, representatives and they provide their personal pager and cell phone numbers to all interested parties in an effort to ensure continued communication. A "Special Events" calendar is posted on site and flyers are sent our periodically inviting all interested parties to attend any of our events. GEST maintains an excellent relationship with the Division, clients, families, representatives and other community agencies. Input is also shared at all client staffings, reconvenes and annuals.

Please indicate if there are any active community advisory groups.

GEST staff network and coordinate with consumers, representatives who serve on the Central Arizona Advisory Council on Developmental Disabilities, in an effort to stay current and apprised of any changes in the program that may impact our program in any way, specifically services to our clients. The WIB department within our Division also has a "Youth Advisory Board".

Internal Quality Efforts

Describe the process used by the vendor to monitor and evaluate the services provided as they relate to the ISP objectives.

GEST staff will develop an evaluation form specific to the individual's ISP objectives to obtain feedback from clients/client representatives in order to monitor and evaluate services provided. Services will be provided based on the plan and staff will, when appropriate, coordinate with other community services. Each month the ISP objectives are reviewed, documented and forwarded to the Division representative. In conjunction with the ISP, the ISP team will determine when the clients goals have been achieved. Staff will complete on going evaluation to provide the documentation for the team and will assist in formulating new goals and objectives . Progress reports will be forwarded to a Division representative at the end of each month. Staff will also utilize a customer satisfaction survey form to obtain feedback and input from clients/families/representatives, in order to establish improved consumer services.

Describe the overall vendor approach toward the improvement of the quality and appropriateness of services provided.

GEST staff work many hours with our clients on a one to one basis to ensure that needs are being met and that services are appropriate, and in line with the ISP. Staff is continually striving to improve methods and techniques of service delivery. Training for staff is provided regularly to improve and enhance their skills and knowledge to assist clients in achieving self sufficiency. When required, staff coordinate on behalf of the client/client representative with community services, health professionals, and other contractors to ensure all needs are met. Staff provides on going assessment to ensure appropriate and quality services are delivered.

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status: MANAGEMENT APPROVED

Service Level Detail
GROUP SUPPORTED EMPLOYMENT

Service Status
Approved

Service Status
Start Date
01/01/2011

Program Description

Briefly describe your program for this service from referral through service delivery.

Upon referral the GEST staff review documents provided by the Division Support Coordinator and assign the appropriate staff to meet the client's needs. GEST staff will work with the ISP team in the formulation of the plan. The plan shall include specific written training strategies and methods of instruction. Ongoing assessment will be done by staff to ensure that any changes in needs be brought to the ISP team's attention. Transportation needs will be assessed by the ISP team and documented in the plan. Each month the ISP objectives will be reviewed, documented and forwarded to the designated Division representative. The ISP team will determine when the individual's goals have been achieved in accordance with the ISP. Staff will provide ongoing evaluation to provide the documentation for the team and will assist in determining new goals and objectives. Through activities provided by GEST individuals will develop methods of starting and/or developing friendships, social skills, problem solving, appropriate leisure activities according to age. Planning activities will include input from the clients, and a calendar of events will be posted on site and each client will be advised of the events.

Community Access

When community access is required to meet the ISP, how do you support direct service staff for community access?

- NO Transportation in an individual/staff owned vehicle
- YES Transportation in an agency owned, leased or contracted
- NO Reimbursement for public transportation

Describe methods used to ensure that all provider and agency supplied vehicles are properly maintained.

The GEST Program has a fleet of 7 vehicles including two full sized vans. The vehicles are regularly maintained and serviced by the mechanics at the Gila County Shop. Other vehicles from our Division Pool are also available to us should the need arise, this also ensures our ability to provide services should one of our vehicles be out of service for any length of time. Regular maintenance needs reports are forwarded to our department from the County Shop Office to alert us as to the need for servicing. Prior to any out of town activity trips, the GEST staff schedule the vehicle to be utilized in the shop for a complete "check over" prior to traveling out of town.

Describe methods used to ensure that all individual and staff owned and agency supplied vehicles maintain state minimum insurance requirements.

All GEST Program vehicles are insured annually through the Arizona Counties Insurance. Vehicles insurance policies are housed at the Gila County Courthouse, Emergency Services department.

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status: MANAGEMENT APPROVED

Service Level Detail
GROUP SUPPORTED EMPLOYMENT

Service Status
Approved

Service Status
Start Date
01/01/2011

Describe any special requirements that the vendor and employees must meet to transport individuals. Include an explanation of how often driving records of employees are reviewed.

All direct service staff that transport clients are required to have a clean driving record. Criminal background checks are done every three years when recertifying for fingerprint clearance. All GEST staff is required to produce a copy of their driver's license yearly to review expiration dates. Driving records of all GEST employees are reviewed annually by the Program Manager. All GEST staff has completed a "Top Driver" class, facilitated by the National Safety Council, offered through the County Emergency Services department, and a review of the "Top Driver" manual is reviewed yearly in a staff meeting. Staff has completed training through ADOT on the operation of the GEST handicap van that is wheelchair accommodated, and all staff participates in the annual inspection, completed by CAAG personnel, on that van. The GEST Program applied for and was awarded a new van with a lift and a 15 passenger van from ADOT. Delivery of these new vehicles should take place in mid October, 2005.

In number of days, how often are driving records reviewed by the vendor?

365

Recruitment and Training Policies

Describe briefly the recruitment and initial training plan for direct service staff.

All GEST staff are Gila County Employees, therefore recruitment for direct service staff is done following Gila County policy. When a position for direct service staff becomes available, a "Request To Post" form is completed and routed to the Personnel Department. A Job description containing all the necessary qualifications and experience is posted. Applications are forwarded to GEST Department from the Personnel Department, where they are reviewed. When the posting end date is reached, all the applications that have been reviewed will be separated according to applicable qualifications and/or experience necessary for the position. The applicants to be considered for the position (usually not more than seven) will be called in for an interview. The interviewing panel which consists of at least three staff will then interview the qualified candidates, and make a decision based on the information, qualifications, and experience given by the applicants. All newly hired staff is required to attend a Gila County "New Employee" (four hours) orientation. All Gila County Job postings are displayed at the Courthouse location and are published in the local newspaper.

Describe briefly the ongoing training plan for direct service staff.

Training of direct service staff is done in an "On The Job" manner and the length of the training time depends on the experience and expertise of the trainee. (All newly hired staff are required to complete a six month probationary time.) A current experienced and seasoned direct service staff person will conduct the training, and work along side of the trainee to ensure that services are provided in compliance with the Divisions Policies and Procedures and that the client's needs are being met and the trainee understands all aspects of service provision. All current GEST staff, with the exception of a newly hired Mobile Crew Coordinator/direct service staff person have longevity, (at least seven years plus) with the GEST program and the program does not experience much turn over in staff. GEST staff stays in compliance with the Division regarding required recertification in CPR, First Aid, CIT and Fingerprint clearance.

Describe briefly the backup plan for direct service staff absences (preplanned and emergency absence).

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status: MANAGEMENT APPROVED

Service Level Detail

GROUP SUPPORTED EMPLOYMENT

Service Status

Approved

Service Status

Start Date

01/01/2011

In the event that a direct service staff member has an unplanned absence, all other GEST direct service staff are available and can flex their individual schedules to accommodate the client in providing scheduled services. All direct staff is cross trained and adaptable to provide and care for all clients. GEST direct service staff has weekly meetings in which they discuss all client issues, problems needs or concerns. GEST is a small rural service provider therefore all direct service staff are acquainted with all our clients and they all, staff and clients, participate in client activities. Direct staff is aware of all the client's individual behaviors, meds, and specific disability needs. If a direct service staff plans leave time, the entire staff will meet to discuss and formulate a "plan of action" for service provision to the clients so that no gap in services will occur.

Incident Reporting

How are incidents of abuse, neglect, exploitation or injury reported internally?

No written policies and procedures regarding reporting of incidents of abuse, neglect and exploitation currently exist, however, GEST follows the policy and procedure in reporting the above stated incidents according to the Division's policies and procedures manual in reporting all incidents of abuse neglect, exploitation or injury. GEST staff utilizes the DD-191 form which is completed within one hour of the occurrence. The GEST Program Manager is notified by the direct service staff person within one hour of any incident via telephone. The Program Manager then within one hour, notifies a Division representative and the client's family/representative.

How are incidents of abuse, neglect, exploitation or injury reported externally?

The GEST Program complies with the reporting procedures outlined in the DES/DDD Policies and Procedures manual. As a service provider for persons with disabilities, GEST staff is mandated by law to be reporters of abuse, neglect, or exploitation if reasonable basis to suspect such abuse has occurred. GEST staff will immediately report to a peace Officer or Protective Services worker any incident of abuse of any kind. After reporting any incident of abuse, GEST staff will complete a DD-191 incident report which is immediately routed to a Division representative. A copy of the DD-191 is also kept in the clients file on site.

Describe the internal review process for incident reports and how corrective action is implemented.

The GEST Program Manager and the direct service staff who generated the Incident Report, review the report and coordinate with the Division representative to ascertain if a staffing is in order, who should attend and what appropriate corrective action will be needed and how the corrective action will be completed. A discussion is facilitated to decide the best possible corrective action to take and how to implement those actions.

Complaint/Grievance Process

Describe the complaints/grievances process.

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status: MANAGEMENT APPROVED

Service Level Detail

GROUP SUPPORTED EMPLOYMENT

Service Status
Approved

Service Status
Start Date
01/01/2011

All clients have the right to fair and equal treatment. Complaints that allege violation of a client's rights to fair and equal treatment shall be filed with GEST and mailed to the GEST office at 1400 E. Ash St., Globe, AZ 85501. Initially the Program Manager will schedule a meeting with the client, the assigned direct service staff and other appropriate staff members. If the grievance cannot be resolved during this meeting, another meeting will be held with the client's Division Support Coordinator/Representative (if the Support Coordinator/Representative was not present at the initial meeting). If the grievance is not resolved at the second meeting, the written appeal and all accompanying documents will be forwarded to the Department of Economic Security/DDD. Clients will not be denied services by exercising their grievance rights.

Program Feedback Process

How is input from consumers, families and/or consumer representatives encouraged?

The GEST Program maintains an "open door/open line of communication" with all interested parties and input is always encouraged and welcome. All GEST staff network and coordinate regularly with clients, families, representatives and they provide their personal pager and cell phone numbers to all interested parties in an effort to ensure continued communication. A "Special Events" calendar is posted on site and flyers are sent out periodically inviting all interested parties to attend any of our events. GEST maintains an excellent relationship with the Division, clients, families, representatives and other community agencies. Input is also shared at all client staffings and reconvenes as well as all annuals.

Describe the process used to measure consumer/family/consumer representative satisfaction with services.

The GEST program provides a "customer satisfaction survey" to all clients who exit the program and to "on going" clients on a quarterly basis. The information from these surveys is discussed in regular staff meetings to better and more efficiently serve and meet the needs of our clients. Since GEST provides services in a small rural community, program feedback is received through a variety of ways. Feedback is gleaned through staffings, networking of direct service staff in the community, and through linkages with other agencies. GEST staff is very active in the community and they network on a continuing basis to establish improved consumer/contractor communications.

Describe how consumers/families/consumer representatives are involved in the hiring and/or evaluation of direct service staff.

Describe how consumers/families/consumer representatives are involved in the evaluation process for the improvement of services.

GEST staff will facilitate collective participation by consumers and families in identifying barriers to consumer's satisfaction and to obtain feedback and input to establish improved consumer/provider communications a least quarterly. Documentation of services and activities will be maintained in agency's files and will be recorded daily and weekly. A monthly progress report will be forwarded to the Division representative. Progress will be documented and reported to the ISP team and input solicited from the members.

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status: MANAGEMENT APPROVED

Service Level Detail
GROUP SUPPORTED EMPLOYMENT

Service Status
Approved

Service Status
Start Date
01/01/2011

Consumer Involvement

Describe all of the other methods used by your organization to provide opportunities for consumers/families/consumer representatives to be actively involved in your organization's operations (i.e., advisory groups, staff recruitment, staff training and development, monitoring, social events, etc.).

As stated before, GEST maintains an "open door/open line of communication with all interested parties and input is always encouraged and welcome. All GEST network and coordinate regularly with clients, families, representatives and they provide their personal pager and cell phone numbers to all interested parties in an effort to ensure continued communication. A "Special Events" calendar is posted on site and flyers are sent out periodically inviting all interested parties to attend any of our events. GEST maintains an excellent relationship with the Division, clients, families, representatives and other community agencies. Input is also shared at all client staffings, reconvenes and annuals.

Please indicate if there are any active community advisory groups.

GEST staff network and coordinate with consumers, representatives who serve on the Central Arizona Advisory Council on Developmental Disabilities, in an effort to stay current and apprised of any changes in the program that may impact our program in any way, specifically services to our clients. The WIB department within our Division also has a "Youth Advisory Board".

Internal Quality Efforts

Describe the process used by the vendor to monitor and evaluate the services provided as they relate to the ISP objectives.

GEST staff will develop an evaluation form specific to the individual's ISP objectives to obtain feedback from clients/client representatives in order to monitor and evaluate services provided. Services will be provided based on the plan and staff will, when appropriate, coordinate with other community services. Each month the ISP objectives are reviewed, documented and forwarded to the Division representative. In conjunction with the ISP, the ISP team will determine when the clients goals have been achieved. Staff will complete on going evaluation to provide the documentation for the team and will assist in formulating new goals and objectives. Progress reports will be forwarded to a Division representative at the end of each month. Staff will also utilize a customer satisfaction survey form to obtain feedback and input from clients/families/representatives, in order to establish improved consumer services.

Describe the overall vendor approach toward the improvement of the quality and appropriateness of services provided.

GEST staff work many hours with our clients on a one to one basis to ensure that needs are being met and that services are appropriate, and in line with the ISP. Staff is continually striving to improve methods and techniques of service delivery. Training for staff is provided regularly to improve and enhance their skills and knowledge to assist clients in achieving self sufficiency. When required, staff coordinate on behalf of the client/client representative with community services, health professionals, and other contractors to ensure all needs are met. Staff provides on going assessment to ensure appropriate and quality services are delivered.

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status: MANAGEMENT APPROVED

Service Level Detail

HABILITATION SERVICES - INDIVIDUALLY DESIGNED LIVING ARRANGEMENT

Service Status

Approved

Service Status

Start Date

01/01/2011

Program Description

Briefly describe your program for this service from referral through service delivery.

Upon referral the GEST staff review documents provided by the Division Support Coordinator and assign the appropriate staff to meet the client's needs. GEST staff will work with the ISP team in the formulation of the plan. The plan shall include specific written training strategies and methods of instruction. Ongoing assessment will be done by staff to ensure that any changes in needs be brought to the ISP team's attention. Transportation needs will be assessed by the ISP team and documented in the plan. Each month the ISP objectives will be reviewed, documented and forwarded to the designated Division representative. The ISP team will determine when the individual's goals have been achieved in accordance with the ISP. Staff will provide ongoing evaluation to provide the documentation for the team and will assist in determining new goals and objectives. Through activities provided by GEST individuals will develop methods of starting and/or developing friendships, social skills, problem solving, appropriate leisure activities according to age. Planning activities will include input from the clients, and a calendar of events will be posted on site and each client will be advised of the events.

Community Access

When community access is required to meet the ISP, how do you support direct service staff for community access?

- NO Transportation in an individual/staff owned vehicle
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Describe methods used to ensure that all provider and agency supplied vehicles are properly maintained.

The GEST Program has a fleet of 7 vehicles including two full sized vans. The vehicles are regularly maintained and serviced by the mechanics at the Gila County Shop. Other vehicles from our Division Pool are also available to us should the need arise, this also ensures our ability to provide services should one of our vehicles be out of service for any length of time. Regular maintenance needs reports are forwarded to our department from the County Shop Office to alert us as to the need for servicing. Prior to any out of town activity trips, the GEST staff schedule the vehicle to be utilized in the shop for a complete "check over" prior to traveling out of town.

Describe methods used to ensure that all individual and staff owned and agency supplied vehicles maintain state minimum insurance requirements.

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Service Level Detail
HABILITATION SERVICES - INDIVIDUALLY DESIGNED LIVING ARRANGEMENT

Service Status
Approved

Service Status
Start Date
01/01/2011

Describe any special requirements that the vendor and employees must meet to transport individuals. Include an explanation of how often driving records of employees are reviewed.

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In number of days, how often are driving records reviewed by the vendor?

365

Recruitment and Training Policies

Describe briefly the recruitment and initial training plan for direct service staff.

All GEST staff are Gila County Employees, therefore recruitment for direct service staff is done following Gila County policy. When a position for direct service staff becomes available, a "Request To Post" form is completed and routed to the Personnel Department. A Job description containing all the necessary qualifications and experience is posted. Applications are forwarded to GEST Department from the Personnel Department, where they are reviewed. When the posting end date is reached, all the applications that have been reviewed will be separated according to applicable qualifications and/or experience necessary for the position. The applicants to be considered for the position (usually not more than seven) will be called in for an interview. The interviewing panel which consists of at least three staff will then interview the qualified candidates, and make a decision based on the information, qualifications, and experience given by the applicants. All newly hired staff is required to attend a Gila County "New Employee" (four hours) orientation. All Gila County Job postings are displayed at the Courthouse location and are published in the local newspaper.

Describe briefly the ongoing training plan for direct service staff.

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Describe briefly the backup plan for direct service staff absences (preplanned and emergency absence).

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status: MANAGEMENT APPROVED

Service Level Detail

HABILITATION SERVICES - INDIVIDUALLY DESIGNED LIVING ARRANGEMENT

Service Status

Approved

Service Status

Start Date

01/01/2011

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Incident Reporting

How are incidents of abuse, neglect, exploitation or injury reported internally?

No written policies and procedures regarding reporting of incidents of abuse, neglect and exploitation currently exist, however, GEST follows the policy and procedure in reporting the above stated incidents according to the Division's policies and procedures manual in reporting all incidents of abuse neglect, exploitation or injury. GEST staff utilizes the DD-191 form which is completed within one hour of the occurrence. The GEST Program Manager is notified by the direct service staff person within one hour of any incident via telephone. The Program Manager then within one hour, notifies a Division representative and the client's family/representative.

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Describe the internal review process for incident reports and how corrective action is implemented.

The GEST Program Manager and the direct service staff who generated the Incident Report, review the report and coordinate with the Division representative to ascertain if a staffing is in order, who should attend and what appropriate corrective action will be needed and how the corrective action will be completed. A discussion is facilitated to decide the best possible corrective action to take and how to implement those actions.

Complaint/Grievance Process

Describe the complaints/grievances process.

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status: MANAGEMENT APPROVED

Service Level Detail

HABILITATION SERVICES - INDIVIDUALLY DESIGNED LIVING ARRANGEMENT

Service Status
Approved

Service Status
Start Date
01/01/2011

All clients have the right to fair and equal treatment. Complaints that allege violation of a client's rights to fair and equal treatment shall be filed with GEST and mailed to the GEST office at 1400 E. Ash St., Globe, AZ 85501. Initially the Program Manager will schedule a meeting with the client, the assigned direct service staff and other appropriate staff members. If the grievance cannot be resolved during this meeting, another meeting will be held with the client's Division Support Coordinator/Representative (if the Support Coordinator/Representative was not present at the initial meeting). If the grievance is not resolved at the second meeting, the written appeal and all accompanying documents will be forwarded to the Department of Economic Security/DDD. Clients will not be denied services by exercising their grievance rights.

Program Feedback Process

How is input from consumers, families and/or consumer representatives encouraged?

The GEST Program maintains an "open door/open line of communication" with all interested parties and input is always encouraged and welcome. All GEST staff network and coordinate regularly with clients, families, representatives and they provide their personal pager and cell phone numbers to all interested parties in an effort to ensure continued communication. A "Special Events" calendar is posted on site and flyers are sent out periodically inviting all interested parties to attend any of our events. GEST maintains an excellent relationship with the Division, clients, families, representatives and other community agencies. Input is also shared at all client staffings and reconvenes as well as all annuals.

Describe the process used to measure consumer/family/consumer representative satisfaction with services.

The GEST program provides a "customer satisfaction survey" to all clients who exit the program and to "on going" clients on a quarterly basis. The information from these surveys is discussed in regular staff meetings to better and more efficiently serve and meet the needs of our clients.

Since GEST provides services in a small rural community, program feedback is received through a variety of ways. Feedback is gleaned through staffings, networking of direct service staff in the community, and through linkages with other agencies. GEST staff is very active in the community and they network on a continuing basis to establish improved consumer/contractor communications.

Describe how consumers/families/consumer representatives are involved in the hiring and/or evaluation of direct service staff.

Describe how consumers/families/consumer representatives are involved in the evaluation process for the improvement of services.

GEST staff will facilitate collective participation by consumers and families in identifying barriers to consumer's satisfaction and to obtain feedback and input to establish improved consumer/provider communications a least quarterly. Documentation of services and activities will be maintained in agency's files and will be recorded daily and weekly. A monthly progress report will be forwarded to the Division representative. Progress will be documented and reported to the ISP team and input solicited from the members.

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
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Service Level Detail

HABILITATION SERVICES - INDIVIDUALLY DESIGNED LIVING ARRANGEMENT

Service Status
Approved

Service Status
Start Date
01/01/2011

Consumer Involvement

Describe all of the other methods used by your organization to provide opportunities for consumers/families/consumer representatives to be actively involved in your organization's operations (i.e., advisory groups, staff recruitment, staff training and development, monitoring, social events, etc.).

As stated before, GEST maintains an "open door/open line of communication with all interested parties and input is always encouraged and welcome. All GEST network and coordinate regularly with clients, families, representatives and they provide their personal pager and cell phone numbers to all interested parties in an effort to ensure continued communication. A "Special Events" calendar is posted on site and flyers are sent out periodically inviting all interested parties to attend any of our events. GEST maintains an excellent relationship with the Division, clients, families, representatives and other community agencies. Input is also shared at all client staffings, reconvenes and annuals.

Please indicate if there are any active community advisory groups.

GEST staff network and coordinate with consumers, representatives who serve on the Central Arizona Advisory Council on Developmental Disabilities, in an effort to stay current and apprised of any changes in the program that may impact our program in any way, specifically services to our clients. The WIB department within our Division also has a "Youth Advisory Board".

Internal Quality Efforts

Describe the process used by the vendor to monitor and evaluate the services provided as they relate to the ISP objectives.

GEST staff will develop an evaluation form specific to the individual's ISP objectives to obtain feedback from clients/client representatives in order to monitor and evaluate services provided. Services will be provided based on the plan and staff will, when appropriate, coordinate with other community services. Each month the ISP objectives are reviewed, documented and forwarded to the Division representative. In conjunction with the ISP, the ISP team will determine when the clients goals have been achieved. Staff will complete on going evaluation to provide the documentation for the team and will assist in formulating new goals and objectives. Progress reports will be forwarded to a Division representative at the end of each month. Staff will also utilize a customer satisfaction survey form to obtain feedback and input from clients/families/representatives, in order to establish improved consumer services.

Describe the overall vendor approach toward the improvement of the quality and appropriateness of services provided.

GEST staff work many hours with our clients on a one to one basis to ensure that needs are being met and that services are appropriate, and in line with the ISP. Staff is continually striving to improve methods and techniques of service delivery. Training for staff is provided regularly to improve and enhance their skills and knowledge to assist clients in achieving self sufficiency. When required, staff coordinate on behalf of the client/client representative with community services, health professionals, and other contractors to ensure all needs are met. Staff provides on going assessment to ensure appropriate and quality services are delivered.

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status: MANAGEMENT APPROVED

Service Level Detail

HABILITATION SERVICES - SUPPORT - HOURLY

Service Status

Approved

Service Status

Start Date

01/01/2011

Program Description

Briefly describe your program for this service from referral through service delivery.

Upon referral the GEST staff will review the documents provided by the Division Support Coordinator and assign the appropriate staff person to meet the needs of the client. GEST direct service staff will work with the ISP team in the formulation of the plan. The plan shall include specific written training strategies and methods of instruction. Services will be provided based on the ISP plan, and staff will, when appropriate or as part of the plan, coordinate with other community services. Ongoing assessment will be done by staff to ensure that any changes in needs be brought to the ISP team attention. Transportation needs will be assessed by the ISP team and documented in the plan. Each month the ISP objectives will be reviewed, documented and forwarded to the designated Division representative. Staff will provide ongoing evaluation to provide the documentation for the team and will assist in determining new goals and objectives.

Community Access

When community access is required to meet the ISP, how do you support direct service staff for community access?

- NO Transportation in an individual/staff owned vehicle
- YES Transportation in an agency owned, leased or contracted
- NO Reimbursement for public transportation

Describe methods used to ensure that all provider and agency supplied vehicles are properly maintained.

The GEST Program has a fleet of 7 vehicles including two full sized vans. The vehicles are regularly maintained and serviced by the mechanics at the Gila County Shop. Other vehicles from our Division Pool are also available to us should the need arise. Regular maintenance needs reports are forwarded to our department from the County Shop Office to alert us as to the need for servicing. Prior to any out of town activity trips, the GEST staff schedule the vehicle to be utilized in the shop for a complete "check over" prior to traveling out of town.

Describe methods used to ensure that all individual and staff owned and agency supplied vehicles maintain state minimum insurance requirements.

All GEST Program vehicles are insured annually through the Arizona Counties Insurance. Vehicle insurance policies are housed at the Gila County Courthouse, Emergency Services department.

Describe any special requirements that the vendor and employees must meet to transport individuals. Include an explanation of how often driving records of employees are reviewed.

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status: MANAGEMENT APPROVED

Service Level Detail
HABILITATION SERVICES - SUPPORT - HOURLY

Service Status
Approved

Service Status
Start Date
01/01/2011

All direct service staff who transport clients are required to have a clean driving record. Criminal background checks are done every three years when recertifying for fingerprint clearance. All GEST staff are required to produce a copy of their drivers license yearly to review expiration dates. Driving records of all GEST employees are reviewed annually by the Program Manager. All GEST staff have completed a "Top Driver" class, facilitated by the National Safety Council, offered through the County Emergency Services department, and a review of the "Top Driver" manual is reviewed yearly in a staff meeting. Staff have completed training through ADOT on the operation of the GEST handicap van that is wheelchair accommodated, and staff participate in the annual inspection, completed by CAAG personnel, on that van.

In number of days, how often are driving records reviewed by the vendor?

365

Recruitment and Training Policies

Describe briefly the recruitment and initial training plan for direct service staff.

Describe briefly the ongoing training plan for direct service staff.

Describe briefly the backup plan for direct service staff absences (preplanned and emergency absence).

Incident Reporting

How are incidents of abuse, neglect, exploitation or injury reported internally?

How are incidents of abuse, neglect, exploitation or injury reported externally?

Describe the internal review process for incident reports and how corrective action is implemented.

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status: MANAGEMENT APPROVED

Service Level Detail
HABILITATION SERVICES - SUPPORT - HOURLY

Service Status
Approved

Service Status
Start Date
01/01/2011

Complaint/Grievance Process

Describe the complaints/grievances process.

Program Feedback Process

How is input from consumers, families and/or consumer representatives encouraged?

Describe the process used to measure consumer/family/consumer representative satisfaction with services.

Describe how consumers/families/consumer representatives are involved in the hiring and/or evaluation of direct service staff.

Describe how consumers/families/consumer representatives are involved in the evaluation process for the improvement of services.

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Describe all of the other methods used by your organization to provide opportunities for consumers/families/consumer representatives to be actively involved in your organization's operations (i.e., advisory groups, staff recruitment, staff training and development, monitoring, social events, etc.).

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HABILITATION SERVICES - SUPPORT - HOURLY

Service Status

Approved

Service Status

Start Date

01/01/2011

Please indicate if there are any active community advisory groups.

Internal Quality Efforts

Describe the process used by the vendor to monitor and evaluate the services provided as they relate to the ISP objectives.

Describe the overall vendor approach toward the improvement of the quality and appropriateness of services provided.

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status: MANAGEMENT APPROVED

Service Level Detail
INDIVIDUAL SUPPORTED EMPLOYMENT

Service Status
Approved

Service Status
Start Date
01/01/2011

Program Description

Briefly describe your program for this service from referral through service delivery.

Upon referral the GEST staff review documents provided by the Division Support Coordinator and assign the appropriate staff to meet the client's needs. GEST staff will work with the ISP team in the formulation of the plan. The plan shall include specific written training strategies and methods of instruction. Ongoing assessment will be done by staff to ensure that any changes in needs be brought to the ISP team's attention. Transportation needs will be assessed by the ISP team and documented in the plan. Each month the ISP objectives will be reviewed, documented and forwarded to the designated Division representative. The ISP team will determine when the individual's goals have been achieved in accordance with the ISP. Staff will provide ongoing evaluation to provide the documentation for the team and will assist in determining new goals and objectives. Through activities provided by GEST individuals will develop methods of starting and/or developing friendships, social skills, problem solving, appropriate leisure activities according to age. Planning activities will include input from the clients, and a calendar of events will be posted on site and each client will be advised of the events.

Community Access

When community access is required to meet the ISP, how do you support direct service staff for community access?

- NO Transportation in an individual/staff owned vehicle
- YES Transportation in an agency owned, leased or contracted
- NO Reimbursement for public transportation

Describe methods used to ensure that all provider and agency supplied vehicles are properly maintained.

The GEST Program has a fleet of 7 vehicles including two full sized vans. The vehicles are regularly maintained and serviced by the mechanics at the Gila County Shop. Other vehicles from our Division Pool are also available to us should the need arise, this also ensures our ability to provide services should one of our vehicles be out of service for any length of time. Regular maintenance needs reports are forwarded to our department from the County Shop Office to alert us as to the need for servicing. Prior to any out of town activity trips, the GEST staff schedule the vehicle to be utilized in the shop for a complete "check over" prior to traveling out of town.

Describe methods used to ensure that all individual and staff owned and agency supplied vehicles maintain state minimum insurance requirements.

All GEST Program vehicles are insured annually through the Arizona Counties Insurance. Vehicles insurance policies are housed at the Gila County Courthouse, Emergency Services department.

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Service Level Detail
INDIVIDUAL SUPPORTED EMPLOYMENT

Service Status
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In number of days, how often are driving records reviewed by the vendor?

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Describe briefly the recruitment and initial training plan for direct service staff.

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Describe briefly the backup plan for direct service staff absences (preplanned and emergency absence).

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Incident Reporting

How are incidents of abuse, neglect, exploitation or injury reported internally?

No written policies and procedures regarding reporting of incidents of abuse, neglect and exploitation currently exist, however, GEST follows the policy and procedure in reporting the above stated incidents according to the Division's policies and procedures manual in reporting all incidents of abuse neglect, exploitation or injury. GEST staff utilizes the DD-191 form which is completed within one hour of the occurrence. The GEST Program Manager is notified by the direct service staff person within one hour of any incident via telephone. The Program Manager then within one hour, notifies a Division representative and the client's family/representative.

How are incidents of abuse, neglect, exploitation or injury reported externally?

The GEST Program complies with the reporting procedures outlined in the DES/DDD Policies and Procedures manual. As a service provider for persons with disabilities, GEST staff is mandated by law to be reporters of abuse, neglect, or exploitation if reasonable basis to suspect such abuse has occurred. GEST staff will immediately report to a peace Officer or Protective Services worker any incident of abuse of any kind. After reporting any incident of abuse, GEST staff will complete a DD-191 incident report which is immediately routed to a Division representative. A copy of the DD-191 is also kept in the clients file on site.

Describe the internal review process for incident reports and how corrective action is implemented.

The GEST Program Manager and the direct service staff who generated the Incident Report, review the report and coordinate with the Division representative to ascertain if a staffing is in order, who should attend and what appropriate corrective action will be needed and how the corrective action will be completed. A discussion is facilitated to decide the best possible corrective action to take and how to implement those actions.

Complaint/Grievance Process

Describe the complaints/grievances process.

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
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Service Level Detail

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All clients have the right to fair and equal treatment. Complaints that allege violation of a client's rights to fair and equal treatment shall be filed with GEST and mailed to the GEST office at 1400 E. Ash St., Globe, AZ 85501. Initially the Program Manager will schedule a meeting with the client, the assigned direct service staff and other appropriate staff members. If the grievance cannot be resolved during this meeting, another meeting will be held with the client's Division Support Coordinator/Representative (if the Support Coordinator/Representative was not present at the initial meeting). If the grievance is not resolved at the second meeting, the written appeal and all accompanying documents will be forwarded to the Department of Economic Security/DDD. Clients will not be denied services by exercising their grievance rights.

Program Feedback Process

How is input from consumers, families and/or consumer representatives encouraged?

The GEST Program maintains an "open door/open line of communication" with all interested parties and input is always encouraged and welcome. All GEST staff network and coordinate regularly with clients, families, representatives and they provide their personal pager and cell phone numbers to all interested parties in an effort to ensure continued communication. A "Special Events" calendar is posted on site and flyers are sent out periodically inviting all interested parties to attend any of our events. GEST maintains an excellent relationship with the Division, clients, families, representatives and other community agencies. Input is also shared at all client staffings and reconvenes as well as all annuals.

Describe the process used to measure consumer/family/consumer representative satisfaction with services.

The GEST program provides a "customer satisfaction survey" to all clients who exit the program and to "on going" clients on a quarterly basis. The information from these surveys is discussed in regular staff meetings to better and more efficiently serve and meet the needs of our clients. Since GEST provides services in a small rural community, program feedback is received through a variety of ways. Feedback is gleaned through staffings, networking of direct service staff in the community, and through linkages with other agencies. GEST staff is very active in the community and they network on a continuing basis to establish improved consumer/contractor communications.

Describe how consumers/families/consumer representatives are involved in the hiring and/or evaluation of direct service staff.

Describe how consumers/families/consumer representatives are involved in the evaluation process for the improvement of services.

GEST staff will facilitate collective participation by consumers and families in identifying barriers to consumer's satisfaction and to obtain feedback and input to establish improved consumer/provider communications a least quarterly. Documentation of services and activities will be maintained in agency's files and will be recorded daily and weekly. A monthly progress report will be forwarded to the Division representative. Progress will be documented and reported to the ISP team and input solicited from the members.

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Service Level Detail
INDIVIDUAL SUPPORTED EMPLOYMENT

Service Status
Approved

Service Status
Start Date
01/01/2011

Consumer Involvement

Describe all of the other methods used by your organization to provide opportunities for consumers/families/consumer representatives to be actively involved in your organization's operations (i.e., advisory groups, staff recruitment, staff training and development, monitoring, social events, etc.).

As stated before, GEST maintains an "open door/open line of communication with all interested parties and input is always encouraged and welcome. All GEST network and coordinate regularly with clients, families, representatives and they provide their personal pager and cell phone numbers to all interested parties in an effort to ensure continued communication. A "Special Events" calendar is posted on site and flyers are sent out periodically inviting all interested parties to attend any of our events. GEST maintains an excellent relationship with the Division, clients, families, representatives and other community agencies. Input is also shared at all client staffings, reconvenes and annuals.

Please indicate if there are any active community advisory groups.

GEST staff network and coordinate with consumers, representatives who serve on the Central Arizona Advisory Council on Developmental Disabilities, in an effort to stay current and apprised of any changes in the program that may impact our program in any way, specifically services to our clients. The WIB department within our Division also has a "Youth Advisory Board".

Internal Quality Efforts

Describe the process used by the vendor to monitor and evaluate the services provided as they relate to the ISP objectives.

GEST staff will develop an evaluation form specific to the individual's ISP objectives to obtain feedback from clients/client representatives in order to monitor and evaluate services provided. Services will be provided based on the plan and staff will, when appropriate, coordinate with other community services. Each month the ISP objectives are reviewed, documented and forwarded to the Division representative. In conjunction with the ISP, the ISP team will determine when the clients goals have been achieved. Staff will complete on going evaluation to provide the documentation for the team and will assist in formulating new goals and objectives. Progress reports will be forwarded to a Division representative at the end of each month. Staff will also utilize a customer satisfaction survey form to obtain feedback and input from clients/families/representatives, in order to establish improved consumer services.

Describe the overall vendor approach toward the improvement of the quality and appropriateness of services provided.

GEST staff work many hours with our clients on a one to one basis to ensure that needs are being met and that services are appropriate, and in line with the ISP. Staff is continually striving to improve methods and techniques of service delivery. Training for staff is provided regularly to improve and enhance their skills and knowledge to assist clients in achieving self sufficiency. When required, staff coordinate on behalf of the client/client representative with community services, health professionals, and other contractors to ensure all needs are met. Staff provides on going assessment to ensure appropriate and quality services are delivered.

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status: MANAGEMENT APPROVED

Service Level Detail
RESPIRE CARE HOURLY & DAILY

Service Status
Approved

Service Status
Start Date
01/01/2011

Program Description

Briefly describe your program for this service from referral through service delivery.

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Community Access

When community access is required to meet the ISP, how do you support direct service staff for community access?

- NO Transportation in an individual/staff owned vehicle
- YES Transportation in an agency owned, leased or contracted
- NO Reimbursement for public transportation

Describe methods used to ensure that all provider and agency supplied vehicles are properly maintained.

The GEST Program has a fleet of 7 vehicles including two full sized vans. The vehicles are regularly maintained and serviced by the mechanics at the Gila County Shop. Other vehicles from our Division Pool are also available to us should the need arise, this also ensures our ability to provide services should one of our vehicles be out of service for any length of time. Regular maintainance needs reports are forwarded to our department from the County Shop Office to alert us as to the need for servicing. Prior to any out of town activity trips, the GEST staff schedule the vehicle to be utilized in the shop for a complete "check over" prior to traveling out of town.

Describe methods used to ensure that all individual and staff owned and agency supplied vehicles maintain state minimum insurance requirements.

All GEST Program vehicles are insured annually through the Arizona Counties Insurance. Vehicles insurance policies are housed at the Gila County Courthouse, Emergency Services department.

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status: MANAGEMENT APPROVED

Service Level Detail
RESPITE CARE HOURLY & DAILY

Service Status
Approved

Service Status
Start Date
01/01/2011

Describe any special requirements that the vendor and employees must meet to transport individuals. Include an explanation of how often driving records of employees are reviewed.

All direct service staff who transport clients are required to have a clean driving record. Criminal background checks are done every three years when recertifying for fingerprint clearance. All GEST staff are required to produce a copy of their drivers license yearly to review expiration dates. Driving records of all GEST employees are reviewed annually by the Program Manager. All GEST staff have completed a "Top Driver" class, facilitated by the National Safety Council, offered through the County Emergency Services department, and a review of the "Top Driver" manual is reviewed yearly in a staff meeting. Staff have completed training through ADOT on the operation of the GEST handicap van that is wheelchair accommodated, and staff participate in the annual inspection, completed by CAAG personnel, on that van.

In number of days, how often are driving records reviewed by the vendor?

365

Recruitment and Training Policies

Describe briefly the recruitment and initial training plan for direct service staff.

Describe briefly the ongoing training plan for direct service staff.

Describe briefly the backup plan for direct service staff absences (preplanned and emergency absence).

Incident Reporting

How are incidents of abuse, neglect, exploitation or injury reported internally?

How are incidents of abuse, neglect, exploitation or injury reported externally?

Describe the internal review process for incident reports and how corrective action is implemented.

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
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Service Level Detail
RESPIRE CARE HOURLY & DAILY

Service Status
Approved

Service Status
Start Date
01/01/2011

Complaint/Grievance Process

Describe the complaints/grievances process.

Program Feedback Process

How is input from consumers, families and/or consumer representatives encouraged?

Describe the process used to measure consumer/family/consumer representative satisfaction with services.

Describe how consumers/families/consumer representatives are involved in the hiring and/or evaluation of direct service staff.

Describe how consumers/families/consumer representatives are involved in the evaluation process for the improvement of services.

Consumer Involvement

Describe all of the other methods used by your organization to provide opportunities for consumers/families/consumer representatives to be actively involved in your organization's operations (i.e., advisory groups, staff recruitment, staff training and development, monitoring, social events, etc.).

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Service Level Detail
RESPITE CARE HOURLY & DAILY

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Please indicate if there are any active community advisory groups.

Internal Quality Efforts

Describe the process used by the vendor to monitor and evaluate the services provided as they relate to the ISP objectives.

Describe the overall vendor approach toward the improvement of the quality and appropriateness of services provided.

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status: MANAGEMENT APPROVED

Service Level Detail
TRANSPORTATION

Service Status
Approved

Service Status
Start Date
01/01/2011

Program Description

Briefly describe your program for this service from referral through service delivery.

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When community access is required to meet the ISP, how do you support direct service staff for community access?

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Describe methods used to ensure that all provider and agency supplied vehicles are properly maintained.

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In number of days, how often are driving records reviewed by the vendor?

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Recruitment and Training Policies

Describe briefly the recruitment and initial training plan for direct service staff.

Describe briefly the ongoing training plan for direct service staff.

Describe briefly the backup plan for direct service staff absences (preplanned and emergency absence).

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Service Level Detail
TRANSPORTATION, EMPLOYMENT RELATED

Service Status
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Service Status
Start Date
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TRANSPORTATION, EMPLOYMENT RELATED

Service Status
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Incident Reporting

How are incidents of abuse, neglect, exploitation or injury reported internally?

No written policies and procedures regarding reporting of incidents of abuse, neglect and exploitation currently exist, however, GEST follows the policy and procedure in reporting the above stated incidents according to the Division's policies and procedures manual in reporting all incidents of abuse neglect, exploitation or injury. GEST staff utilizes the DD-191 form which is completed within one hour of the occurrence. The GEST Program Manager is notified by the direct service staff person within one hour of any incident via telephone. The Program Manager then within one hour, notifies a Division representative and the client's family/representative.

How are incidents of abuse, neglect, exploitation or injury reported externally?

The GEST Program complies with the reporting procedures outlined in the DES/DDD Policies and Procedures manual. As a service provider for persons with disabilities, GEST staff is mandated by law to be reporters of abuse, neglect, or exploitation if reasonable basis to suspect such abuse has occurred. GEST staff will immediately report to a peace Officer or Protective Services worker any incident of abuse of any kind. After reporting any incident of abuse, GEST staff will complete a DD-191 incident report which is immediately routed to a Division representative. A copy of the DD-191 is also kept in the clients file on site.

Describe the internal review process for incident reports and how corrective action is implemented.

The GEST Program Manager and the direct service staff who generated the Incident Report, review the report and coordinate with the Division representative to ascertain if a staffing is in order, who should attend and what appropriate corrective action will be needed and how the corrective action will be completed. A discussion is facilitated to decide the best possible corrective action to take and how to implement those actions.

Complaint/Grievance Process

Describe the complaints/grievances process.

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
Contract #: 05785 Contract Status: MANAGEMENT APPROVED

Service Level Detail
TRANSPORTATION, EMPLOYMENT RELATED

Service Status
Approved

Service Status
Start Date
01/01/2011

All clients have the right to fair and equal treatment. Complaints that allege violation of a client's rights to fair and equal treatment shall be filed with GEST and mailed to the GEST office at 1400 E. Ash St., Globe, AZ 85501. Initially the Program Manager will schedule a meeting with the client, the assigned direct service staff and other appropriate staff members. If the grievance cannot be resolved during this meeting, another meeting will be held with the client's Division Support Coordinator/Representative (if the Support Coordinator/Representative was not present at the initial meeting). If the grievance is not resolved at the second meeting, the written appeal and all accompanying documents will be forwarded to the Department of Economic Security/DDD. Clients will not be denied services by exercising their grievance rights.

Program Feedback Process

How is input from consumers, families and/or consumer representatives encouraged?

The GEST Program maintains an "open door/open line of communication" with all interested parties and input is always encouraged and welcome. All GEST staff network and coordinate regularly with clients, families, representatives and they provide their personal pager and cell phone numbers to all interested parties in an effort to ensure continued communication. A "Special Events" calendar is posted on site and flyers are sent out periodically inviting all interested parties to attend any of our events. GEST maintains an excellent relationship with the Division, clients, families, representatives and other community agencies. Input is also shared at all client staffings and reconvenes as well as all annuals.

Describe the process used to measure consumer/family/consumer representative satisfaction with services.

The GEST program provides a "customer satisfaction survey" to all clients who exit the program and to "on going" clients on a quarterly basis. The information from these surveys is discussed in regular staff meetings to better and more efficiently serve and meet the needs of our clients. Since GEST provides services in a small rural community, program feedback is received through a variety of ways. Feedback is gleaned through staffings, networking of direct service staff in the community, and through linkages with other agencies. GEST staff is very active in the community and they network on a continuing basis to establish improved consumer/contractor communications.

Describe how consumers/families/consumer representatives are involved in the hiring and/or evaluation of direct service staff.

Since GEST staff are all Gila County employees, the hiring and evaluation of direct service staff is done internally, however, all input from clients, families, representatives is considered by the Program Manager in the evaluation of direct service staff.

Describe how consumers/families/consumer representatives are involved in the evaluation process for the improvement of services.

GEST staff will facilitate collective participation by consumers and families in identifying barriers to consumer's satisfaction and to obtain feedback and input to establish improved consumer/provider communications a least quarterly. Documentation of services and activities will be maintained in agency's files and will be recorded daily and weekly. A monthly progress report will be forwarded to the Division representative. Progress will be documented and reported to the ISP team and input solicited from the members.

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Training
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Service Level Detail
TRANSPORTATION, EMPLOYMENT RELATED

Service Status
Approved

Service Status
Start Date
01/01/2011

Consumer Involvement

Describe all of the other methods used by your organization to provide opportunities for consumers/families/consumer representatives to be actively involved in your organization's operations (i.e., advisory groups, staff recruitment, staff training and development, monitoring, social events, etc.).

As stated before, GEST maintains an "open door/open line of communication will all interested parties and input is always encouraged and welcome. All GEST network and coordinate regularly with clients, families, representatives and they provide their personal pager and cell phone numbers to all interested parties in an effort to ensure continued communication. A "Special Events" calendar is posted on site and flyers are sent our periodically inviting all interested parties to attend any of our events. GEST maintains an excellent relationship with the Division, clients, families, representatives and other community agencies. Input is also shared at all client staffings, reconvenes and annuals.

Please indicate if there are any active community advisory groups.

GEST staff network and coordinate with consumers, representatives who serve on the Central Arizona Advisory Council on Developmental Disabilities, in an effort to stay current and apprised of any changes in the program that may impact our program in any way, specifically services to our clients. The WIB department within our Division also has a "Youth Advisory Board".

Internal Quality Efforts

Describe the process used by the vendor to monitor and evaluate the services provided as they relate to the ISP objectives.

GEST staff will develop an evaluation form specific to the individual's ISP objectives to obtain feedback from clients/client representatives in order to monitor and evaluate services provided. Services will be provided based on the plan and staff will, when appropriate, coordinate with other community services. Each month the ISP objectives are reviewed, documented and forwarded to the Division representative. In conjunction with the ISP, the ISP team will determine when the clients goals have been achieved. Staff will complete on going evaluation to provide the documentation for the team and will assist in formulating new goals and objectives . Progress reports will be forwarded to a Division representative at the end of each month. Staff will also utilize a customer satisfaction survey form to obtain feedback and input from clients/families/representatives, in order to establish improved consumer services.

Describe the overall vendor approach toward the improvement of the quality and appropriateness of services provided.

GEST staff work many hours with our clients on a one to one basis to ensure that needs are being met and that services are appropriate, and in line with the ISP. Staff is continually striving to improve methods and techniques of service delivery. Training for staff is provided regularly to improve and enhance their skills and knowledge to assist clients in achieving self sufficiency. When required, staff coordinate on behalf of the client/client representative with community services, health professionals, and other contractors to ensure all needs are met. Staff provides on going assessment to ensure appropriate and quality services are delivered.

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Trail Contract Status Start Date: 01/01/2011
Contract #: 05785 Contract Status : MANAGEMENT APPROVED

Vendor Policies

Recruitment and Training Policies

Describe briefly the recruitment and initial training plan for direct service staff.

All GEST staff are Gila County Employees, therefore recruitment for direct service staff is done following Gila County policy.

When a position for direct service staff becomes available, a "Request To Post" form is completed and routed to the Personnel Department. A Job description containing all the necessary qualifications and experience is posted. Applications are forwarded to GEST Department from the Personnel Department, where they are reviewed. When the posting end date is reached, all the applications that have been reviewed will be seperated according to applicable qualifications and/or experience necessary for the position. The applicants to be considered for the position (usually not more than seven) will be called in for an interview. The interviewing panel which consists of at least three staff will then interview the qualified candidates, and make a decision based on the the information, qualifications, and experience given by the applicants. All newly hired staff are required to attend a Gila County "New Employee" (four hours) orientation. All Gila County Job postings are displayed at the Courthouse location and are published in the local newspaper.

Describe briefly the ongoing training plan for direct service staff.

Training of direct service staff is done in an "On The Job" manner and the length of the training time depends on the experience and expertise of the trainee. (All newly hired staff are required to complete a six month probationary time.) A current experienced and seasoned direct service staff person will conduct the training, and work along side of the trainee to ensure that services are provided in compliance with the Divisions Policies and Procedures and that the client's needs are being met and the trainee understands all aspects of service provision. All current GEST staff, with the exception of a newly hired Mobile Crew Coordinator/direct service staff person have longevity, (at least seven years plus) with the GEST program and the program does not experience much turnover in staff. GEST staff stay in compliance with the Division regarding required recertification in CPR, First Aid, CIT and Fingerprint clearance.

Describe briefly the backup plan for direct service staff absences (preplanned and emergency absence).

In the event that a direct service staff member has an unplanned absence, all other GEST direct service staff are available and can flex their individual schedules to accommodate the client in providing scheduled services. All direct staff are cross trained and adaptable to provide and care for all clients. GEST direct service staff have weekly meetings in which they discuss all client issues, problems needs or concerns. GEST is a small rural service provider therefore all direct service staff are acquainted with all our clients and they all, staff and clients, participate in client activities. Direct staff are aware of all the clients individual behaviors, meds, and specific disability needs. If a direct service staff plans leave time, the entire staff will meet to discuss and formulate a "plan of action" for service provision to the clients so that no gap in services will occur.

Incident Reporting

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Trail Contract Status Start Date: 01/01/2011
Contract #: 05785 Contract Status : MANAGEMENT APPROVED

Vendor Policies

Who is the person within the vendor's organization for reviewing incident reports?

David Caddell

Who is the person within the vendor's organization for notifying a consumer's family/representative of incidents?

David Caddell

Do you have written policies and procedures regarding the reporting of incidents of abuse, neglect and exploitation?

YES

Are reporting protocols shared with consumers/families/consumer representatives?

YES

How are incidents of abuse, neglect, exploitation or injury reported internally?

GEST follows the policy and procedure in reporting the above stated incidents according to the Division's policies and procedures manual in reporting all incidents of abuse neglect, exploitation or injury. GEST staff utilizes the DD-191 form which is completed within one hour of the occurrence. The GEST Program Manager is notified by the direct service staff person within one hour of any incident via telephone. The Program Manager then ,within one hour, notifies a Division representative and the client's family/representative.

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Describe the internal review process for incident reports and how corrective action is implemented.

The GEST Program Manager and the direct service staff who generated the Incident Report, review the report and coordinate with the Division representative to ascertain if a staffing is in order, who should attend and what appropriate corrective action will be needed and how the corrective action will be completed. A discussion is facilitated to decide the best possible corrective action to take and how to implement those actions.

Complaint/Grievance Process

Who is the person within the vendor's organization responsible for resolving the complaint/grievance?

Dave Fletcher

DDD QUALIFIED VENDOR APPLICATION

FEI #: 866000444 Vendor: Gila Employment and Special Trail Contract Status Start Date: 01/01/2011
Contract #: 05785 Contract Status : MANAGEMENT APPROVED

Vendor Policies

Is there a complaint/grievance form?

YES

Do you have written policies and procedures regarding the submission of complaints/grievances?

YES

Are complaints/grievances shared with consumers/families/consumer representatives?

YES

Who can file a complaint/grievance?

Any client

What is the complaint/grievance handling timeline?

Varies according to the type of complaint, usually not more than 10 weeks

Describe the complaints/grievances process.

All clients have the right to fair and equal treatment. Complaints that allege violation of a client's rights to fair and equal treatment shall be filed with GEST and mailed to the GEST office at 5515 South Apache Ave. Suite 200., Globe, AZ 85501. Initially the Program Manager will schedule a meeting with the client, the assigned direct service staff and other appropriate staff members. If the grievance cannot be resolved during this meeting, another meeting will be held with the client's Division Support Coordinator/Representative (if the Support Coordinator/Representative was not present at the initial meeting). If the grievance is not resolved at the second meeting, the written appeal and all accompanying documents will be forwarded to the Department of Economic Security/DDD. Clients will not be denied services by exercising their grievance rights.

Program Feedback Process

How is input from consumers, families and/or consumer representatives encouraged?

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Describe the process used to measure consumer/family/consumer representative satisfaction with services.

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Describe how are consumers/families/consumer representatives are involved in the hiring and/or evaluation of direct service staff.

Since GEST staff are all Gila County employees, the hiring and evaluation of direct service staff is done internally, however, all input from clients, families, representatives is considered by the Program Manager in the evaluation of direct service staff.

Who is feedback forwarded to within the agency?

David Caddell

Describe how consumers/families/consumer representatives are involved in the evaluation process for the improvement of services.

GEST staff will facilitate collective participation by consumers and families in identifying barriers to consumers satisfaction and to obtain feedback and input to establish improved consumer/provider communications a least quarterly. Documentation of services and activities will be maintained in agency's files and will be recorded daily and weekly. A monthly progress report will be forwarded to the Division representative. Progress will be documented and reported to the ISP team and input solicited from the members.

Is past feedback available to consumers/families/consumer representatives when considering a vendor?

YES

Consumer Involvement

Describe all of the other methods used by your organization to provide opportunities for consumers/families/consumer representatives to be actively involved in your organization's operations (i.e., advisory groups, staff recruitment, staff training and development, monitoring, social events, etc.).

As stated before, GEST maintains an "open door/open line of communication will all interested parties and input is always encouraged and welcome. All GEST network and coordinate regularly with clients, families, representatives and they provide their personal pager and cell phone numbers to all interested parties in an effort to ensure continued communication. A "Special Events" calender is posted on site and flyers are sent our periodically inviting all interested parties to attend any of our events. GEST maintains an excellent relationship with the Division, clients, families, representatives and other community agencies. Input is also shared at all client staffings, reconvenes and annuals.

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GEST staff network and coordinate with consumers, representatives who serve on the Central Arizona Advisory Council on Developmental Disabilities, in an effort to stay current and apprised of any changes in the program that may impact our program in any way, specifically services to our clients. The WIB department within our Division also has a "Youth Advisory Board".

Internal Quality Efforts

Describe the process used by the vendor to monitor and evaluate the services provided as they relate to the ISP objectives.

GEST staff has developed an evaluation form specific to the individual's ISP objectives to obtain feedback from clients/client representatives in order to monitor and evaluate services provided. Services will be provided based on the plan and staff will, when appropriate, coordinate with other community services. Each month the ISP objectives are reviewed, documented and forwarded to the Division representative. In conjunction with the ISP, the ISP team will determine when the clients goals have been achieved. Staff will complete on going evaluation to provide the documentation for the team and will assist in formulating new goals and objectives. Progress reports will be forwarded to a Division representative at the end of each month. Staff will also utilize a customer satisfaction survey form to obtain feedback and input from clients/families/representatives, in order to establish improved consumer services.

Describe the overall vendor approach toward the improvement of the quality and appropriateness of services provided.

GEST staff work many hours with our clients on a one to one basis to ensure that needs are being met and that services are appropriate, and in line with the ISP. Staff are continually striving to improve methods and techniques of service delivery. Training for staff is provided regularly to improve and enhance their skills and knowledge to assist clients in achieving self sufficiency. When required, staff coordinate, on behalf of the client/client representative with community services, health professionals, and other contractors to ensure all needs are met. Staff provides on going assessment to ensure appropriate and quality services are delivered.

SECTION 6
DES/DDD STANDARD TERMS AND CONDITIONS FOR QUALIFIED VENDORS

6.1 Definition of Terms

As used in this Request for Qualified Vendor Applications (“RFQVA”) and any resulting Agreement, the terms listed below are defined as follows:

- 6.1.1 “Agency” means an organization that has a Federal Employer Identification Number (“FEIN”) and employs one or more direct service staff other than the owner.
- 6.1.2 “Agreement” means the Qualified Vendor Agreement which is a legally binding contract to provide community developmental disability services and includes the following: the Request for Qualified Vendor Applications (“Solicitation”) including all solicitation amendments and the Qualified Vendor’s approved application (“Application”). The Request for Qualified Vendor Applications includes service requirements/scope of work, terms and conditions, and services specifications. The approved Application includes vendor specific descriptions, policies, assurances, and financial information.
- 6.1.3 “Agreement Amendment” means either a solicitation amendment or a Division-approved amendment to an application.
- 6.1.4 “Agreement Services” means the services to be delivered by the Qualified Vendor under this Agreement.
- 6.1.5 “AHCCCS” means the Arizona Health Care Cost Containment System as established by Arizona Revised Statutes (A.R.S.) § 36-2901 *et seq.*, and defined by Arizona Administrative Code (A.A.C.) R9-22-101.B.
- 6.1.6 “AHCCCSA” or “Administration” means the Arizona Health Care Cost Containment System Administration.
- 6.1.7 “AHCCCS Minimum Subcontract Provisions” means the AHCCCS minimum requirements for the Division’s contractors and subcontractors providing services to members eligible for DD/ALTCS and/or receiving Title XIX (ALTCS) funds.
- 6.1.8 “ALTCS” means the Arizona Long Term Care System as defined by A.A.C. R9-28-101.B.2.
- 6.1.9 “Applicant” means a vendor who submits an application in response to the Request for Qualified Vendor Applications.

- 6.1.10 “Application” means a completed copy of the Application and Qualified Vendor Agreement Award form submitted in hardcopy to the Division; the required information in the Qualified Vendor Application and Directory System submitted electronically to the Division via the Division’s website, and approved by the Division; a hardcopy of the required information entered into the Qualified Vendor Application and Directory System submitted to and approved by the Division; and all applicable submittals required in the Qualified Vendor Application Assurances and Submittals form submitted to and approved by the Division.
- 6.1.11 “Arizona Administrative Code (A.A.C.)” means State regulations established pursuant to relevant statutes.
- 6.1.12 “Arizona Revised Statutes (A.R.S.)” means Laws of the State of Arizona.
- 6.1.13 “Business Day” means between the hours of 8:00 a.m. and 5:00 p.m. Arizona time any day of the week other than Saturday, Sunday, a legal holiday, or a day on which the Division is authorized or obligated by law or executive order to close.
- 6.1.14 “Clean Claim” means claims that may be processed without obtaining additional information from the provider of service or from a third party but does not include claims under investigation for fraud and abuse or claims under review for medical necessity (A.R.S. § 36-2904.G.1).
- 6.1.15 “Client,” “Member,” “DD/ALTCS Member,” “Consumer,” or “Individual” means a person who is authorized to receive services through the Division.
- 6.1.16 “Code of Federal Regulations or “C.R.F.” means the general and permanent rules published in the Federal Register by the departments and agencies of the Federal Government.
- 6.1.17 “Community Developmental Disability Services” means any service or support the Division is authorized to purchase on behalf of individuals with developmental disabilities and their families or guardians.
- 6.1.18 “Days” means calendar days unless otherwise specified.
- 6.1.19 “Department” or “ADES” means the Arizona Department of Economic Security, unless otherwise indicated.
- 6.1.20 “Division” or “DDD” means the Division of Developmental Disabilities within the Department of Economic Security. References to rules, policies, or procedures of the Division shall be deemed to include all rules, policies, and procedures of the Department.

- 6.1.21 “Effective Date” means the date that the Procurement Officer signs the Qualified Vendor Agreement Award, unless another date is specifically stated in the Agreement.
- 6.1.22 “Encounter” means the record of a service submitted to or by the Division and processed by AHCCCS that is rendered by a provider registered with AHCCCS to a member who is enrolled with the Division on the date of service for which the Division incurs a financial liability (A.A.C. R9-22-701).
- 6.1.23 “Gratuity” means a payment, loan, subscription, advance, deposit of money, services, or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is received.
- 6.1.24 “Health Insurance Portability and Accountability Act “or “HIPAA” means the Health Insurance Portability and Accountability Act [Public Law (P. L.) 104-191]; also known as the Kennedy-Kassebaum Act, signed August 21, 1996 that addresses issues regarding the privacy and security of member confidential information.
- 6.1.25 “Individual Independent Provider” as referenced in this document means a person who is qualified to provide the service, does not have any employees, has a provider identification number, and has an individual service agreement with the Division to provide one or more of the following services: Attendant Care; Habilitation, Hourly Support; Homemaker; Respite; or Habilitation, Individually Designed Living Arrangement.
- 6.1.26 “Individual Support Plan” or “ISP” means a written statement of services to be provided to a Division member with developmental disabilities including habilitation goals and objectives and a listing of the services, if any, the member is authorized to receive. The ISP incorporates and replaces the Individual Program Plan, the placement evaluation, the individualized service program plan and the service program plan used in A.R.S. § 36-557 (as may be amended). ISP incorporates the Individual Family Service Plan (“IFSP”) as defined in Section 809.1 of the Division’s Policy and Procedures Manual as well as a Person Centered Plan, which describes the type, frequency, and duration of the services and supports needed to achieve the appropriate outcomes for a member. The ISP or IFSP is also referred to as the “planning document”.
- 6.1.27 “Individual Support Plan Team” or “ISP Team” means a group of persons including the member, the member’s representative, and other persons selected by the member, assembled by the Division and coordinated by the member’s Support Coordinator to develop the member’s planning document [e.g., Individual Support Plan (ISP)].

- 6.1.28 “Material Event” is an event that could prevent or impede the vendor’s ability or legal authority to perform its duties under this Agreement, including but not limited to the duty to render services in a manner that protects the health and safety of DDD members. The following are deemed to be material events: (but the following are not intended to include every possible material event): (i) any regulatory enforcement action is brought against the vendor, including but not limited to actions relating to any license, permit, or certification held by the vendor; (ii) the vendor is the subject of a filing in bankruptcy (either by the vendor or another party); (iii) the vendor is a party to litigation or other legal action where damages or other remedies are sought from the vendor, including but is not limited to actions alleging the vendor’s default on payment of wages, indebtedness, or taxes; (iv) the vendor’s assets are subject to a court-ordered restriction on transfer, including but not limited to attachment or garnishment (however, an order to garnish the wages of an employee of the vendor is not considered to be a restriction on the transfer of the vendor’s assets, for purposes of this Agreement); (v) any officer, director, or other management official of the vendor, or any person owning or controlling over 25% of any class of securities issued by the vendor, is the subject of regulatory enforcement action, criminal prosecution, or an action alleging dishonesty or fraud.
- 6.1.29 “May” indicates something that is not mandatory but permissible.
- 6.1.30 “Member/Member Representative” means with respect to the Client, either the Client or the Responsible Person, as appropriate.
- 6.1.31 “Procurement Officer” means the person duly authorized to enter into and administer Agreements and make written determinations with respect to the Agreement or his/her designee.
- 6.1.32 “Professional Independent Provider” means a person who is licensed or certified under Title 32, A.R.S., who provides services for members as a Qualified Vendor and is not an employee or a subcontractor of a provider agency.
- 6.1.33 “Qualified Vendor” means any person or entity that has an Agreement with the Division of Developmental Disabilities.
- 6.1.34 “Record” means any data in any form that is required to be created and/or maintained to document performance of the Agreement.
- 6.1.35 "Responsible person" means the parent or guardian of a developmentally disabled minor, the guardian of a developmentally disabled adult or a developmentally disabled adult who is a member (client) for whom no guardian has been appointed.

- 6.1.36 “Shall” or “Must” indicates a mandatory requirement. Failure to meet these mandatory requirements may result in the rejection of an Application or termination of the Agreement, in whole or in part.
- 6.1.37 “Should” indicates something that is recommended but not mandatory. If the Applicant fails to provide recommended information, the State may, at its sole option, ask the Applicant to provide the information or evaluate the Application without the information.
- 6.1.38 “Subcontract” means any arrangement, expressed or implied, between the Qualified Vendor and another party or between a subcontractor and another party delegating or assigning, in whole or in part, the making or furnishing of any material or any service required for the performance of this Agreement.
- 6.1.39 “State” means the State of Arizona and the Department or Agency of the State that executes the Agreement.
- 6.1.40 “Third Party Liability” means the resources available from a person or entity that is or may be, by Agreement, circumstances, or otherwise, liable to pay all or part of the medical expenses incurred by a Division client (A.A.C. R6-6-101.71 and A.A.C. Title 9, Chapter 22, Article 10).
- 6.1.41 “Third Party Payor” means any individual, entity or program that is or may be liable to pay all or part of the medical cost of injury, disease or disability of a Division client (A.A.C. R6-6-101.72).
- 6.1.42 “Vendor Call” means a notice from the Division inviting Qualified Vendors and individual independent providers to submit a response indicating their availability to provide services for a specific member or specific group of members, based on the requirements defined in the member’s planning document.

6.2 Agreement Interpretation

6.2.1 Arizona Law.

Arizona law applies to this Agreement.

6.2.2 Implied Agreement Terms.

Each provision of law and any terms required by law to be in this Agreement are a part of this Agreement as if fully stated in it.

6.2.3 Agreement Order of Precedence.

In the event of a conflict in the provisions of the Agreement, as accepted by the State and as they may be amended, the following shall prevail in the order set forth below:

- 6.2.3.1 Qualified Vendor Award;
- 6.2.3.2 DES/DDD Standard Terms and Conditions for Qualified Vendors;
- 6.2.3.3 Service Requirements/Scope of Work;
- 6.2.3.4 Service Specifications;
- 6.2.3.5 Rates;
- 6.2.3.6 Information entered into the Qualified Vendor Application and Directory System (“QVADS”) (most recently approved); and
- 6.2.3.7 Attachments to information entered into QVADS (most recently approved).

6.2.4 Relationship of Parties.

The Qualified Vendor under this Agreement is an independent contractor. Neither party to this Agreement shall be deemed to be the employee or agent of the other party to the Agreement. In the event that the Qualified Vendor or its personnel is sued or prosecuted for conduct arising from this Agreement, the Qualified Vendor or its personnel will not be represented by the Department or the Arizona Attorney General. In addition, taxes or Social Security payments will not be withheld from a State payment issued hereunder and the Qualified Vendor shall make arrangements to directly pay such expenses.

6.2.5 Severability.

The provisions of this Agreement and any amendments to the Agreement are severable. Any term or condition deemed illegal or invalid shall not affect any other term or condition of the Agreement or the amendment.

6.2.6 No Parol Evidence.

This Agreement is intended by the parties as a final and complete expression of their Agreement. No course of prior dealings between the parties and no usage of the trade shall supplement or explain any terms used in this document and no other understanding, either oral or in writing, shall be binding.

6.2.7 No Waiver.

Either party's failure to insist on strict performance of any term or condition of the Agreement shall not be deemed a waiver of that term or condition even if the party accepting or acquiescing in the nonconforming performance knows of the nature of the performance and fails to object to it.

6.2.8 Headings.

The section headings used in the Agreement are for reference and convenience only and shall not enter into any interpretation of the Agreement.

6.3 Agreement Administration and Operation

6.3.1 Records.

6.3.1.1 Under A.R.S. §§ 35-214 and 35-215, the Qualified Vendor shall retain and shall contractually require each subcontractor to retain all data and other records ("records") relating to the acquisition and performance of the Agreement for a period of five (5) years after the date of final payment under the Agreement. In compliance with A.R.S. § 12-2297, the Qualified Vendor shall retain records as follows: (i) if the member is an adult, for a period of six (6) years from the date of final payment; (ii) if the member is a child, either for at least three (3) years after the child's eighteenth (18th) birthday or for at least six (6) years after the date of final payment, whichever occurs later. All records shall be subject to inspection and audit by the State at reasonable times. Upon request, the Qualified Vendor shall produce a legible copy of any or all such records.

6.3.1.2 Records that relate to grievances, disputes, litigation or the settlement of claims arising out of the performance of this Agreement, or costs and expenses of this Agreement as to which exception has been taken by the State, shall be retained by the Qualified Vendor until such grievances, disputes, litigation, claims or exceptions have been resolved.

6.3.1.3 The Qualified Vendor shall provide at no charge all records requested by the Department or its attorneys (which may include, but is not limited to, requests relating to Adult Protective Services, Child Support Enforcement, or Child Protective Services), and/or the AHCCCS and all information from its records relating to the performance of this Agreement that the Department or the AHCCCS may reasonably require. The Qualified Vendor reporting requirements hereunder may include, but are not limited to, timely and detailed utilization statistics, information and reports. Unless otherwise agreed to by the Department, records requested by the Department or its attorneys are to be provided prior to or on the date set forth in the request. If the Qualified Vendor receives the request less than seven (7) business days prior to the response date specified, the Qualified Vendor shall make diligent efforts to comply with the request, and notify the Department of the status of its efforts to comply.

- 6.3.1.4 The Qualified Vendor shall follow all policies and procedures of the Division for the acceptance, retention, disposition, and accounting for member (client) funds. The Qualified Vendor also shall develop and maintain internal policies and procedures for the administration of such funds. All Division policies are posted on the Division's website at www.azdes.gov/ddd.
- 6.3.1.5 The Division is responsible for submission of accurate Encounters to AHCCCS for all Agreement services rendered to eligible members by the Qualified Vendor and any subcontractor. Claims filed by the Qualified Vendor are the basis of the encounter submission by the Division. Qualified Vendors shall work with the Division to ensure that Encounters effectively occur. This shall include adhering to Division Billing Requirements. Billing Requirements are posted on the Division website at www.azdes.gov/ddd.
- 6.3.1.6 Agreement service records will be maintained in accordance with this Agreement. Records shall, as applicable, meet the following standards:
- 6.3.1.6.1 Adequately identify the service provided;
- 6.3.1.6.2 Include personnel records, which contain applications for employment, job titles and descriptions, hire and termination dates, copies of the fingerprint clearance cards, wage rates, and effective dates of personnel actions affecting any of these items;
- 6.3.1.6.3 Include time and attendance records for individual employees to support all salaries and wages paid and claims for payment from the Division;
- 6.3.1.6.4 Include records of the source of all receipts and the deposit of all funds received by the Qualified Vendor;
- 6.3.1.6.5 Include original copies of billing or other records relating to disbursements including but not limited to invoices, statements, sales tickets, billings for services, deposit slips, etc., and a cash disbursement journal and cancelled checks to reflect all disbursements applicable to the Agreement;
- 6.3.1.6.6 Include a complete general ledger with accounts for the collection of all costs and/or fees applicable to the Agreement; and
- 6.3.1.6.7 Include copies of lease/rental contracts, mortgages and/or any other contracts, which in any way may affect Qualified Vendor expenditures.
- 6.3.1.7 Any such records not maintained shall mandate an audit exception in the amount of the inadequately documented expenditures.

6.3.1.8 If this Agreement is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of five (5) years from the date of final payment under the Agreement. In compliance with A.R.S. § 12-2297, the Qualified Vendor shall retain records as follows; (i) if the member is an adult, for a period of six (6) years from the date of final payment; (ii) if the member is a child, either for at least three (3) years after the child's eighteenth (18th) birthday or for at least six (6) years after the date of final payment, whichever occurs later. Records which related to disputes, litigation or the settlement of claims arising out of the performance of this Agreement, or costs and expenses of this Agreement to which exception has been taken by the state, shall be retained by the Qualified Vendor until such disputes, litigations, claims or exceptions are resolved by way of a binding agreement, the rendering of a final judgment, or the claims have otherwise been dismissed.

6.3.2 Non-Discrimination.

In accordance with A.R.S. § 41-1461 *et seq.* and Executive Order 2009-09, the Qualified Vendor shall provide equal employment opportunities for all persons, regardless of race, color, religion, creed, sex, age, national origin, disability or political affiliation.

6.3.2.1 Unless exempt under Federal law, the Qualified Vendor shall comply with Title VI and Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Rehabilitation Act of 1973, the Fair Labor Standards Act of 1938, the Americans with Disabilities Act, and the Arizona Disability Act.

6.3.2.2 If Qualified Vendor is an Indian Tribal Government, Qualified Vendor shall comply with the Indian Civil Rights Act of 1968. It shall be permissible for an Indian Tribal Qualified Vendor to engage in Indian preference in hiring.

6.3.2.3 Unless expressly waived by the Division, the following shall be included in all publications, forms, flyers, etc. that are distributed to recipients of Agreement services:

Under Titles VI and VII of the Civil Rights Act of 1964 (respectively "Title VI" and "Title VII") and the Americans with Disabilities Act of 1990 (ADA) Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975, *insert Qualified Vendor name here*) prohibits discrimination in admissions, programs, services, activities or employment based on race, color, religion, sex, national origin, age, and disability. The *(insert Qualified Vendor name here)* must make a reasonable accommodation to allow a person with a disability to take part in a program, service, or activity. Auxiliary aids and services are available upon request to individuals with disabilities. For example, this means that if necessary, the *(insert Qualified Vendor name here)* must provide sign language interpreters for people who are deaf, a wheelchair accessible location, or enlarged print

materials. It also means that the *(insert Qualified Vendor name here)* will take any other reasonable action that allows you to take part in and understand a program or activity, including making reasonable changes to an activity. If you believe that you will not be able to understand or take part in a program or activity because of your disability, please let us know of your disability needs in advance if at all possible. To request this document in alternative format or for further information about this policy please contact: *(insert Qualified Vendor contact person and phone number here)* Para obtener este documento en otro formato u obtener información adicional sobre esta política, *(insert Qualified Vendor contact person and phone number here)*”.

6.3.3 Audit.

6.3.3.1 Pursuant to A.R.S. § 35-214, at any time during the term of this Agreement and five (5) years, or in compliance with A.R.S. § 12-2297, the Qualified Vendor shall retain records as follows; (i) if the member is an adult, for a period of six (6) years from the date of final payment; (ii) if the member is a child, either for at least three (3) years after the child’s eighteenth (18th) birthday or for at least six (6) years after the date of final payment, whichever occurs later, the Qualified Vendor’s and/or any subcontractor’s books and records shall be subject to audit by the State and, where applicable, the Federal Government, to the extent that the books and records relate to the performance of the Agreement or subcontract.

6.3.3.2 All Qualified Vendors are subject to the programmatic and fiscal monitoring requirements of each Department program to ensure accountability of the delivery of all goods and services.

6.3.3.2.1 The Qualified Vendor shall comply with the AHCCCS financial viability standards. AHCCCS’ current financial viability standards include: current assets divided by current liabilities must be equal to or greater than a ratio of 1.00. Current assets may include any long-term investments that can be converted to cash within twenty-four (24) hours without significant penalty [(i.e., greater than twenty (20) percent]. If current assets include a receivable from a parent company, the parent company must have liquid assets that support the amount of the inter-company loan.

6.3.3.3 The Qualified Vendor must prepare financial reports in accordance with Generally Accepted Accounting Principles (“GAAP”). Annual financial audit reports must be conducted in accordance with Generally Accepted Auditing Standards (“GAAS”) audited by an independent Certified Public Accountant. The completed audited Financial Statement Report package must be submitted to the Division person designated to receive notices within thirty (30) days after completion of the audit unless a different time is requested and approved by the Division.

- 6.3.3.3.1 Audits of non-profit corporations receiving Federal or State monies required pursuant to Federal or State law must be conducted as provided in 31 United States Code (“U.S.C.”) Section 7501 *et seq.* and A.R.S. §35-181.03 and any other applicable statutes, rules, regulations, and standards.
- 6.3.3.4 A Qualified Vendor receiving five million dollars (\$5,000,000) or more in payments from the Department for Qualified Vendor services in any state fiscal year shall provide the Department the following: (a) Quarterly financial statements no later than sixty (60) days following the end of the quarter, and (b) Annual audited financial statements no later than thirty (30) days after the completion of the audit unless a different time has been requested and approved by the Division.
- 6.3.3.5 A Qualified Vendor receiving payments from the Department for Qualified Vendor services in any state fiscal year in the amount of at least two million dollars (\$2,000,000) but less than five-million dollars (\$5,000,000) shall provide the Department the following: (a) Semi-annual financial statements no later than sixty (60) days following the end of the second quarter; and (b) Annual financial statements that have been reviewed by an independent Certified Public Accountant. Review report must consist of at least a Balance Sheet, Income Statement and Statement of Cash Flows. Annual financial statements shall be submitted to the Division no later than thirty (30) days after the completion of the review unless a different time has been requested and approved by the Division.
- 6.3.3.6 A Qualified Vendor receiving payments from the Department for Qualified Vendor services in any state fiscal year in the amount of at least one million dollars (\$1,000,000) to less than two-million dollars (\$2,000,000) shall provide the Department an annual financial compilation that has been compiled by an independent Certified Public Accountant. A compilation must consist of at least a Balance Sheet, Income Statement and Statement of Cash Flows. Annual financial statements shall be submitted to the Division no later than thirty (30) days after the completion of the compilation unless a different time has been requested and approved by the Division.
- 6.3.3.7 A Qualified Vendor receiving payments from the Department for Qualified Vendor services in any state fiscal year less than one million dollars (\$1,000,000) shall provide the Department an annual financial statement that consists of a Balance Sheet, Income Statement, and Statement of Cash Flows within one hundred twenty (120) days after fiscal year end.

6.3.4 Notices.

All Notices from the Division to Qualified Vendors shall reference the Solicitation RFQVA. Notices from Qualified Vendors to the Division shall reference the Agreement Number. Notices to the Qualified Vendor required by

this Agreement may be made by the State via email to the email contact indicated on the Qualified Vendor Application form submitted by the Qualified Vendor. Notices to the Qualified Vendor by the State may be made solely via email. Therefore, the Qualified Vendor is required to keep their Qualified Vendor Agreement email contact and address updated at all times to ensure receipt of notices from the State. Notices to the State required by the Agreement shall be mailed by the Qualified Vendor to the Division's Contract Manager at the following address:

Contract Management Unit
Business Operations – Site Code 791A
Arizona Department of Economic Security
Division of Developmental Disabilities
P.O. Box 6123
Phoenix, Arizona 85005-6123

or e-mailed to DDDContractsManager@azdes.gov unless a hardcopy signature or original document is required. All notices or other documentation supplied to the Division by the Qualified Vendor shall contain the Qualified Vendor number, Agreement number, and name of the entity.

6.3.5 Advertising and Promotion of Agreement.

6.3.5.1 The Qualified Vendor shall not advertise or publish information for commercial benefit concerning this Agreement without the prior written approval of the Division.

6.3.5.2 The Qualified Vendor shall provide to the Division for review and approval all reports or publications (written, visual, and/or audio) which are intended for Division members or applicants regarding services funded or partially funded under the Qualified Vendor Agreement a minimum of thirty (30) calendar days prior to delivery or publication. The preceding sentence does not apply to communications directed to the general public. The Qualified Vendor shall refer to the Division's Provider Manual for guidance on submitting and processing materials pursuant to this subsection.

6.3.5.2.1 All reports and publications, whether written, visual, and/or audio, shall contain the following statement: "The program described in this publication is funded through a contract with the Arizona Department of Economic Security (the "Department"). Points of view are those of the author and do not necessarily represent the official position or policies of the Department."

6.3.6 Property of the State.

- 6.3.6.1 Any materials, including reports, computer programs and other deliverables, created under this Agreement are the sole property of the State. The Qualified Vendor is not entitled to a patent or copyright on those materials and may not transfer the patent or copyright to anyone else. The Qualified Vendor shall not use or release these materials without the prior written consent of the State.
- 6.3.6.2 The Federal and State governments reserve a royalty-free, nonexclusive and irrevocable license to reproduce, publish, or otherwise use and to authorize others to use for Federal or State government purposes such materials, reports, data or information system, software, documentation and manuals.
- 6.3.6.3 At the termination of the Agreement, in whole or in part, the Qualified Vendor shall make available all such relevant materials, reports, data and information to the Division within thirty (30) days following termination of the Agreement or such longer period as approved by the Division.

6.3.7 Confidentiality.

- 6.3.7.1 The Qualified Vendor shall observe and abide by all applicable State and Federal statutes, rules and regulations regarding the use or disclosure of information including, but not limited to, information concerning applicants for and recipients of Agreement services. To the extent permitted by law, the Qualified Vendor shall release information to the Department and the Attorney General's Office as required by the terms of this Agreement, by law or upon their request.
- 6.3.7.2 The Qualified Vendor shall comply with the requirements of the Arizona Address Confidentiality Program, A.R.S. § 41-161 *et seq.*

6.3.8 Agreement Term.

The term of this Agreement shall be the period of time from the date of signing by the Department to the Agreement termination date as awarded or extended, or such earlier date as provided under Section 6.10. The Qualified Vendor will not be paid or reimbursed for Agreement services provided prior to the date services are authorized to begin.

6.3.9 Agreement Extension.

The maximum term for this Agreement is six (6) years from January 1, 2011. This Agreement will expire no later than December 31, 2017. The Agreement can be terminated as specified in Section 6.10 *et seq.* of these terms and conditions. The Procurement Officer may exercise the Division's option to extend or renew the Agreement by unilateral Agreement amendment; a written amendment signed by both parties shall not be necessary. The Division has no obligation to extend or renew this Agreement.

6.3.10 Cooperation.

6.3.10.1 The Department may undertake or award other Agreements or Contracts for additional work related to the work performed by the Qualified Vendor, and the Qualified Vendor must fully cooperate with such other Qualified Vendors, Contractors, and State employees, and carefully fit its own work to such other work. The Qualified Vendor may not commit or permit any act that will interfere with the performance of work by any other Qualified Vendor, Contractor, or by State employees. The Qualified Vendor shall cooperate with the State in the transfer of work, services, case records or files from the Qualified Vendor to any other Qualified Vendor(s), Contractor(s), or State employee(s) that the State deems appropriate for the other Qualified Vendor(s), Contractor(s), or State employee(s) to perform work under their Agreement, Contract, or duties as a State employee.

6.3.11 Technical Assistance.

The Division may, but shall not be obligated to, provide technical assistance to the Qualified Vendor in the administration of Agreement services, or relating to the terms and conditions, policies and procedures governing this Agreement. Notwithstanding the foregoing, the Qualified Vendor shall not be relieved of full responsibility and accountability for the provision of Agreement services in accordance with the terms and conditions set forth herein.

6.3.12 Enrollment; Disenrollment.

Procedures for enrollment of a member in Qualified Vendor services and termination of enrollment with the Qualified Vendor shall be in accordance with the Agreement and all applicable Division and/or AHCCCS rules and policies. AHCCCS rules and policies may be found at www.azahcccs.gov/default.aspx.

6.3.13 Offshore Performance of Work Prohibited.

Due to security and identity protection concerns, direct services under this Agreement shall be performed within the borders of the United States. Any services that are described in the specifications or scope of work that directly serve the State of Arizona or Members and may involve access to or transmission of secure or sensitive data or personal information or development or modification of software for the State shall be performed within the borders of the United States. Unless specifically stated otherwise in the specifications or scope of work, this definition does not apply to indirect or “overhead” services, redundant back-up services or services that are incidental to the performance of the Agreement. This provision applies to work performed by subcontractors at all tiers.

6.4 Costs and Payments

6.4.1 Payments.

- 6.4.1.1 Upon delivery of goods or services, the Qualified Vendor shall submit a claim. Submission of the claim constitutes an affirmation by the Qualified Vendor that the claim is accurate. Nothing in this Agreement requires the State to pay claims any sooner than thirty (30) days after receipt of an accurate claim.
- 6.4.1.2 The Qualified Vendor is paid a specified amount for each unit of service or deliverable as designated in the service specification and *RateBook* or negotiated rate, not to exceed the maximum number of units indicated by the authorization for each Agreement service/deliverable.
- 6.4.1.3 The Qualified Vendor shall report Agreement expenditures to the Division in the manner prescribed by the “Records,” “Audits,” and “Reporting Requirements” sections of these terms and conditions. Upon receipt of applicable, accurate and complete reports, the Division shall authorize payment or reimbursement in accordance with the method(s) prescribed by this Agreement.
- 6.4.1.4 If the Qualified Vendor is in any manner in default in the performance of any obligation under this Agreement, or if audit exceptions are identified, the Division may, at its option and in addition to other available remedies, either offset the amount of payment or withhold payment until satisfactory resolution of the default or exception.
- 6.4.1.5 The Division will not pay the Qualified Vendor:
 - 6.4.1.5.1 For services that exceed the authorization.
 - 6.4.1.5.2 For services performed prior to or after the term of the Agreement.
 - 6.4.1.5.3 For services delivered prior to licensing if licensing is required.
 - 6.4.1.5.4 For services delivered prior to required certification including but not limited to certification as a Home and Community Based Service provider.
 - 6.4.1.5.5 For services delivered prior to AHCCCS registration.
- 6.4.1.6 Claims by the Qualified Vendor shall be submitted to the Division on the Division’s approved Billing Documents and in the format required by the Division, AHCCCS or the Federal government under the electronic submission requirements of the HIPAA of 1996.

- 6.4.1.7 The Division is not obligated to pay for services provided without prior authorization. Claims for services delivered must be initially received by the Division not later than nine (9) months after the last date of service shown on the claim. A resubmitted claim shall not be considered for payment unless it is received by the Division as a clean claim not later than twelve (12) months after the last date of service shown originally on the claim.
- 6.4.1.8 For the purpose of determining the date of receipt of a claim, the date of receipt is the date the Division receives the claim. Only claims received by the Division in accordance with the provisions of this section will be considered for payment.
- 6.4.1.9 The Qualified Vendor must obtain any necessary authorization from the Division or AHCCCS for services provided to members and shall comply with encounter reporting and claims submission requirements of the Division and AHCCCS.
- 6.4.1.10 Corrections to claims submitted to the Division in which an underpayment was made due to either billing errors or an error on the part of the Division when paying must be made within a twelve (12) month period of time following delivery of service. Underpayment billing corrections will not be considered beyond twelve (12) months from service delivery.

6.4.2 Applicable Taxes.

6.4.2.1 *Payment of Taxes*

The Qualified Vendor shall be responsible for paying all applicable taxes.

6.4.2.2 *State and Local Transaction Privilege Taxes*

The State of Arizona is subject to all applicable state and local transaction privilege taxes. Transaction privilege taxes apply to the sale and are the responsibility of the seller to remit. Failure to collect taxes from the buyer does not relieve the seller from its obligation to remit taxes.

6.4.2.3 *Tax Indemnification*

The Qualified Vendor and all subcontractors shall pay all Federal, State and local taxes applicable to its operation and any persons employed by the Qualified Vendor. The Qualified Vendor shall, and require all subcontractors to, hold the State harmless from any responsibility for taxes, damages and interest, if applicable, contributions required under Federal, and/or State and local laws and regulations and any other costs including transaction privilege taxes, unemployment compensation insurance, Social Security and Worker's Compensation.

6.4.2.4 Arizona Substitute W-9 Form

In order to receive payment under the Agreement, the Qualified Vendor shall have a current Arizona Substitute W-9 Form on file with the State of Arizona and shall submit an Arizona Substitute W-9 upon request by the Division. An Arizona Substitute W-9 will need to be submitted if there are any changes to the Qualified Vendor's address, name, telephone number or other information. A copy of this Arizona Substitute W-9 form can be found at the Arizona Department of Administration's General Accounting Office website at www.gao.az.gov.

6.4.3 Availability of Funds.

The Department may adjust payment authorizations, adjust prior service authorizations, or terminate this Agreement, in whole or in part, without further recourse, obligation, or penalty in the event that insufficient funds are appropriated or allocated. The Director of the Department shall have the sole and unfettered discretion in determining the availability of funds.

6.4.3.1 Reduction in Appropriations.

If the State Legislature reduces the appropriations to the Department or Division resulting directly or indirectly in a decrease in funding for goods and service that are subject to this Agreement the State may take any appropriate action, including but not limited to the following actions:

- Post revised rates in the *RateBook*;
- Cancel the Agreement;
- Cancel the Agreement and re-solicit the requirements.

6.4.4 Certification of Cost or Pricing Data.

By signing the Qualified Vendor Application, Agreement, Agreement Amendment or other official form, the Qualified Vendor is certifying that, to the best of the Qualified Vendor's knowledge and belief, any cost or pricing data submitted is accurate, complete and current as of the date submitted or other mutually agreed upon date. Furthermore, the price to the State shall be adjusted to exclude any significant amounts by which the State finds the price was increased because the Qualified Vendor-furnished cost or pricing data was inaccurate, incomplete or not current as of the date of certification. Such adjustment by the State may include overhead, profit or fees. The certifying of cost or pricing data does not apply when Agreement rates are set by law or regulation.

6.4.5 Fees and Program Income.

6.4.5.1 The Qualified Vendor shall impose no fees or charges of any kind upon members for services authorized under this Agreement; this prohibition includes but is not

limited to seeking indemnification, release, or other contract rights from the member.

6.4.5.2 The Qualified Vendor shall not submit a claim, demand, or otherwise collect payment from a member for ALTCS services in excess of the amount paid to the Qualified Vendor by the AHCCCS or the Division. The Qualified Vendor shall not bill or attempt to collect payment directly or through a collection agency from a member claiming to be ALTCS eligible without first receiving verification from the AHCCCS that the member was ineligible for ALTCS on the date of service or that services provided were not ALTCS covered services (A.A.C. R9-22-702).

6.4.5.3 The Division shall collect Client Share of Cost as described in A.A.C. R6-6-1201 *et seq.* The Qualified Vendor may not collect this amount from members.

6.4.5.4 Members may be assessed a cost sharing requirement in the form of a co-payment for certain medical services (A.A.C. R9-22-711). Residential Qualified Vendors may need to facilitate payment of this charge from client trust fund accounts.

6.4.6 Levels of Service.

6.4.6.1 The Department makes no guarantee to purchase specific quantities of goods or services, or to refer members as may be identified or specified herein. Further, it is understood and agreed that this Agreement is for the sole convenience of the Department and that the Department reserves the right to obtain like goods or services from other sources.

6.4.6.2 Any administration within the Department may obtain services under this Agreement.

6.4.6.3 The Division makes no guarantee to purchase all of the service capacity or to provide any number of referrals.

6.4.6.4 Any change in member residential placement requires approval by the appropriate Division District Administration. The Division reserves the authority to make any and all determinations regarding member need. Except in an emergency need situation, changes in residential placement require sixty (60) day written prior notification by either the Qualified Vendor or the Division of Developmental Disabilities.

6.4.7 Payment Recoupment.

6.4.7.1 The Qualified Vendor shall reimburse the Division upon demand or the Division may deduct from future payments the following:

- 6.4.7.1.1 Any amounts received by the Qualified Vendor from the Division for Agreement services that have been inaccurately reported or fail to meet payment requirements;
- 6.4.7.1.2 Any amounts paid by the Qualified Vendor to a subcontractor if the Qualified Vendor entered into the subcontract without advance notice to the Division;
- 6.4.7.1.3 Any amount or benefit paid directly or indirectly to an individual or organization not in accordance with the “Substantial Interest Disclosure” section of these terms and conditions;
- 6.4.7.1.4 Any amounts paid by the Division for services that duplicate services covered or reimbursed by other specific grants, contracts, or payments;
- 6.4.7.1.5 Any amounts paid to the Qualified Vendor or reimbursed in excess of the Agreement or service reimbursement ceiling;
- 6.4.7.1.6 Any amounts paid to the Qualified Vendor that are subsequently determined to be defective pursuant to the “Certification of Cost or Pricing Data” section of these terms and conditions;
- 6.4.7.1.7 Any payments made for services rendered before the Agreement date or after the Agreement termination date (whether in whole or in part); and
- 6.4.7.1.8 Any amount paid to the Qualified Vendor by the Division that is identified as a financial audit exception.

6.4.8 Reporting Requirements.

6.4.8.1 Unless otherwise provided in this Agreement, reporting shall adhere to the following schedule: no later than the thirtieth (30th) day following the end of each month during the Agreement term, the Qualified Vendor shall submit required programmatic and financial reports to the Division in the form set forth in the Agreement or as required by the Division. Failure to submit accurate and complete reports by the thirtieth (30th) day following the end of a month may result, at the option of the Division, in delay of payment. Failure to provide such report within forty-five (45) days following the end of a month may result, at the option of the Division, in a termination of the Agreement.

6.4.8.2 No later than the forty-fifth (45th) day following the termination of this Agreement, in whole or in part, the Qualified Vendor shall submit to the Division a final program and fiscal report. Failure to submit the final program and fiscal report within the above time period may result, at the option of the Division, in forfeiture of final payment. Following the end of each Agreement term, the Qualified Vendor shall submit programmatic and financial reports to the Division

in the form set forth in the contract no later than the forty-fifth (45th) day following the end of the each Agreement term. The final fiscal report for the Agreement term shall include all adjustment to prior financial reports submitted for the Agreement term.

6.4.8.3 All records or other documentation supplied to the Division by the Qualified Vendor shall contain the Qualified Vendor number, Agreement number, name of the entity, and be submitted to the person designated by the Division.

6.4.8.4 Earned income reports for employment-related services shall be submitted to the Division by the Qualified Vendor no later than the fifteen (15th) day of each month following the service. This also applies to Qualified Vendors who contract with another division to provide employment-related services to the Division's members.

6.4.8.5 The Qualified Vendor shall comply with any other reporting requirements as specified in the Agreement or as required by the Division.

6.4.9 Substantial Interest Disclosure.

6.4.9.1 The Qualified Vendor shall not make any payments, either directly or indirectly, to any person, partnership, corporation, trust, or any other organization that has a substantial interest in the Qualified Vendor's organization or with which the Qualified Vendor (or one of its directors, officers, owners, trust certificate holders or a relative thereof) has a substantial interest, unless the Qualified Vendor has made a full written disclosure of the proposed payments, including amounts, to the Division.

6.4.9.2 Leases or rental contracts or purchase of real property that would be covered by item 6.4.9.1 of this section shall be in writing and accompanied by an independent commercial appraisal of fair market rental, lease, or purchase value, as appropriate.

6.4.9.3 For the purpose of this section, "relative" shall have the same meaning as in A.R.S. § 38-502, including the definition therein as it may be amended.

6.4.10 Coordination of Benefits; Third Party Liability Determination.

6.4.10.1 When applicable, the Qualified Vendor shall establish and maintain a third party payor identification process.

6.4.10.1.1 The Qualified Vendor shall report to the Division any updates to the member-specific third party liability information within ten (10) business days of learning of the new information.

- 6.4.10.2 When applicable, the Qualified Vendor shall seek payment from the third party utilizing the AHCCCS-approved Current Procedural Terminology codes (CPT) or Healthcare Common Procedure Coding System (“HCPCS”) for the service provider’s category of service, up to the amount of liability before submitting a claim to the Division.
- 6.4.10.3 When submitting a claim to the Division, the Qualified Vendor shall also provide information acceptable to the Division showing the rejection or nonpayment of the claim by the third party. Acceptable information includes, but is not limited to, an “explanation of benefits” form when the third party is an insurance company whose potential liability for the claim arises out of a contract of insurance.
- 6.4.10.4 In the event the Qualified Vendor receives payment from a third party payor in an amount that meets or exceeds the published rate, the Qualified Vendor shall report the provision of service on the claim document showing no amount due from the Division.
- 6.4.10.5 To the extent the Division pays all or a portion of a claim of the Qualified Vendor, the Qualified Vendor hereby assigns to the Division all rights it would otherwise have had from the third party or from any other source.
- 6.4.10.6 AHCCCS rules apply to the coordination of benefits under this Agreement.

6.5 Accountability

6.5.1 Professional Standards.

The Qualified Vendor shall deliver services in a humane and respectful manner and in accordance with any and all applicable professional accreditation standards. Levels of staff qualifications, professionalism, numbers of staff and individuals identified by name must be maintained as presented in the Agreement.

6.5.2 Qualified Vendor Code of Conduct.

- 6.5.2.1 The Qualified Vendor shall subcontract with or utilize only those individuals or organizations that are culturally sensitive, who meet accessibility standards for the disabled, and who do not discriminate based on ethnicity, gender, age, race, religion, marital status, sexual orientation or socioeconomic status. Subcontractors and their credentials shall meet all the requirements that apply to the Qualified Vendor.
- 6.5.2.2 The Qualified Vendor must ensure that its personnel, subcontractors and any other individual utilized by the Qualified Vendor for this Agreement:
- Represent themselves, their credentials, and their relationship to Qualified Vendor accurately to members and others in the community.

- Participate as appropriate in the planning (e.g., ISP) process, including the implementation of plan objectives.
- Maintain consumer privacy and confidential information in conformity with federal and state law, rule, and policy.
- Ensure that all individuals who participate in this Agreement have been trained and have affirmed their understanding of federal and state law, rule, and policy regarding confidential information.
- Ensure that members receiving service are safely supervised and accounted for.
- Act in a professional manner, honor commitments, and treat members and families with dignity and respect.
- Display a positive attitude.
- Absolute zero tolerance for the following: sexual activity with members and family members; employ authority or influence with members and families for the benefit of a third party; exploit the member's trust in the Contractor; or accept any commission, rebates, or any other form of remuneration except for payment by the Contractor.

6.5.2.3 The Qualified Vendor shall avoid any action that might create or result in the appearance of:

6.5.2.3.1 Inappropriate use or divulging of information gathered or discovered pursuant to the performance of its duties under the Agreement;

6.5.2.3.2 Acting on behalf of the State without appropriate authorization;

6.5.2.3.3 Providing favorable or unfavorable treatment to anyone;

6.5.2.3.4 Making a decision on behalf of the State that exceeded its authority, could result in partiality, or have a political consequence for the State;

6.5.2.3.5 Misrepresenting or otherwise impeding the efficiency, authority, actions, policies, or adversely affecting the confidence of the public or integrity of the State; or,

6.5.2.3.6 Loss of impartiality when advising the State.

6.5.3 Personnel.

The Qualified Vendor's personnel must satisfy all qualifications, carry out all duties, work the hours and receive the compensation set forth in this Agreement.

6.5.4 Fingerprinting.

6.5.4.1 The Qualified Vendor shall comply with, and shall ensure that all of the Qualified Vendor's employees, independent contractors, subcontractors, volunteers and

other agents comply with, all applicable (current and future) legal requirements relating to fingerprinting, fingerprint clearance cards, certifications regarding pending or past criminal matters, and criminal records checks that relate to Agreement performance.

- 6.5.4.2 Applicable legal requirements relating to fingerprinting, certification, and criminal background checks may include, but are not limited to the following: A.R.S. §§ 36-594.01, 36-3008, 41-1964, and 46-141. All applicable legal requirements relating to fingerprinting, fingerprint clearance cards, certifications regarding pending or past criminal matters, and criminal records checks are hereby incorporated in their entirety as provisions of this Agreement. The Qualified Vendor is responsible for knowing which legal requirements relating to fingerprinting, fingerprint clearance cards, certifications regarding pending or past criminal matters, and criminal records checks relate to Agreement performance. The reference to “juvenile” in A.R.S. § 46-141 shall include “vulnerable adult” as defined in A.R.S. § 13-3623.
- 6.5.4.3 Personnel who are employed by the Qualified Vendor, whether paid or not, and who are required or allowed to provide services directly to juveniles or vulnerable adults shall submit a full set of fingerprints to the Department of Public Safety for the purposes of obtaining a state and federal criminal records check pursuant to A.R.S. § 41-1750 and P. L. 92-544 or shall apply for fingerprint clearance card within seven (7) working days of employment.
- 6.5.4.4 The Qualified Vendor shall assume the costs of fingerprint checks and may charge these costs to its fingerprinted personnel. The Department may allow all or part of the costs of fingerprint checks to be included as an allowable cost in the Agreement.
- 6.5.4.5 The Qualified Vendor shall comply with the Division’s Criminal Acts/ Fingerprinting Standards.
- 6.5.4.6 Except as provided in A.R.S. § 46-141, this Agreement may be cancelled or terminated immediately if a person employed by the Qualified Vendor and who has contact with juveniles or vulnerable adults certifies pursuant to the provisions of A.R.S. § 46-141 (as may be amended) that the person is awaiting trial or has been convicted of any of the offenses listed therein in this State, or of acts committed in another state that would be offenses in this State, or if the person does not possess or is denied issuance of a valid fingerprint clearance card.
- 6.5.4.7 Personnel who are employed by any Qualified Vendor, whether paid or not, and who are required or allowed to provide services directly to juveniles or vulnerable adults shall certify on forms provided by the Department and notarized whether they are awaiting trial on or have ever been convicted of any of the offenses described in A.R.S. § 46-141 (F) (as may be amended).

6.5.4.8 Personnel who are employed by any Qualified Vendor, whether paid or not, and who are required or allowed to provide services directly to juveniles or vulnerable adults shall certify on forms provided by the Department and notarized whether they have ever committed any act of sexual abuse of a child, including sexual exploitation and commercial sexual exploitation, or any act of child abuse or any act of abuse against a vulnerable adult as defined in A.R.S. § 13-3623.

6.5.5 Federally Recognized Native American Tribes or Military Bases Certifications.

Federally recognized Native American tribes or military bases may submit and the Department shall accept certifications that state that no personnel who are employed or who will be employed during the Agreement term have been convicted of, have admitted committing or are awaiting trial on any offense as described in A.R.S. § 46-141 (F) (as may be amended).

6.5.6 Background Checks for Employment through the ADES Central Registry.

If providing direct services to children or vulnerable adults, the following shall apply:

6.5.6.1 The provisions of A.R.S. § 8-804 (as may be amended) are hereby incorporated in its entirety as provisions of this Agreement.

6.5.6.2 The Department will conduct Central Registry Background Checks and will use the information contained in the Central Registry as a factor to determine qualifications for positions that provide direct service to children or vulnerable adults for:

1. Any person who applies for a contract with this State and that person's employees;
2. All employees of a contractor;
3. A subcontractor (subcontracting to provide member direct services) of a contractor and the subcontractor's employees; and
4. Prospective employees of the contractor or subcontractor at the request of the prospective employer.

6.5.6.3 Volunteers who provide direct services to children or vulnerable adults shall have a Central Registry Background Check which is to be used as a factor to determine qualifications for volunteer positions.

6.5.6.4 1. A person who is disqualified because of a Central Registry Background Check may apply to the Board of Fingerprinting for a Central Registry exception pursuant to A.R.S. § 41-619.57. A person who is granted a Central Registry exception pursuant to A.R.S. § 41-619.57 is not entitled to a contract,

employment, licensure, certification or other benefit because the person has been granted a Central Registry exception.

2. Before being employed or volunteering in a position that provides direct services to children or vulnerable adults, persons shall certify on forms that are provided by the Department whether an allegation of abuse or neglect was made against them and was substantiated. The completed forms are to be maintained as confidential.

6.5.6.5 A person awaiting receipt of the Central Registry Background Check may provide direct services to ADES members (clients) after completion and submittal of the Direct Service Position certification if:

1. The person is not currently the subject of an investigation of child abuse or neglect in Arizona or another state or jurisdiction; and
2. The person has not been the subject of an investigation of child abuse or neglect in Arizona, or another state or jurisdiction, which resulted in a substantiated finding.

The Certification for Direct Service Position is located at:

<http://www.azdes.gov/InternetFiles/InternetProgrammaticForms/doc/ACY-1287AFORFF.doc>.

6.5.6.6 If the Central Registry Background Check specifies any disqualifying act and the person does not have a Central Registry exception, the person shall be prohibited from providing direct services to ADES members (clients).

6.5.6.7 The Qualified Vendor shall comply with the provisions of A.R.S. § 8-804 (as may be amended) and submit the names of each employee, subcontractor, and subcontractor employee, including volunteers, providing direct service to Division members for the Central Registry Background Check. The form for submitting the request is in Section 9, Attachment G of this Agreement located <https://www.azdes.gov/main.aspx?menu=96&id=4792> .

6.5.6.7.1 The Qualified Vendor shall maintain the Central Registry Background Check results and any related forms or documents in a confidential file for five (5) years after termination of the Agreement.

6.5.6.7.2 For purposes of this Agreement, references to “juvenile” in A.R.S. § 8-804 shall also include “vulnerable adult” as defined in A.R.S. § 13-3623.

6.5.7 Evaluation.

The Department or third parties may evaluate, and the Qualified Vendor shall cooperate in the evaluation of, Agreement services. Evaluation may assess the quality and impact of services, either in isolation or in comparison with other similar services, and assess the Qualified Vendor's progress and/or success in achieving the goals, objectives and deliverables set forth in this Agreement.

6.5.8 Visitation, Inspection and Copying.

The Qualified Vendor's or any subcontractor's facilities, services, members served, books and records pertaining to the Agreement shall be available for visitation, inspection and copying by the Division and any other appropriate agent of the State or Federal Government. At the discretion of the Division, visitation, inspection and copying may be at any time during regular business hours, announced or unannounced. If the Division deems it to be an emergency situation, it may at any time visit and inspect the Qualified Vendor's or any subcontractor's facilities, services, and members served, as well as inspect and copy their Agreement-related books and records.

6.5.9 Supporting Documents and Information.

In addition to any documents, reports or information required by any other section of this Agreement, the Qualified Vendor shall furnish the Division with any further documents and information deemed necessary by the Division in the form requested by the Division to demonstrate that the Qualified Vendor is in compliance with programmatic and Agreement requirements. Upon receipt of a request for information from the Department, the Qualified Vendor shall provide complete and accurate information no later than fifteen (15) days after the receipt of the request.

6.5.10 Monitoring.

6.5.10.1 The Department may monitor the Qualified Vendor or any subcontractor and each shall cooperate in the monitoring of services delivered, facilities and records maintained and fiscal practices.

6.5.10.2 The Division will monitor the Qualified Vendor's compliance with the Agreement as deemed necessary by the Division. Monitoring may also be conducted, at reasonable times, by members, parents, member representatives, representatives of the Developmental Disabilities Advisory Council, and other recognized, on-going advocacy groups for persons with developmental disabilities. The Qualified Vendor shall adhere to all related policies and procedures the Division deems appropriate to adequately evaluate the quality and impact of services and to establish on-going monitoring of service performance. The Division reserves the right to monitor the actual provision of services for compliance with the Division Programmatic Standards and to conduct investigations in accordance with the

Division Investigation Standards and to verify staffing levels as authorized by the Division District Administration.

6.5.10.3 If the Division requires the Qualified Vendor to implement a corrective action plan, and the approved plan requires it, the Qualified Vendor shall notify all current and prospective members that they are operating under a corrective action plan.

6.5.11 Utilization Control/Quality Assurance.

6.5.11.1 The Qualified Vendor shall, at all times during the term of this Agreement, maintain an internal quality assurance system in accordance with current applicable AHCCCS rules and policies and Federal rules as specified in the current 42 C.F.R. Part 456, as implemented by AHCCCS and the Division. Qualified Vendor requirements shall include, but are not limited to:

6.5.11.1.1 Completing statistical or program reports as requested by the Division;

6.5.11.1.2 Complying with any recommendations made by the Division's Statewide Quality Management Committee;

6.5.11.1.3 Making records available upon request;

6.5.11.1.4 Allowing persons authorized by the Division access to program areas at any hours of the day or night as deemed appropriate by the Division; and

6.5.11.1.5 Providing program information, upon request, to the Division.

6.5.11.2 The Qualified Vendor shall cooperate with the Division and AHCCCS quality assurance programs and reviews.

6.5.12 Sanctions Against the Division as a Result of Qualified Vendor Action or Inaction.

6.5.12.1 Sanctions imposed against the Division by AHCCCS for noncompliance with requirements for encounter data reporting, referenced in "Records" of these Terms and Conditions, that would not have been imposed but for the action or inaction of one or more Qualified Vendors, will be assessed against the Qualified Vendor based on the percentage of the Qualified Vendor's contribution to the sanction imposed against the Division.

6.5.12.2 Any other sanctions imposed against the Division by AHCCCS in accordance with applicable AHCCCS rules, policies, and procedures that would not have been imposed but for the action or inaction of one or more Qualified Vendors will

be assessed against the Qualified Vendor based on the percentage of the Qualified Vendor's contribution to the sanction imposed against the Division.

6.5.12.3 Sanctions imposed against the Division by AHCCCS for failure of one or more Qualified Vendors or any subcontractor to submit requested disclosure statements will be assessed against the Qualified Vendor based on the percentage of the Qualified Vendor's contribution to the sanction imposed against the Division.

6.5.13 Fair Hearings and Members' Grievances.

6.5.13.1 The Qualified Vendor shall advise all members who receive services of their right, at any time and for any reason, to present to the Qualified Vendor and to the Division any grievances arising from the delivery of services, including, but not limited to, ineligibility determination, reduction of services, suspension or termination of services, or quality of services. The Division may assert its jurisdiction to hear the grievance or refer the matter to the appropriate authority.

6.5.13.2 If required by the Division, the Qualified Vendor shall maintain a system, subject to review upon request by the Division, for reviewing and adjudicating grievances by members or subcontractors concerning the actual provision of services and payment for same by or on behalf of the Qualified Vendor. This system shall follow the grievance procedure agreed to by AHCCCS and the Division in the current AHCCCS/Division intergovernmental Agreement and the Division rules and policies.

6.5.14 Merger or Acquisition.

6.5.14.1 The Qualified Vendor shall not change ownership and/or taxpayer identification number without the prior written consent of the Division during the term of this Agreement. Consent shall not be unreasonably withheld.

6.5.14.2 A proposed merger, reorganization, affiliation, or change in ownership of the Qualified Vendor shall require prior approval of the Division. In some cases, a new Application may be required.

6.5.15 Disclosure of Bankruptcy Filing and other Material Event.

Qualified Vendors shall immediately notify the Division of any and all filings made under the bankruptcy laws and regulations and promptly provide a copy of the court filing and any subsequent non-procedural Court orders to the Division, including the final order disposing of the bankruptcy. In addition, the Qualified Vendor shall immediately submit an amended Assurances and Submittals, to the Division's Contract Management Unit.

6.5.15.1 The Qualified Vendor shall notify the Division within twenty-four (24) hours, in writing, if the Qualified Vendor: (i) fails to so maintain any representation, comply with any covenant, or perform any duty as provided in this Agreement; (ii) receives notice or becomes aware of a claim or cause of action that would, if valid and enforceable against the Qualified Vendor, violate any provision in this Agreement; or (iii) becomes aware of any Material Event. The notice to the Division shall describe the event or facts that triggered the delivery of the notice.

6.5.16 Federal Database Checks.

6.5.16.1 The Division will not and the Qualified Vendor shall not employ or contract with any individual who has been debarred, suspended or otherwise lawfully prohibited from participating in any public procurement activity or from participating in non-procurement activities under regulations issued under Executive Order 12549 or under guidelines implementing Executive Order 12549 [42 Code of Federal Regulations (“C.F.R.”) § 438.610(a) and (b), 42 C.F.R. § 1001. 1901(b), 42 C.F.R. § 1003. 102(a)(2)]. The Division is obligated under 42 C.F.R. § 455.436 to screen all Qualified Vendors and the Qualified Vendor is obligated to screen all employees, contractors, and/or subcontractor employees providing Agreement services to determine whether any of them have been excluded from participation in Federal health care programs by checking the following Federal databases:

1. The List of Excluded Individuals/Entities (“LEIE”) no less frequently than monthly (<http://oig.hhs.gov/exclusions/>)
2. The System for Award Management (“SAM”) no less frequently than monthly (<https://www.sam.gov/portal/public/SAM/>),
3. And any other such databases that may be prescribed.

6.5.16.2 The Qualified Vendor shall maintain the Federal Database Check results and any related forms or documents in a confidential file for five (5) years after termination of the Agreement.

6.5.17 Fraud and Abuse.

6.5.17.1 If the Qualified Vendor discovers, or is made aware, that an act of suspected fraud or abuse has occurred or been alleged, the Qualified Vendor shall immediately report the incident or allegation to the Division as well as to the AHCCCS, Office of the Inspector General. The Qualified Vendor shall refer to the Division’s Provider Manual for guidance.

6.6 Agreement Changes

The Division may change the Agreement by posting a proposed amendment for thirty (30) days of review and comment. The amendment then requires signature by both parties in order for the Agreement to continue; however, amendments reflecting changes in law or generally applicable policies and procedures shall become a part of this Agreement without signature by the parties. If an amendment requires the signature of the Qualified Vendor, and the Qualified Vendor fails to sign and return the amendment in the form and within the timeframe specified by the Division, the Division may terminate the Agreement, in whole or in part. The Qualified Vendor may request a change to its Application and, upon approval by the Division; the change will become part of the ongoing Agreement.

6.6.1 Unauthorized Amendments.

Changes to the Agreement, including the addition of work or materials, the revision of payment terms, or the substitution of work or materials, directed by an unauthorized State employee or made unilaterally by the Qualified Vendor are violations of the Agreement and of applicable law. Such changes, including unauthorized written Agreement amendments, shall be void and without effect, and the Qualified Vendor shall not be entitled to any claim under this Agreement based on those changes.

6.6.1.1 The Division may withdraw a proposed amendment, in whole or in part, before it becomes effective, if it is determined to be in the best interest of the State.

6.6.2 Updating Information and Amending a Qualified Vendor Application.

6.6.2.1 The Qualified Vendor shall update in QVADS the general information section of the vendor contract information component, the assurances and submittal form and associated submittals, the program description section of the detail information component, and administrative and service sites as necessary to ensure that the information is current and accurate. These changes are Vendor-initiated Application amendments. Application amendments that require approval by the Division are indicated in the electronic submittal process for QVADS and do not become effective unless approved.

6.6.2.2 The Qualified Vendor shall update all other information in QVADS as necessary to ensure that the information is current and accurate.

6.6.2.3 If the Division finds that the information provided in the original Application or as an update to the application is materially inaccurate, and the Qualified Vendor fails to correct such information within the time specified in a notice from the Division, such failure may be cause for termination of the Agreement, in whole or

in part. The Division may delete the information from the directory until a correction is provided or the Agreement is terminated.

6.6.2.4 A Qualified Vendor seeking to add a service to its Agreement shall submit a request to the Division and if approved, the new service becomes part of the vendor's Agreement.

6.6.3 Subcontracts.

6.6.3.1 The Qualified Vendor shall not enter into any subcontract for direct services under this Agreement without advance notice to the Division.

6.6.3.2 Prior to adding a subcontractor to the Agreement, the Qualified Vendor shall submit a formal, written statement to the Contracts Manager. The statement shall:

6.6.3.2.1 Be on the Qualified Vendor's company letterhead;

6.6.3.2.2 Be signed by an authorized signatory of the Qualified Vendor; and

6.6.3.2.3 Contain the following information:

- a. The subcontractor's name, address, phone number, e-mail address, and primary point of contact;
- b. The certifications required of the subcontractor (if any);
- c. The type of services to be provided by the subcontractor;
- d. The amount of time or effort (as a percent of the total Agreement performance) that the subcontractor will perform in relation to total performance of the Agreement's requirements; and
- e. A description of the quality assurance measures that the Qualified Vendor shall use to monitor the subcontractor's performance.

6.6.3.3 The State reserves the right to request additional information deemed necessary about any proposed subcontractor, and the right to require the Qualified Vendor to delay performance of the subcontract until the State determines that the subcontracting relationship is consistent with the requirements of this Agreement

6.6.3.4 The subcontract shall incorporate by reference the entirety of this Agreement and the AHCCCS Minimum Subcontract Provisions; for information regarding those provisions, see www.azahcccs.gov/commercial/default.aspx.

- 6.6.3.5 The Qualified Vendor shall provide copies of each subcontract with a subcontractor relating to the provision of Agreement services to the Division within five (5) business days of the request.
- 6.6.3.6 The Qualified Vendor shall be legally responsible for Agreement performance whether or not subcontractors are used.
- 6.6.3.7 No subcontract may operate to terminate or limit the legal responsibility of the Qualified Vendor to assure that all activities carried out by any subcontractor conform to the provisions of this Agreement.

6.6.4 Assignment and Delegation.

The Qualified Vendor shall not assign any right nor delegate any duty under this Agreement.

6.7 Risk and Liability

6.7.1 General Indemnification.

The Qualified Vendor shall indemnify, defend, save and hold harmless the State of Arizona, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees (hereinafter referred to as "Indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Qualified Vendor or any of its owners, officers, directors, agents, employees or subcontractors. This indemnity includes any claim or amount arising out of or recovered under the Workers' Compensation Law or arising out of the failure of such Qualified Vendor to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree. It is the specific intention of the parties that the Indemnitee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, be indemnified by Qualified Vendor from and against any and all claims. It is agreed that Qualified Vendor will be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable. In consideration of the award of this Agreement, the Qualified Vendor agrees to waive all rights of subrogation against the State of Arizona, its officers, officials, agents and employees for losses arising from the work performed by the Qualified Vendor for the State of Arizona.

- 6.7.1.1 This indemnity shall not apply if the Qualified Vendor or subcontractor(s) is/are an agency, board, commission or university of the State of Arizona.

6.7.2 Indemnification - Patent and Copyright.

To the extent permitted by A.R.S. §§ 41-621 and 35-154, the Qualified Vendor shall indemnify and hold harmless the State against any liability, including costs and expenses, for infringement of any patent, trademark or copyright arising out of Agreement performance or use by the State of materials furnished or work performed under this Agreement. The State will notify the Qualified Vendor of any claim for which it may be liable under this section.

6.7.3 Force Majeure.

6.7.3.1 Except for payment of sums due for services rendered in accordance with the terms of the Agreement, neither party shall be liable to the other nor deemed in default under this Agreement if and to the extent that such party's performance of this Agreement is prevented by reason of force majeure. The term "force majeure" means an occurrence that is beyond the control of the party affected and occurs without its fault or negligence. Without limiting the foregoing, force majeure includes acts of God, acts of the public enemy, war, riots, strikes, mobilization, labor disputes, civil disorders, fire, flood, lockouts, injunctions-intervention-acts, failures or refusals to act by government authority and other similar occurrences beyond the control of the party declaring force majeure which such party is unable to prevent by exercising reasonable diligence.

6.7.3.2 Force majeure shall not include the following occurrences:

6.7.3.2.1 Late delivery of equipment or materials caused by congestion at a manufacturer's plant or elsewhere, or an oversold condition of the market;

6.7.3.2.2 Late performance by a subcontractor unless the delay arises out of a force majeure occurrence in accordance with this force majeure term and condition; or

6.7.3.2.3 Inability of either the Qualified Vendor or any subcontractor to acquire or maintain any required insurance, bonds, licenses or permits.

6.7.3.3 If either party is delayed at any time in the progress of the work by force majeure, the delayed party shall notify the other party in writing of such delay, as soon as is practicable and no later than the following business day, of the commencement thereof and shall specify the causes of such delay in such notice. Such notice shall be delivered or mailed certified-return receipt and shall make a specific reference to this section, thereby invoking its provisions. The delayed party shall cause such delay to cease as soon as practicable and shall notify the other party in writing when it has done so. The time of completion shall be extended by Agreement amendment for a period of time equal to the time that results or effects

of such delay prevent the delayed party from performing in accordance with this Agreement.

6.7.3.4 Any delay or failure in performance by either party hereto shall not constitute default hereunder or give rise to any claim for damages or loss of anticipated profits if, and to the extent that such delay or failure is caused by force majeure.

6.7.4 Third Party Antitrust Violations.

The Qualified Vendor assigns to the State any claim for overcharges resulting from antitrust violations to the extent that those violations concern materials or services supplied by third parties to the Qualified Vendor toward fulfillment of this Agreement.

6.7.5 Predecessor and Successor Agreements.

The execution or termination of this Agreement, in whole or in part shall not be considered a waiver by the Department of any rights it may have for damages suffered through a breach of this Agreement or a prior Agreement with the Qualified Vendor.

6.7.6 Insurance.

6.7.6.1 *Insurance Requirements*

6.7.6.1.1 Qualified Vendor and subcontractors shall procure and maintain until all of their obligations have been discharged, including any warranty periods under this Agreement, are satisfied, insurance against claims for injury to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Qualified Vendor, his agents, representatives, employees or subcontractors.

6.7.6.1.2 The insurance requirements herein are minimum requirements for this Agreement and in no way limit the indemnity covenants contained in this Agreement. The State of Arizona in no way warrants that the minimum limits contained herein are sufficient to protect the Qualified Vendor from liabilities that might arise out of the performance of the work under this Agreement by the Qualified Vendor, its agents, representatives, employees or subcontractors, and Qualified Vendor is free to purchase additional insurance.

6.7.6.1.3 Minimum Scope and Limits of Insurance: Qualified Vendor shall provide coverage with limits of liability not less than those stated below:

6.7.6.1.3.1 *Commercial General Liability – Occurrence Form*

Policy shall include bodily injury, property damage, personal and advertising injury and broad form contractual liability coverage.

a. For Qualified Vendors of Occupational, Physical or Speech Therapy services:

<u>Coverage</u>	<u>Minimum Limits</u>
• General Aggregate	\$2,000,000
• Personal and Advertising Injury	\$1,000,000
• Blanket Contractual Liability – Written and Oral	\$1,000,000
• Fire Legal Liability (Damage to Rented Premises)	\$ 50,000
• Each Occurrence	\$1,000,000

1. The policy shall be endorsed to include the following additional insured language: *“The State of Arizona and the Department of Economic Security shall be named as additional insureds with respect to liability arising out of the activities performed by or on behalf of the Qualified Vendor”*. Such additional insured shall be covered to the full limits of liability purchased by the Qualified Vendor, even if those limits of liability are in excess of those required by this Agreement.

2. The policy shall contain a waiver of subrogation endorsement in favor of the State of Arizona, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees for losses arising from work performed by or on behalf of the Qualified Vendor.

3. Commercial General Liability may be satisfied if the Commercial General Liability policy is combined with the Professional Liability policy (item 6.7.6.2.3.4 below), provided that the Commercial General Liability coverage is written on an occurrence basis, and certified with the required coverage, limits and endorsements required for Section 6.7.6.2.3.1. If written with the Professional Liability policy, the Commercial General Liability section shall have separate limits from the Professional Liability.

b. For all other Qualified Vendors:

<u>Coverage</u>	<u>Minimum Limits</u>
• General Aggregate \$2,000,000	
• Products – Completed Operations Aggregate	\$1,000,000
• Personal and Advertising Injury	\$1,000,000
• Blanket Contractual Liability – Written and Oral	\$1,000,000
• Fire Legal Liability (Damage to Rented Premises)	\$ 50,000
• Each Occurrence	\$1,000,000

1. The policy shall include coverage for Sexual Abuse and Molestation. This coverage may be sub-limited to no less than \$500,000. The limits may be included within the General Liability limit or provided by separate endorsement with its own limits or provided as separate coverage included with the Professional Liability.
2. The Qualified Vendor must provide the following statement on their certificate(s) of insurance: Sexual Abuse/Molestation Coverage in included.
3. The policy shall be endorsed to include the following additional insured language: *“The State of Arizona and the Department of Economic Security shall be named as additional insureds with respect to liability arising out of the activities performed by or on behalf of the Qualified Vendor”*. Such additional insured shall be covered to the full limits of liability purchased by the Qualified Vendor, even if those limits of liability are in excess of those required by this Agreement.
4. The policy shall contain a waiver of subrogation endorsement if favor the State of Arizona, its departments, agencies, boards, commissions, universities and its officers, officials, agents and employees for losses arising from work performed by or on behalf of the Qualified Vendor.

6.7.6.1.3.2 *Business Automobile Liability*

Bodily Injury and Property Damage for any owned, hired, and/or non-owned vehicles used in the performance of this Agreement.

a. Combined Single Limit (CSL) \$1,000,000

1. The policy shall be endorsed to include the following additional insured language: *“The State of Arizona and the Department of Economic Security shall be named as additional insureds with respect to liability arising out of the activities performed by or on behalf of the Qualified Vendor, involving automobiles owned, leased, hired or borrowed by the Qualified Vendor”*. Such additional insured shall be covered to the full limits of liability purchased by the contractor, even if those limits of liability are in excess of those required by this Agreement.
2. The policy shall contain a waiver of subrogation endorsement in favor of the State of Arizona, its departments, agencies, boards, commissions, universities and its officers, officials, agents and employees for losses arising from work performed by or on behalf of the Qualified Vendor.
3. Policy shall contain a severability of interests provision.

4. This section, **Business Automobile Liability**, shall not be applicable in the event the Qualified Vendor (or its Subcontractors) does not utilize a vehicle in any manner in the performance of the Agreement or if the utilization is only for commuting purposes. The term “commuting purposes” means a vehicle is used to travel from the Qualified Vendor’s home to its principal place of business or to one designated location. The Qualified Vendor electing to utilize their vehicle solely for commuting purposes shall submit a request to the Division for a Business Automobile Liability Waiver. In the event the Qualified Vendor (or its Subcontractors) subsequently utilizes the vehicle in the performance of the Agreement or it utilizes it for other than commuting purposes under the Agreement, this paragraph, **Business Automobile Liability**, shall be fully applicable, effective the date the utilization changed.

6.7.6.1.3.3 *Worker’s Compensation and Employers’ Liability*

- a. Worker’s Compensation Statutory
- b. Employer’s Liability

<u>Coverage</u>	<u>Minimum Limits</u>
Each Accident	\$ 500,000
Disease – Each Employee	\$ 500,000
Disease – Policy Limit	\$1,000,000

- i. Policy shall contain a waiver of subrogation endorsement in favor of the State of Arizona, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees for losses arising from work performed by or on behalf of the Qualified Vendor.
- ii. This requirement shall not apply to the Qualified Vendor or subcontractor exempt from the provisions of A.R.S. § 23-901. To claim this exemption, the Qualified Vendor or subcontractor shall submit a request to the Division for the appropriate waiver (Sole Proprietor Waiver or Independent Contractor Agreement) form.

6.7.6.1.3.4 *Professional Liability (Errors and Omissions Liability)*

<u>Basis</u>	<u>Minimum Limits</u>
Each Claim	\$1,000,000
Annual Aggregate	\$2,000,000

- a. In the event that the professional liability insurance required by this Agreement is written on a claims-made basis, the Qualified Vendor warrants

that any retroactive date under the policy shall precede the effective date of this Agreement; and that either continuous coverage will be maintained or an extended discovery period will be exercised for a period of two (2) years beginning at the time work under this Agreement is completed.

- b. The policy shall cover professional misconduct or wrongful acts for those positions defined in the Scope of Work of this Agreement.

6.7.6.1.4 For assistance, a Qualified Vendor may contact the Department of Insurance Market Assist hotline at 602-364-3100. The Qualified Vendor may obtain assistance with sources for Business Automobile Liability to comply with this Agreement and should specify the limit required as well as the Qualified Vendor's status with the Division.

6.7.6.1.5 *Additional Insurance Requirements*

6.7.6.1.5.1 The policies shall include, or be endorsed to include, the following provisions: *The State of Arizona and the Department of Economic Security wherever additional insured status is required such additional insured shall be covered to the full limits of liability purchased by the Qualified Vendor, even if those limits of liability are in excess of those required by this Agreement as provided by A.R.S. § 41-621 (E).*

6.7.6.1.5.2 The Qualified Vendor's insurance coverage shall be primary insurance with respect to all other available sources.

6.7.6.1.5.3 Coverage provided by the Qualified Vendor shall not be limited to the liability assumed under the indemnification provisions of this Agreement.

6.7.6.1.6 Notice of Cancellation: Each insurance policy required by the insurance provisions of this Agreement shall provide the required coverage and shall not be suspended, voided, canceled, or reduced in coverage or in limits except after thirty (30) days prior written notice has been given to the State of Arizona. Such notice shall be sent directly to Contract Management Unit, Business Operations, Site Code 791A, Division of Developmental Disabilities, Arizona Department of Economic Security, P.O. Box 6123, Phoenix, AZ, 85005-6123, and shall be sent by certified mail, return receipt requested.

6.7.6.1.7 Acceptability of Insurers: Insurance shall be placed with duly licensed or approved non-admitted status on the Arizona Department of Insurance List of Qualified Unauthorized Insurers. Insurers shall have an "A.M. Best" rating of not less than A-VII or dually authorized to transact insurance in the State of Arizona. The State of Arizona in no way warrants that the above-required minimum insurer rating is sufficient to protect the Qualified Vendor from potential insurer insolvency.

If the social services program utilizes the Social Service Contractors Indemnity Pool (“SSCIP”) or other approved insurance pool for insurance coverage, SSCIP or the other approved insurance pool is exempt from the A.M. Best's rating requirements listed in this Agreement. If the Qualified Vendor or subcontractor chooses to use SSCIP or another approved insurance pool as its insurance provider, the contract/subcontract would be considered in full compliance with insurance requirements relating to the A.M. Best rating requirements.

6.7.6.1.8 *Verification of Coverage*

6.7.6.1.8.1 The Qualified Vendor shall furnish the State of Arizona with certificates of insurance (ACORD form or equivalent approved by the State of Arizona) as required by this Agreement. The certificates for each insurance policy are to be signed by a person authorized by that insurer on its behalf.

6.7.6.1.8.2 All certificates and endorsements are to be received and approved by the State of Arizona before work commences. Each insurance policy required by this Agreement must be in effect at or prior to commencement of Agreement services under this Agreement and remain in effect for the duration of the Agreement. Failure to maintain the insurance policies as required by this Agreement, or to provide evidence of renewal, is a material breach of the Agreement.

6.7.6.1.8.3 All certificates required by this Agreement shall be sent directly to:

Contract Management Unit
Business Operations – Site Code 791A
Arizona Department of Economic Security
Division of Developmental Disabilities
P.O. Box 6123
Phoenix, Arizona 85007

The State of Arizona Project/Agreement number (the Qualified Vendor Application and Agreement Award Number) and Project Description (“RFQVA DDD 710000”) shall be noted on the certificate of insurance. The State of Arizona reserves the right to require complete, copies of all insurance policies required by this Agreement at any time. **DO NOT SEND CERTIFICATES OF INSURANCE TO THE STATE OF ARIZONA’S RISK MANAGEMENT SECTION OR TO THE DES OFFICE OF PROCUREMENT.**

6.7.6.1.9 Subcontractors: Qualified Vendors’ certificate(s) shall submit a listing of all subcontractors performing member direct services and include all subcontractors as insured under its policies **or** Qualified Vendors shall furnish/submit to the State of Arizona separate certificates and endorsements for each subcontractor

associated with the Agreement award. All insurance coverage for subcontractors shall be subject to the minimum requirements identified above.

- 6.7.6.1.9.1 Qualified Vendors that utilize subcontractors to provide Developmental Home services will be exempt from providing separate certificates and endorsements if the Qualified Vendor enters into a separate Agreement between the Qualified Vendor, the Developmental Home subcontractor and the Division. Such Agreement shall provide for the Developmental Home subcontractor to be covered under the Provider Indemnity Program (“PIP”). A sample format for the Agreement may be found on the Division’s website at <https://www.azdes.gov/ddd/>.
- 6.7.6.1.10 Approval: Any modification or variation from the *insurance requirements* in this Agreement shall be made by the contracting agency in consultation with the Department of Administration, Risk Management Division. Such action will not require a formal Agreement amendment, but may be made by administrative action.
- 6.7.6.1.11 Exceptions: In the event the Qualified Vendor or subcontractor(s) is/are a public entity, then the Insurance Requirements shall not apply. Such public entity shall provide a Certificate of Self-Insurance. If the Qualified Vendor or subcontractor(s) is/are a State of Arizona agency, board, commission, or university, none of the above shall apply.

In the event that the Qualified Vendor determines that it may not be able to comply fully with the insurance requirements set forth above in Section 6.7.6 above, the Qualified Vendor may request that the insurance requirements be modified pursuant to Section 6.7.6.1.10 provided that such request be delivered in writing to the Department as early as possible but in no event not less than ten (10) days prior to Agreement execution. The Qualified Vendor shall include with such request Qualified Vendor’s justification for the modification with supporting documentation.

As provided in Section 6.7.6.1.10, the Department of Administration, Risk Management Section, shall decide whether such modification may be permitted. If the Department of Administration, Risk Management, decides to grant permission, the Department of Economic Security’s Chief Procurement Officer shall then decide whether to approve the modification.

Modifications that are approved are done so on a case-by-case basis and shall not affect the insurance requirements for other Qualified Vendors for whom the modifications have not been approved. If a Qualified Vendor’s request has not been approved or the Qualified Vendor fails to deliver its request prior the applicable deadline, then the Qualified Vendor shall be required to comply fully with the insurance requirements set forth in Section 6.7.6 above.

6.8 Warranties

6.8.1 Year 2000.

6.8.1.1 Notwithstanding any other warranty or disclaimer of warranty in this Agreement, the Qualified Vendor warrants that all products delivered and all services rendered under this Agreement shall comply in all respects to performance and delivery requirements of the specifications and shall not be adversely affected by any date-related data Year 2000 issues. This warranty shall survive the expiration or termination of this Agreement. In addition, the defense of *force majeure* shall not apply to the Qualified Vendor's failure to perform specification requirements as a result of any date-related data Year 2000 issues.

6.8.1.2 Additionally, notwithstanding any other warranty or disclaimer of warranty in this Agreement, the Qualified Vendor warrants that each hardware, software, and firmware product delivered under this Agreement shall be able to accurately process date/time data (including but not limited to calculation, comparing, and sequencing) from, into, and between the twentieth and twenty-first centuries, and the years 1999 and 2000 and leap year calculations, to the extent that other information technology utilized by the State in combination with the information technology being acquired under this Agreement properly exchanges date-time data with it. If this Agreement requires that the information technology products being acquired perform as a system, or that the information technology products being acquired perform as a system in combination with other State information technology, then this warranty shall apply to the acquired products as a system. The remedies available to the State for breach of this warranty shall include, but shall not be limited to, repair and replacement of the information technology products delivered under this Agreement. In addition, the defense of *force majeure* shall not apply to the failure of the Qualified Vendor to perform any specification requirements as a result of any date-related data Year 2000 issues.

6.8.1.3 The Qualified Vendor warrants that all services provided under this Agreement shall conform to the requirements stated herein and any amendments hereto. The Department's acceptance of services provided by the Qualified Vendor shall not relieve the Qualified Vendor from its obligations under this warranty. In addition to its other remedies, the Department Procurement Officer may, at the Qualified Vendor's expense, require prompt correction of any services failing to meet the Qualified Vendor's warranty herein. Services corrected by the Qualified Vendor shall be subject to all of the provisions of this Agreement in the manner and to the same extent as the services originally furnished.

6.8.2 Compliance with Applicable Laws.

- 6.8.2.1 The materials and services supplied under this Agreement shall comply with all applicable Federal, State and local laws, and the Qualified Vendor shall maintain all applicable licenses and permit requirements.
- 6.8.2.2 In accordance with A.R.S. § 36-557 (Purchase of community developmental disabilities services; application; Agreements; limitation), as applicable, all members who receive Agreement services shall have all of the same specified rights as they would have if enrolled in a service program operated directly by the State.
- 6.8.2.3 The Qualified Vendor shall comply with the requirements related to reporting to a peace officer or child protective services incidents of crimes against children as specified in A.R.S. §13-3620 (as may be amended).
- 6.8.2.4 The Qualified Vendor shall comply with the requirements in A.R.S. § 46-454 related to reporting to a peace office or to a protective services worker any reason to believe that abuse, neglect, or exploitation of a vulnerable adult has occurred.
- 6.8.2.5 The Qualified Vendor shall comply with P.L. 101-121, Section 319 (21 U.S.C. Section 1352) (as may be amended) and 29 C.F.R. Part 93 (as may be amended) which prohibit the use of Federal funds for lobbying and which state, in part: Except with the express authorization of Congress, the Qualified Vendor, its employees or agents, shall not utilize any Federal funds under the terms of this Agreement to solicit or influence, or to attempt to solicit or influence, directly or indirectly, any member of Congress regarding pending or prospective legislation. Indian tribes, tribal organizations and any other Indian organizations are exempt from these lobbying restrictions with respect to expenditures that are specifically permitted by other Federal law.
- 6.8.2.6 The Qualified Vendor shall cooperate with all Division investigations, including investigations pursuant to A.R.S. § 36-557(G)(3) that involve danger to the health and safety of a Division member. This includes notification to the Division of all complaints involving a member.
- 6.8.2.7 The Qualified Vendor and any subcontractor shall comply with all applicable Federal laws, rules, regulations and policies, including Title XIX of the Social Security Act, the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35), Title 42 of the C.F.R., and Title 45 C.F.R., Parts 74 and 96. If the Qualified Vendor receives Title XX funds, the Qualified Vendor shall comply with The Arizona Title XX Social Services Plan and Section 2352, Title XX Block Grants, of the Omnibus Budget Reconciliation Act of 1981.
- 6.8.2.8 The Qualified Vendor and any subcontractor shall comply with all applicable licensure, certification, and registration standards established by the Department, the Division, and AHCCCS. The Qualified Vendor and any subcontractor shall

comply with all applicable Arizona law and applicable Department, Division, or AHCCCS administrative rules, policies, procedures, service standards and guidelines of their profession/occupation, including, but not limited to:

- 6.8.2.8.1 Hiring of ex-offenders;
- 6.8.2.8.2 Fingerprinting of Qualified Vendor's and any subcontractor's staff;
- 6.8.2.8.3 Completing of Fire Risk Profile requirements;
- 6.8.2.8.4 Reporting of unusual incidents involving children and/or adults;
- 6.8.2.8.5 Implementing program audit implementation plans;
- 6.8.2.8.6 Participating as a member of the planning (e.g., ISP) team;
- 6.8.2.8.7 Complying with all policies, procedures and instructions regarding planning documents (e.g., ISPs);
- 6.8.2.8.8 Submitting to the Division's Support Coordinators copies of the planning document (e.g., ISP) strategies and other required documentation;
- 6.8.2.8.9 Providing copies of member records, including evaluations and progress reports; and
- 6.8.2.8.10 Ensuring that all movement of Division members, except in emergency need situations, is coordinated through the planning (e.g., ISP) team. If a member is receiving Title XIX funded services, no member movement shall take place unless it is part of the member's planning document (e.g., ISP).
- 6.8.2.9 The Qualified Vendor and any subcontractor shall comply with the Occupational Safety and Health Administration ("OSHA") regulations regarding blood borne pathogens, 29 C.F.R. 1910.1030.
- 6.8.2.10 The terms of this Agreement shall be subject to the terms of the intergovernmental Agreement between the Department and AHCCCS for the provision of services to ALTCS members. The Qualified Vendor accepts and agrees to perform the duties and requirements applicable to a provider of services to ALTCS members, including but not limited to performance of the Provider Participation Agreement between AHCCCS and the Qualified Vendor.
- 6.8.2.11 The Qualified Vendor shall comply with the requirements of the Health Insurance Portability and Accountability Act of 1996 (P. L. 104-191) and all applicable implementing Federal regulations. The Qualified Vendor shall notify the Division no later than one-hundred twenty (120) days prior to any required compliance date

if the Qualified Vendor is unwilling to or anticipates that it will be unable to comply with any of the requirements of this section. Receipt by the Division of a notice of anticipated inability or unwillingness to comply as required by this section constitutes grounds for the termination of this Agreement.

- 6.8.2.12 The Qualified Vendor shall comply with any changes to Federal laws, regulations, or policies, to Arizona law, to Department, Division, or AHCCCS administrative rules, policies, or procedures, or to the intergovernmental agreement between the Department and AHCCCS.
- 6.8.2.13 By entering into this Agreement, the Qualified Vendor warrants compliance with the federal Immigration and Nationality Act (“INA”) and all other state and federal immigration laws and regulations related to the immigration status of its employees. The Qualified Vendor shall obtain statements from its subcontractors certifying compliance and shall furnish the statements to the Division upon request. These warranties shall remain in effect through the term of the Agreement. The Qualified Vendor and its subcontractors shall also maintain Employment Eligibility Verification forms (“I-9”) as required by the U.S. Department of Labor’s Immigration and Control Act, for all employees performing work under the Agreement. I-9 forms are available for download at www.uscis.gov. The Division may request verification of compliance for any Qualified Vendor or subcontractor performing work under the Agreement. Should the Division suspect or find that the Qualified Vendor or any of its subcontractors are not in compliance, the Division may pursue any and all remedies allowed by law, including, but not limited to: suspension of work, termination of the Agreement for default, and suspension and/or debarment of the Qualified Vendor. All costs necessary to verify compliance are the responsibility of the Qualified Vendor.
- 6.8.2.14 By entering into this Agreement, the Qualified Vendor warrants compliance with the Deficit Reduction Act of 2005 (P.L. 109-171). Any Qualified Vendor that receives at least \$5,000,000 (five million dollars) in Medicaid payments annually shall establish written policies for all employees (including management), and for all employees of any Qualified Vendor or agent of the Qualified Vendor, providing detailed information about false claims, false statements, and whistleblower protections under applicable Federal and State fraud and abuse laws. These written policies must include a specific discussion of the foregoing laws and detailed information regarding the Qualified Vendor’s policies and procedures for detecting and preventing fraud, waste and abuse, as well as the rights of employees to be protected as whistleblowers. In addition, the Qualified Vendor must establish a process for training, and train, existing staff and new hires on false claims, false statements, and whistleblower protections under applicable Federal and State fraud and abuse laws and the Qualified Vendor’s policies and procedures for detecting and preventing fraud, waste and abuse, and

the rights of employees to be protected as whistleblowers. All training must be conducted in such a manner that can be verified by the Division.

6.8.2.15 The Qualified Vendor warrants compliance with all Federal immigration laws and regulations relating to employees and warrants its compliance with A.R.S. § 23-214, subsection A. (That subsection reads: “After December 31, 2007, every employer, after hiring an employee, shall verify the employment eligibility of the employee through the E-Verify program.”) A breach of a warrant regarding compliance with immigration laws and regulations shall be deemed a material breach of the Agreement and the Qualified Vendor may be subject to penalties up to and including termination of the Agreement. Failure to comply with a State audit process to randomly verify the employment records of Qualified Vendors and subcontractors shall be deemed a material breach of the contract and the Qualified Vendor may be subject to penalties up to and including termination of the Agreement. The Department retains the legal right to inspect the papers of any employee who works on the Agreement to ensure that the Qualified Vendor or subcontractor is complying with the warranty under this paragraph.

6.8.2.16 The Qualified Vendor shall comply with all applicable state and federal statutes and regulations. This shall include A.R.S. § 23-722.01 (as may be amended) relating to new hire reporting, A.R.S. § 23-722.02 (as may be amended) relating to wage assignment orders to provide child support, and A.R.S. § 25-535 (as may be amended) relating to administrative or court-ordered health insurance coverage for children.

6.8.3 Advance Directives.

As appropriate, the Qualified Vendor shall comply with Federal and State law on advance directives for adult members. Requirements include:

6.8.3.1 Maintaining written policies for adult individuals receiving care through the Qualified Vendor regarding the member’s right to make decisions about medical care, including the right to accept or refuse medical care and the right to execute an advance directive. If the Qualified Vendor has a conscientious objection to carrying out an advance directive, it must be explained in policies. [A Qualified Vendor is not prohibited from making objection when made pursuant to A.R.S. § 36-3205(C)(1).]

6.8.3.2 Providing written information to adult members regarding a member’s right under State law to make decisions regarding medical care and the Qualified Vendor’s written policies concerning advance directives (including any conscientious objections).

6.8.3.3 Documenting in the member’s medical record as to whether the adult member has been provided the information and whether an advance directive has been created.

6.8.3.4 Not discriminating against a member because of his or her decision to execute or not execute an advance directive, and not making it a condition for the provision of care.

6.8.3.5 Provide education for staff on issues concerning advance directives including notification of direct care providers of services of any advanced directives executed by members to whom they are assigned to provide care.

6.8.4 Advising or Advocating on Behalf of a Member.

The Qualified Vendor shall comply with the requirements under 42 C.F.R. § 438.102 and the intergovernmental Agreement between the Division and AHCCCS. The Division may not prohibit, or otherwise restrict, a provider acting within the lawful scope of practice, from advising or advocating on behalf of a member who is authorized to receive services from the provider for the following:

- The member's health status, medical care, or treatment options including any alternative treatment that may be self-administered.
- Any information the member needs in order to decide among all relevant treatment options.
- The risks, benefits, and consequences of treatment or no treatment.
- The member's right to participate in decisions regarding his or her health care, including the right to refuse treatment, and to express preferences about future treatment decisions.

6.8.4.1 A Qualified Vendor may provide a member with factual information, but is prohibited from recommending or steering a member in the member's selection of a Qualified Vendor agency or Independent Provider.

6.8.5 Limited English Proficiency.

The Qualified Vendor shall ensure that all services provided are culturally relevant and linguistically appropriate to the population to be served following Department Policy, Limited English Proficiency, DES 1-01-34 and any subsequent revisions.

6.8.6 Service Process for Wards of the State.

In the event that an individual calls or appears at a physical location of the Qualified Vendor seeking to render service of process (summons and complaint, petition or subpoena, etc.) upon a minor who is in the physical custody of the Qualified Vendor but is a ward of the State of Arizona, Department of Economic Security, Qualified Vendor agrees not to accept service of that/those document(s) and to refer the individual to the child's Support Coordinator. If, by error, Qualified Vendor or its agent accepts any service of process, a copy shall

immediately be forwarded to the child's Support Coordinator and shall also contain a transmittal memorandum that indicates the date the legal document was received, the person receiving it and the place of service, as well as the child to whom it refers.

6.8.7 Suspension or Debarment.

6.8.7.1 The State may, by written notice to the Qualified Vendor, immediately terminate this Agreement if the State determines that the Qualified Vendor has been debarred, suspended or otherwise lawfully prohibited from participating in any public procurement activity, including but not limited to, being disapproved as a subcontractor of any public procurement unit or other governmental body. This prohibition extends to any entity which employs, consults, subcontracts with or otherwise reimburses for services any person substantially involved in the management of another entity which is debarred, suspended or otherwise excluded from Federal procurement activity. Submittal of an offer or execution of an Agreement shall attest that the Qualified Vendor is not currently suspended or debarred. If the Qualified Vendor becomes suspended or debarred, the Qualified Vendor shall immediately notify the State.

6.8.7.2 The Qualified Vendor shall not be debarred, suspended, or otherwise lawfully prohibited from participating in any public procurement activity.

6.8.7.3 The Qualified Vendor shall not employ, consult, subcontract or otherwise reimburse for services any person or entity that is debarred, suspended or otherwise excluded from public procurement activity. This prohibition extends to any person or entity that employs, consults, subcontracts with or otherwise reimburses for services any person or entity substantially involved in the management of another entity that is debarred, suspended or otherwise excluded from public procurement activity.

6.8.7.4 The Qualified Vendor shall not retain as a director, officer, partner or owner of five (5) percent or more of the Qualified Vendor, any person, or affiliate of such a person, who is debarred, suspended or otherwise excluded from public procurement activity.

6.8.8 Survival of Rights and Obligations after Agreement Expiration or Termination.

All representations and warranties made by the Qualified Vendor under this Agreement shall survive the expiration or termination hereof. In addition, the parties hereto acknowledge that pursuant to A.R.S. § 12-510 (as may be amended) except as provided in A.R.S. § 12-529 (as may be amended), the State is not subject to or barred by any limitations of actions prescribed in A.R.S., Title 12, Chapter 5 (as may be amended).

6.8.9 Certification of Compliance – Anti-Kickback.

By signing this Agreement, the Qualified Vendor certifies that it has not engaged in any violation of the Medicare Anti-Kickback statute (42 U.S.C. §§ 1320a-7b) or the “Stark I” and “Stark II” laws governing related-entity referrals (P.L. 101-239 and P.L. 101-432) and compensation there from.

6.8.10 Warranty of Services.

The Qualified Vendor, by execution of this Agreement, warrants that it has the ability, authority, skill, expertise, and capacity to perform the services specified in the Agreement.

6.8.11 Certification of Truthfulness of Representation.

By signing this Agreement, the Qualified Vendor certifies the following:

6.8.11.1 That all representations set forth herein are true to the best of its knowledge; and

6.8.11.2 That it will maintain all representations, comply with all covenants, and perform all duties throughout the term of the Agreement.

6.9 State’s Contractual Remedies

6.9.1 Right to Assurance.

The Procurement Officer may, at any time, demand in writing that the Qualified Vendor give a written assurance of intent to perform. Failure by the Qualified Vendor to provide written assurance within the number of days specified in the demand may, at the State’s option, be the basis for terminating the Agreement under these Terms and Conditions or other rights and remedies available by law or provided by the Agreement. If the Qualified Vendor, at any time believes that it may potentially no longer be able to perform under this Agreement in the immediate future or at any time up to six (6) months into the future, the Qualified Vendor shall provide written notice to the Division informing the Division of the Qualified Vendor’s potential inability to perform under this Agreement along with a detailed explanation as to why the Qualified Vendor believes it may not be able to complete performance.

6.9.2 Stop Work Order.

6.9.2.1 The State may, at any time, by written order to the Qualified Vendor, require the Qualified Vendor to stop all or any part of the work called for by this Agreement for a period(s) of days indicated by the State after the order is delivered to the Qualified Vendor, and for any further period to which the parties may agree. The

order shall be specifically identified as a stop work order issued under this clause. Upon receipt of the order, the Qualified Vendor shall immediately comply with its terms and take all reasonable steps to minimize the incurrence of costs allocable to the work covered by the order during the period of work stoppage.

6.9.2.2 If a stop work order issued under this clause is canceled or the period of the order or any extension expires, the Qualified Vendor shall resume work. The Procurement Officer shall make an equitable adjustment in the authorization schedule or Agreement price, or both, and the Agreement shall be amended in writing accordingly.

6.9.3 Non-Exclusive Remedies.

The rights and the remedies of the State set out in this Agreement are not exclusive.

6.9.4 Nonconforming Tender.

Reports or other documents supplied under this Agreement shall fully comply with the Agreement and all applicable law. The delivery of reports or other documents or a portion of the reports or other documents in an installment that do not fully comply with the Agreement and all applicable law constitutes a breach of Agreement. On delivery of nonconforming reports or other documents, the State may terminate the Agreement for default as defined in Section 6.10.6, Termination for Default, exercise any of its rights and remedies under the Uniform Commercial Code, or pursue any other right or remedy available to it.

6.9.5 Right of Offset.

The State shall be entitled to offset against any sums due the Qualified Vendor, any expenses or costs incurred by the State, or damages assessed by the State concerning the Qualified Vendor's non-conforming performance or failure to perform the Agreement, including expenses, costs and damages described in the Agreement Terms and Conditions.

6.9.6 Provisions for Default.

6.9.6.1 In addition to any other remedies available to the Division, if the Qualified Vendor fails to comply with any term of the Agreement, the Division may take one (1) or more of the following actions:

6.9.6.1.1 Withhold payment, in whole or in part;

- 6.9.6.1.2 Suspend enrollment, which includes (i) suspending new members from enrollment in any services provided by the Qualified Vendor, and (ii) suspending any new services for members currently served by the Qualified Vendor.
- 6.9.6.1.3 Suspend the Agreement, in whole or in part, by (i) suspending the authority to request addition of new services to the Agreement; (ii) suspending the authority to request modification to current services, (iii) deleting the Qualified Vendor from the Qualified Vendor List; or (iv) enrolling members with another provider.

6.10 Agreement Termination

6.10.1 Cancellation for Conflict of Interest.

Pursuant to A.R.S. § 38-511, the State may cancel this Agreement within three (3) years after Agreement execution without penalty or further obligation if any person significantly involved in initiating, negotiating, securing, drafting or creating the Agreement on behalf of the State is or becomes at any time while the Agreement or an extension of the Agreement is in effect an employee of or a consultant to any other party to this Agreement with respect to the subject matter of the Agreement. The cancellation shall be effective when the Qualified Vendor receives written notice of the cancellation unless the notice specifies a later time. If the Qualified Vendor is a political subdivision of the State, it may also cancel this Agreement as provided in A.R.S. § 38-511.

6.10.2 Gratuities.

The State may, by written notice, terminate this Agreement, in whole or in part, if the State determines that employment or a gratuity was offered or made by the Qualified Vendor or a representative of the Qualified Vendor to any officer or employee of the State for the purpose of influencing the outcome of the procurement or securing the Agreement, an amendment to the Agreement, or favorable treatment concerning the Agreement, including the making of any determination or decision about Agreement performance. The State, in addition to any other rights or remedies, shall be entitled to recover exemplary damages in the amount of three (3) times the value of the gratuity offered by the Qualified Vendor.

6.10.3 Termination for Convenience.

The State reserves the right, with written notice, to terminate the Agreement, in whole or in part at any time, when in the best interests of the State without penalty or recourse. Upon receipt of the written notice, the Qualified Vendor shall immediately stop all work, as directed in the notice, notify all subcontractors of the effective date of the termination and minimize all further costs to the State. In the event of termination under this paragraph, all documents, data and reports

prepared by the Qualified Vendor under the Agreement shall become the property of and be delivered to the State. The Qualified Vendor shall be entitled to receive just and equitable compensation for work in progress, work completed and materials accepted before the effective date of the termination.

6.10.4 Termination upon Request of the Qualified Vendor.

The Qualified Vendor may request termination of the Agreement, in whole or in part, at any time. The Qualified Vendor shall not terminate performance of this Agreement without the prior written consent of the Division. The Qualified Vendor shall provide at least sixty (60) days written notice to the Division setting forth the reasons for requesting termination. Upon determination that termination is appropriate, the Division shall provide written notice of acceptance of such termination and the termination date. Upon termination, all goods, materials, documents, data and reports prepared by the Qualified Vendor under the Agreement shall become the property of and be delivered to the State on demand. The State may, upon termination, procure, on terms and in the manner that it deems appropriate, materials or services to replace those under this Agreement. The Qualified Vendor shall be liable to the State for any excess costs incurred by the State in procuring materials or services in substitution for those due from the Qualified Vendor.

6.10.5 Termination for Default.

6.10.5.1 In addition to the rights reserved in the Agreement, the State may terminate the Agreement, in whole or in part, due to the failure of the Qualified Vendor to comply with any term or condition of the Agreement, to acquire and maintain all required insurance policies, bonds, licenses and permits, or to make satisfactory progress in performing the Agreement. The Procurement Officer shall provide written notice of the termination and the reasons for it to the Qualified Vendor. The Department may immediately terminate this Agreement if the Department determines that the health or welfare or safety of service recipients is endangered.

6.10.5.2 The State reserves the right to terminate the Agreement, in whole or in part, when a Qualified Vendor no longer meets the criteria defined in the RFQVA; for non-compliance with the Agreement requirements; or for failure to maintain a valid license, AHCCCS registration or Division certification, as appropriate. The Division shall provide written notice of the termination and the reasons for it to the Qualified Vendor.

6.10.5.3 Upon termination under this section, all goods, materials, documents, data and reports prepared by the Qualified Vendor under the Agreement shall become the property of and be delivered to the State on demand.

6.10.5.4 The State may, upon termination of this Agreement, procure, on terms and in the manner that it deems appropriate, materials or services to replace those under this Agreement. The Qualified Vendor shall be liable to the State for any excess costs incurred by the State in procuring materials or services in substitution for those due from the Qualified Vendor unless the Agreement is terminated solely for the convenience of the State.

6.10.5.5 This Agreement may immediately be terminated if the Department determines that the health or welfare or safety of members is endangered.

6.10.6 Continuation of Performance through Termination.

The Qualified Vendor shall continue to perform, in accordance with the requirements of the Agreement, up to or beyond the date of termination, in whole or in part, as directed in the termination notice or as provided in Section 6.10.7.3 below.

6.10.7 Termination for Any Reason.

6.10.7.1 In the event of termination or suspension of the Agreement by the Department, in whole or in part, such termination or suspension shall not affect the obligation of the Qualified Vendor to indemnify the Department and the State for any claim by any other party against the Department and/or the State arising from the Qualified Vendor's performance of this Agreement and for which the Qualified Vendor would otherwise be liable under this Agreement. To the extent such indemnification is excluded by A.R.S. § 41-621 *et seq.* or an obligation is unauthorized under A.R.S. § 35-154 (as may be amended), the provisions of this paragraph shall not apply.

6.10.7.2 In the event of early termination, any funds advanced to the Qualified Vendor shall be returned to the Department within ten (10) days after the date of termination or upon receipt of notice of termination of the Agreement, whichever is earlier.

6.10.7.3 In the event the Agreement is terminated, in whole or in part, with or without cause, or expires, the Qualified Vendor shall assist the Division in the transition of members to other Qualified Vendors in accordance with applicable rules and policies. Such assistance and coordination shall include but shall not be limited to:

6.10.7.3.1 Forwarding program and other records as may be necessary to assure the smoothest possible transition and continuity of services. The cost of reproducing and forwarding such records shall be borne by the Qualified Vendor.

6.10.7.3.2 Notifying of subcontractors and members.

- 6.10.7.3.3 Facilitating and scheduling medically necessary appointments for care and services.
- 6.10.7.3.4 Providing all reports set forth in this Agreement.
- 6.10.7.3.5 Making provisions for continuing all management/administrative services until the transition of members is completed and all other requirements of this Agreement are satisfied.
- 6.10.7.3.6 If required by the Division, extending performance until suitable arrangements are made by the Division for a replacement Qualified Vendor.
- 6.10.7.3.7 If required by the Division, at the Qualified Vendor's own expense, assisting in the training of personnel.
- 6.10.7.3.8 Paying all outstanding obligations for care rendered to members.
- 6.10.7.3.9 Providing the following financial reports to the Division until the Division is satisfied that the Qualified Vendor has paid all such obligations: (a) a monthly claims aging report by provider/creditor including Incurred But Not Reported (IBNR) amounts; (b) a monthly summary of cash disbursements; and (c) copies of all bank statements received by the Qualified Vendor in the preceding month for Qualified Vendor's bank accounts. All reports in this section shall be due on the fifteenth (15th) day of each succeeding month for the prior month.
- 6.10.7.4 In the event the Agreement is terminated in part, the Qualified Vendor shall continue the performance of the Agreement to the extent not terminated.

6.10.8 Voidability of Agreement.

This Agreement is voidable and may be immediately terminated by the Department upon the Qualified Vendor becoming insolvent or filing proceedings in bankruptcy or reorganization, or upon assignment or delegation of the Agreement without prior written approval from the Department.

6.11 Agreement Claims and Controversies

Other than protests and claims covered by A.A.C. R6-6-2115 and R6-6-2116, any other claims or controversies under this Agreement shall be resolved according to A.A.C. R6-6-2117.

6.12 Contingency Planning

The Qualified Vendor shall have a contingency plan that addresses the requirements of (1) a Business Continuity Plan ("BCP"), and (2) a Pandemic Performance Plan, as stipulated in Section 6.12.1 and 6.12.2. The Contingency

Plan is subject to the approval of the Division. The Qualified Vendor shall submit any amendment to the plan to the Division within ten (10) business days. The State may require a copy of the plan at any time prior to or post award of an Agreement.

6.12.1 Business Continuity.

6.12.1.1 Each Qualified Vendor shall establish a written BCP that illustrates how the Qualified Vendor shall provide contracted service(s) pursuant to the Agreement in the event of a natural or man-made disaster (e.g., earthquake, flood, catastrophic accident, fire, explosion, gas leak) or any other emergency event which may disrupt routine service delivery (e.g., power outage, disruption of essential utilities, evacuation by authorities). The BCP shall, at a minimum, include the following:

- a. Internal emergency notification call-trees, organizational chart, and orders of succession.
- b. Checklists to contact and coordinate with police, fire, medical, and other community emergency responders.
- c. The Qualified Vendor's emergency points of contact(s) information, communication and reporting protocols with the Division.
- d. Plans to respond, restore, and resume business operations as soon as practical and also protecting the life, health, and safety of members and the Qualified Vendor's staff.

6.12.1.2 In addition, the Qualified Vendor shall have contingencies for:

- a. The loss of facilities/sites.
- b. Electronic/telephone failure at primary place of business.
- c. Loss of computer systems/records.
- d. A facility evacuation plan that assures the successful evacuation of members and staff.
- e. A self-sheltering (i.e., shelter in place) plan which maintains adequate staffing levels, food, water, prescribed medications and equipment that meet the needs of members for the duration of the emergency/disaster event.

6.12.1.3 The BCP shall be specific for each of its Arizona facilities and reference community emergency resources as described in Section 6.12.1.1.

6.12.1.4 The Qualified Vendor shall provide annual BCP training for all staff members.

6.12.1.5 The Qualified Vendor shall conduct BCP exercises, annually.

6.12.1.6 The Qualified Vendor shall review its BCP(s) as needed, amend the plan as required, and train all staff members on any changes to the plan.

- 6.12.1.7 In the event of a local disaster declaration, an emergency declared by the Governor of Arizona, the President of the United States, or the World Health Organization which makes the performance of any term of this Agreement impossible or impracticable, the Division shall have the authority to:
- a. Temporarily void the Agreement(s), in whole or in part, if the Qualified Vendor cannot perform to the standards agreed upon in the initial terms.
 - b. Implement emergency procurements as authorized by the Director of the Arizona Department of Administration pursuant to A.R.S. § 41-2537 of the Arizona Procurement Code.
 - c. Reinstate the voided Agreement(s) if the Qualified Vendor can demonstrate ability to resume performance of the Agreement(s).
- 6.12.1.8 As a result of the provisions contained in Section 6.12.1.7 and subsections (a), (b), or (c) the Division shall not incur any liability with a Qualified Vendor during a disaster or emergency event.
- 6.12.2 Pandemic Contractual Performance.
- 6.12.2.1 The State shall require a written Pandemic Performance Plan that illustrates how the Qualified Vendor shall perform up to the Agreement standards in the event of a pandemic (e.g., influenza). At a minimum, the Pandemic Performance Plan shall include:
- a. Key succession and performance planning if there is a sudden significant decrease in Qualified Vendor's workforce.
 - b. Alternative methods to ensure there are services or products in the supply chain.
 - c. An up to date list of company contacts and organizational chart.
- 6.12.2.2 The Qualified Vendor shall provide annual training on the Pandemic Performance Plan for all staff members.
- 6.12.2.3 The Qualified Vendor shall review its Pandemic Performance Plan as needed, amend the plan as required, and train all staff members on any changes to the plan.
- 6.12.2.4 In the event of a pandemic, as declared by the Governor of Arizona, U.S. Government or the World Health Organization, which makes performance of any term under this Agreement impossible or impracticable, the State shall have the following rights:
- a. After the official declaration of a pandemic, the State may temporarily void the Agreement(s) in whole or specific sections if the Qualifies Vendor cannot perform to the standards agreed upon.
 - b. The State shall not incur any liability if a pandemic is declared and emergency procurements are authorized by the Director of the Arizona Department of Administration per A.R.S. § 41-2537 of the Arizona Procurement Code.

- c. Once the pandemic is officially declared over and/or the Qualified Vendor can demonstrate the ability to perform, the State, at its sole discretion may reinstate the temporarily voided Agreement(s).

6.13 Certifications

6.13.1 Lobbying.

The Qualified Vendor shall submit the Certification Regarding Lobbying form, and by so doing, agrees to compliance with 49 C.F.R. Part 20. The Certification Regarding Lobbying form may be found in Section 9 as “Attachment C”.

6.13.2 Suspension or Debarment.

In addition to the terms and conditions in Section 6, the Qualified Vendor shall submit the Certification Regarding Debarment, Suspension and Voluntary Exclusion Lower Tier Covered Transactions form, which may be found in Section 9 as “Attachment D”.

6.13.3 Inclusive Qualified Vendor.

The Qualified Vendor is encouraged to make every effort to utilize subcontractors that are small, women-owned and/or minority owned business enterprises. This could include subcontractors for a percentage of the administrative or direct service being proposed. The Qualified Vendor who is committing a portion of its work to such subcontractors shall do so by identifying the type of service and work to be performed by providing detail concerning the Qualified Vendor’s utilization of small, women-owned and/or minority business enterprises. Emphasis should be placed on specific areas that are subcontracted and percentage of Agreement utilization and how this effort will be administered and managed, including reporting requirements.

6.13.4 Data Sharing.

When determined by the Department that sharing of confidential data will occur with the Qualified Vendor, the Qualified Vendor shall complete the ADES Data Sharing Request Agreement and submit the completed Agreement to the DES Program Designated Staff prior to any work commencing or data shared. A separate Data Sharing Request Agreement shall be required between the Qualified Vendor and each DES Program sharing confidential data. The Data Sharing Request Agreement form may be found in Section 9 as “Attachment E”.



GILA COUNTY ATTORNEY
Bradley D. Beauchamp

Re: County Attorney's Office approval of IGA pursuant to A.R.S. § 11-952(D).

To whom it may concern:

The County Attorney's Office has reviewed the Intergovernmental Agreement attached to this agenda item and has determined that it is in its "proper form" and "is within the powers and authority granted under the laws of this state to such public agency or public procurement unit" pursuant to A.R.S. § 11-952(D).

Explanation of the Gila County Attorney's Office Intergovernmental Agreement (IGA) Review

A.R.S. § 11-952(D) requires that

every agreement or contract involving any public agency or public procurement unit of this state . . . before its execution, shall be submitted to the attorney for each such public agency or public procurement unit, who shall determine whether the agreement is in proper form and is within the powers and authority granted under the laws of this state to such public agency or public procurement unit.

In performing this review, the County Attorney's Office reviews IGAs to see that they are in "proper form" prior to their execution. "Proper form" means that the contract conforms to fundamental contract law, conforms to specific legislative requirements, and is within the powers and authority granted to the public agency. It does not mean that the County Attorney's Office approves of or supports the policy objectives contained in the IGA. That approval is solely the province of the public agency through its elected body.

Likewise, this approval is not a certification that the IGA has been properly executed. Proper execution can only be determined after all the entities entering into the IGA have taken legal action to approve the IGA. There is no statutory requirement for the County Attorney's Office to certify that IGAs are properly executed.

Nonetheless, it is imperative for each public agency to ensure that each IGA is properly executed because A.R.S. § 11-952(F) requires that "[a]ppropriate action ... applicable to the governing bodies of the participating agencies approving or extending the duration of the ... contract shall be necessary before any such agreement, contract or extension may be filed or become effective." This can be done by ensuring that the governing body gives the public proper notice of the meeting wherein action will be taken to approve the IGA, that the item is adequately described in the agenda accompanying the notice, and that the governing body takes such action. Any questions regarding whether the IGA has been properly executed may be directed to the County Attorney's Office.

Proper execution of IGAs is important because A.R.S. § 11-952(H) provides that "[p]ayment for services under this section shall not be made unless pursuant to a fully approved written contract." Additionally, A.R.S. § 11-952(I) provides that "[a] person who authorizes payment of any monies in violation of this section is liable for the monies paid plus twenty per cent of such amount and legal interest from the date of payment."

The public agency or department submitting the IGA for review has the responsibility to read and understand the IGA in order to completely understand its obligations under the IGA if it is ultimately approved by the public entity's board. This is because while the County Attorney's Office can approve the IGA as to form, the office may not have any idea whether the public agency has the capacity to actually comply with its contractual obligations. Also, the County Attorney's Office does not monitor IGA compliance. Hence the public entity or submitting department will need to be prepared to monitor their own compliance. A thorough knowledge of the provisions of the IGA will be necessary to monitor compliance.

Before determining whether an IGA contract "is in proper form," the County Attorney's Office will answer any questions or concerns the public agency has about the contract. It is the responsibility of the public agency or department submitting the IGA for review to ask any specific questions or address any concerns it has about the IGA to the County Attorney's Office at the same time they submit the IGA for review. Making such an inquiry also helps improve the County Attorney's Office review of the IGA because it will help focus the review on specific issues that are of greatest concern to the public agency. Failing to make such an inquiry when the agency does have issues or concerns will decrease the ability of the County Attorney's Office to meaningfully review the IGA.

ARF-2758

Consent Agenda Item 4. E.

Regular BOS Meeting

Meeting Date: 09/16/2014

Submitted For: Kendall Rhyne **Submitted By:** Jeannie Sgroi, Contracts Administrator,
Finance Division

Department: Finance Division

Fiscal Year: 2014-2015 **Budgeted?:** Yes

Contract Dates July 1, 2014 **Grant?:** No

Begin & End: to June 30,
2015

Matching No **Fund?:** Renewal

Requirement?:

Information

Request/Subject

Request for Approval of Professional Services Contract No. 081214 with Emily Danies for the Superior Court.

Background Information

Each year the Superior Court in Gila County retains various attorneys to provide professional legal services, such as representation for indigent citizens in the categories of felony and misdemeanor criminal actions, delinquency, dependency, and mental health cases, as well as mediation services. These attorneys have, in prior years, executed a Letter of Understanding between themselves and the Superior Court.

On June 24, 2014, the Board of Supervisors approved the Professional Services Contracts for many of the attorneys of which the Superior Court in Gila County utilizes on an annual basis.

Evaluation

The Professional Services Contract that is offered to the attorneys utilized by the Superior Court in Gila County meets and satisfies compliance requirements of Gila County procurement procedures and Board approved policies. In addition to being an appropriate business practice, the contract will allow for a Purchase Order to be issued, which will facilitate the accounting and payment processes.

The contract will also serve to clearly identify and set expectations for the performance of the attorney. Professional Services Contract No. 081214 with Emily Danies is identical to the contractual language in the previously approved attorney contracts, with changes having been made only to the scope of work and the amount of compensation.

Conclusion

In addition to identifying procurement procedures, the Gila County Statement of Operating Procedures for the Procurement Group was designed to facilitate the flow of issuing contracts, issuing purchase orders and issuing payment to Gila County vendors, while maintaining State mandated due diligence procedures. By entering into a Professional Services Contract with Emily Danies to provide professional legal defense services for the Superior Court in Gila County, the policies and procedures adopted by the Board of Supervisors for procurement processes will be satisfied.

Recommendation

The Court Administrator for the Superior Court in Gila County recommends approving Professional Services Contract No. 081214 with Emily Danies to provide professional legal defense services, which the Court utilizes on an annual basis.

Suggested Motion

Approval of Professional Services Contract No. 081214 with Emily Danies in the amount of \$78,916.92 to provide professional legal defense services for the Superior Court in Gila County for the period July 1, 2014, to June 30, 2015.

Attachments

Professional Services Contract No. 081214 with Emily Danies

Legal Explanation

Tommie C. Martin, District I
610 E. Highway 260 Payson, AZ. 85547
(928) 474-2029

Michael A. Pastor, District II
1400 E. Ash St. Globe, AZ. 85501
(928) 425-3231 Ext. 8753

John D. Marcanti, District III
1400 E. Ash St. Globe, AZ. 85501
(928) 425-3231 Ext. 8753



Don E. McDaniel Jr., County Manager
Phone (928) 425-3231 Ext.8761

Jeff Hessenius, Finance Director
Phone (928) 425-3231 Ext. 8743

FAX (928) 425-0319
TTY: 7-1-1

GILA COUNTY

www.gilacountyaz.gov

PROFESSIONAL SERVICES CONTRACT NO. 081214 LEGAL SERVICES

I. GENERAL STATEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 2014, by and between the Superior Court in Gila County, hereinafter designated the **COURT**, and **EMILY DANIES, ATTORNEY AT LAW, LLC** of the City of Tucson, County of Pima, State of Arizona, hereinafter called the **ATTORNEY**, for professional legal defense services from **JULY 1, 2014 TO JUNE 30, 2015**. The Attorney has a professional duty to the Court, to his/her clients, and to opposing counsel in providing legal services for persons found to be indigent or for whom the Court is required to provide legal counsel in Gila County.

By signing this Contract, the Attorney agrees to maintain the credentials necessary to practice law in the courts of the State of Arizona, and to do so in a competent, professional, ethical manner, and as an officer of the Court at all times.

The Attorney has a duty to the Court to be prepared, prompt, comply with Court rules, submit timely reports, attend meetings with the Court, accept appointments within the main category of assignment, as well as those outside the main category when circumstances require, and complete cases assigned during the term of the contract.

The Attorney has a duty to his/her clients to keep them advised of the status of their cases, be available for consultation, and to diligently represent their interests.

The Attorney has a duty to opposing counsel to cooperate with scheduling and prompt disposition of the case.

The Attorney is required to purchase, maintain and provide proof of coverage for Lawyers Professional Liability insurance with a minimum limit of \$100,000 per occurrence and \$300,000 aggregate. Attorney shall provide a Certificate of Insurance naming Gila County as the Certificate Holder and Gila County and the Superior Court of Gila County as additional insureds.

II. TERM OF AGREEMENT

A. Period Covered: It is understood between the undersigned attorney, **EMILY DANIES, ATTORNEY AT LAW, LLC** and the **SUPERIOR COURT OF GILA COUNTY** that the attorney will accept appointments to represent persons found to be indigent or for whom the Court is required to provide legal counsel in Gila County, from **JULY 1, 2014 TO JUNE 30, 2015**.

B. Termination: Upon thirty (30) days written notice, either party may terminate this agreement without cause. The attorney would be expected to complete any assignments made prior to such termination.

C. A.R.S. §38-511: This agreement is subject to the cancellation provisions of A.R.S. §38-511.

D. Arizona Legal Workers Act: Pursuant to A.R.S. § 41-4401, Provider hereby warrants that it will at all times during the term of this Agreement comply with all federal immigration laws applicable to Provider's employment of its employees, and with the requirements of A.R.S. § 23-214 (A) (together the "State and Federal Immigration Laws"). Provider shall further ensure that each approved subcontractor who performs any work for Provider under this Agreement likewise complies with the State and Federal Immigration Laws. County shall have the right at any time to inspect the books and records of Provider and any approved subcontractor performing services under this Agreement in order to verify such party's compliance with the State and Federal Immigration Laws.

Any breach of Provider's or any approved subcontractor's warranty of compliance with the State and Federal Immigration Laws, or of any other provision of this section, shall be deemed to be a material breach of this Agreement subjecting Provider to penalties up to and including suspension or termination of this Contract. If the breach is by an approved subcontractor, and the subcontractor is suspended or terminated as a result, Provider shall be required to take such steps as may be necessary to either self-perform the services that would have been provided under the subcontract or retain an approved replacement subcontractor as soon as possible so as not to delay completion of Provider's obligations.

Provider shall advise each approved subcontractor of County's rights, and the subcontractor's obligations, under this Article by including a provision in each subcontract substantially in the following form:

"Subcontractor hereby warrants that it will at all times during the term of this contract comply with all federal immigration laws applicable to Subcontractor's employees, and with the requirements of A.R.S. § 23-214 (A). Subcontractor further agrees that County may inspect the Subcontractor's books and records to insure that Subcontractor is in compliance with these requirements. Any breach of this paragraph by Subcontractor will be deemed to be a material breach of this contract subjecting Subcontractor to penalties up to and including suspension or termination of this contract."

III. COMPENSATION, COSTS, AND BILLING PROCEDURES

A. Indigent Representation Compensation: The attorney agrees to provide legal services for the sum of **SEVENTY-EIGHT THOUSAND, NINE HUNDRED SIXTEEN DOLLARS, AND NINETY TWO CENTS (\$78,916.92) PER YEAR**, payable at the rate of **SIX THOUSAND, FIVE HUNDRED AND SEVENTY SIX DOLLARS AND FORTY ONE CENTS (\$6,576.41) PER MONTH**, subject to the terms of this Contract and subject to acceptance of the Superior Court budget by the Board of Supervisors. Invoices may be submitted bi-weekly for payment in Net 15. Payment for said invoice will be issued within fifteen (15) days from the date the Gila County Finance Department receives the invoice, with agreement of the Attorney and with approval by the Court Administrator and the Presiding Judge.

B. Court Payment of Costs and Expenses:

1) **Routine / Non-routine expenses:** Routine expenses such as photocopying, postage, travel and other operating expenses are not reimbursed by the Court, and are a personal expense of the attorney. Non-routine cost reimbursement must be substantiated by supporting documentation.

2) **Extraordinary Costs:** The Attorney should file a motion **in advance** requesting approval for any extraordinary costs he/she wants paid by the County. This includes such items as transcripts (besides Grand Jury or appeal transcripts), expert witness fees, depositions, investigators, or any other extraordinary cost.

3) **Personal Expense:** Costs incurred without prior approval of the Court may be treated as a personal expense of the attorney.

4) **Costs Which Could Have Been Avoided:** Court expenses which could have been avoided had the Attorney been prepared, such as jury costs for a trial that did not go, Rule 11 evaluation costs for which the defendant did not show because of failure of the attorney to timely obtain an Order for Transport or reschedule the appointment, expedited transcripts, etc., may be charged back to the attorney as a personal cost.

C. Billing Procedures for Legal Services Provided for Indigents:

1) **Submission and Payment:** The Attorney should submit a monthly invoice for each month's services.

2) **Statistical Report:** The Court requires the attorney to prepare a statistical report summarizing his/her appointments and case activity each month on a statistical recap form and backup list of cases. Invoices are to be submitted only after the previous month's statistical report has been completed. The statistical report is due by the 10th of each month for the preceding month's appointments and concluded cases. (For example, appointments and dispositions made during July would be due by August 10). The statistical report for the previous month should be submitted with the bill for the current month's services. (For example, the bill for services in August would be submitted with the statistical information for July).

IV. CONTRACT CATEGORY, CONFLICTS, REASSIGNMENT

A. Contract Category: The attorney will be assigned Rule 32 Post Conviction Relief cases, cases on appeal, and other appellate work as required.

B. Reassignment of Case: When the Attorney has been allowed to withdraw because the case is assigned to another Attorney, the withdrawn Attorney should promptly turn over his/her file to the new Attorney and notify him/her of any pending hearing dates and the status of the case.

V. SPECIFIC DUTIES OF COUNSEL

A. Readiness and Promptness for Court:

1) **Readiness and Promptness:** The Attorney agrees to **be prepared and appear in Court promptly at or before the time set for hearings**, and not to rely on Court staff to notify or have to locate him/her when court is ready to proceed. The attorney agrees to discuss the case with his/her client **before the time set for hearing, not at the time set for hearing.**

2) **Delays:** In the event the attorney will be late due to unforeseen circumstances, he/she agrees to communicate the delay and an anticipated arrival time as soon as practicable.

B. Statistical Reports: The Attorney agrees to accurately complete and submit the caseload and summary statistical information regarding the Attorney's appointments each month as required by the Court when submitting monthly bills for services rendered.

C. Contact with and Representation of Client:

1) **Office:** The Attorney agrees to maintain regular office hours and have a method for clients to contact him/her in an emergency outside of regular hours. Preferably, the office will be in the area the Attorney is serving.

2) **Communication and Representation:** The Attorney agrees to promptly return phone calls and respond to correspondence, to obtain clients' consent before requesting that hearings and appointments be rescheduled, to interview witnesses, to issue subpoenas, and in other ways deal professionally with the client and diligently represent the clients' interests.

3) **Calendar:** The Attorney agrees to calendar his/her cases when they are scheduled for hearing, rather than relying on court staff to advise what is scheduled for him/her each week. The Attorney agrees to be the primary source of case information for the client. (Clients calling the Court trying to ascertain case information, clients failing to appear for hearings due to lack of notice, or clients appearing for hearings that have been changed is an indication of unavailability of counsel).

4) **Completion of Case:** The Attorney agrees to continue to represent any client on cases to which he/she was appointed during the term of this contract until the case is completed or he/she is relieved of that representation by order of the Court, regardless of the termination of the contract, and without additional compensation.

D. **Attorney Files:** The Attorney should retain his/her file for no less than five (5) years after the last action taken in the case.

VI. PLEADINGS AND CASE MANAGEMENT PROCEDURES

A. Motions and Orders:

1) **Timeliness and Basis:** Motions should be filed sufficiently in advance of trials/hearings to allow for response and reply. The Attorney acknowledges the requirements of good cause, supported by specific legal and factual basis, in submitting motions to the Court.

2) **Copies:** Copies of motions should be sent to the assigned judge and the court administrator.

3) **Oral Argument:** If oral argument is requested, a form of notice wherein the court administrator may insert the date and time for oral argument to be conducted should be submitted.

4) **Telephone Conference:** Prior approval by the Court to conduct oral argument by telephone conference call should be obtained, and the requesting attorney is responsible for initiating the call to the Court at the date and time scheduled for hearing.

5) **Non-Appearance Calendar:** Motions filed without request for oral argument and which do not require an evidentiary hearing will be placed on the Court's non-appearance calendar for submission to the Court after the time for response and reply have passed.

6) **Expedited Action:** If action is sought prior to the expiration of the time for response and reply, the motion should clearly identify that fact and indicate whether the prosecutor or any co-defendant objects to the requested relief.

7) **Orders:** Orders for the Court's signature should be prepared as a separate document containing the standard case heading, and should not be included as an integral part of stipulations, motions, or other pleadings.

B. Facsimile:

- 1) **Temporary Pleadings:** Facsimile documents are intended to serve as temporary pleadings only.
- 2) **Originals:** After faxing a document, the Attorney should submit an original document (without modification) within ten (10) days of transmission of the facsimile so that the Clerk can substitute the original for the facsimile in the Court file.
- 3) **Consent:** If a facsimile needs to serve as an original, the Attorney should obtain consent of the assigned judge to submit the facsimile as an original.

C. Motions to Continue:

- 1) **Procedure:** Continuances should be avoided and only sought for good cause. When expedited action is requested, the Attorney should contact the defendant, any co-defendants' counsel, and prosecutor, advise them of the request, and indicate in the motion whether they object to the continuance.
- 2) **Order:** If there will be no objection, the Attorney should also submit an Order Continuing for the Courts' signature. The Attorney should not assume a continuance will be granted because there is no objection, and is responsible for ensuring that a continuance was granted and new dates have been assigned.
- 3) **Sanctions:** Sanctions, including jury costs and other court costs, may be imposed for late requests for continuances, whether granted or not.

D. Motions and Orders to Transport:

- 1) **Preparation:** When a defendant is in custody in Gila County, the Attorney should prepare a motion and order to transport so the defendant can be transported to proceedings, such as Rule 11 evaluations, outside of Gila County. When a defendant is in custody outside of Gila County, the Attorney should prepare a motion and order to transport so the defendant can be transported to any pre-trial hearings, trial, or post-trial hearings before the Court in Gila County.
- 2) **Time:** Motions and orders to transport should be prepared sufficiently in advance to permit Court action and notice to the Sheriff's Office to accomplish timely transportation.
- 3) **Video-Conferencing:** The Court may utilize video-conferencing for Court hearings. The Attorney is to become familiar with policies and procedures for video-conferencing when it is used.

E. Rule 11 Evaluations:

1) **Defendant's Attendance:** The Attorney should make sure the defendant is aware of and appears for scheduled Rule 11 appointments, or prepare a Motion to Transport and Order and make arrangements with the Sheriff's Office in sufficient time for the Sheriff to transport the defendant to the appointment.

2) **Rescheduling:** If an appointment needs to be rescheduled, the Attorney should make such arrangements with the evaluator so as to avoid a billing for a "No Show".

3) **Expense:** If the Attorney has filed a motion in advance and obtained Court approval, the Rule 11 evaluation will be an expense to the Court for the amount approved. If the defendant fails to appear for an evaluation, and the expert bills for a "No Show", such cost may be assessed to the Attorney as a personal expense.

F. Interpreters:

1) **Notice:** The Attorney should give the Court at least one week advance notice when an interpreter will be necessary to ensure an interpreter can be scheduled.

2) **Permission:** The Attorney should get court permission in advance to use an interpreter at court expense for interviews, depositions, etc.

3) **Attorney Presence:** The Attorney should be present with the interpreter during interviews, depositions, and attorney-client discussions.

IN WITNESS WHEREOF, three (3) identical counterparts of this contract, each which shall include original signatures and for all purposes be deemed an original thereof, have been duly executed by the parties hereinabove named, on the date and year first above written.

GILA COUNTY PROFESSIONAL SERVICES CONTRACT NO. 081214

APPROVED:

Michael A. Pastor, Chairman of the Board



Emily Danies, Attorney

Marian Sheppard, Clerk of the Board

APPROVED AS TO FORM:

Deputy County Attorney/Civil Bureau Chief
for Bradley D. Beauchamp, County Attorney

 Assoc. P.J.
for Peter J. Cahill, Presiding Judge



GILA COUNTY ATTORNEY
Bradley D. Beauchamp

Re: County Attorney's Office "approval as to form" of contract or agreement.

To whom it may concern:

The County Attorney's Office has reviewed the contract or agreement attached to this agenda item and has determined that it is in its proper form and is within the powers and authority granted under the laws of this state to the public agency requesting the County Attorney's Office review.

**Explanation of the Gila County Attorney's Office
"Approval as to Form" Review**

The Gila County Attorney's Office is often called upon to review contracts and other agreements between public entities represented by the County Attorney and private vendors, contractors, and individuals.

In performing this review, the County Attorney's Office reviews these contracts to see that they are in "proper form" prior to their execution. "Proper form" means that the contract conforms to fundamental contract law, conforms to specific legislative requirements, and is within the powers and authority granted to the public agency. It does not mean that the County Attorney's Office approves of or supports the policy objectives contained in the contract. That approval is solely the province of the public agency through its elected body.

The public agency or department submitting the contract for review has the responsibility to read and understand the contract in order to completely understand its obligations under the contract if it is ultimately approved by the public entity's board. This is because while the County Attorney's Office can approve the contract as to form, the office may not have any idea whether the public agency has the capacity to actually comply with its contractual obligations. Also, the County Attorney's Office does not monitor contract compliance. Hence the public entity or

submitting department will need to be prepared to monitor their own compliance. A thorough knowledge of the provisions of the contract will be necessary to monitor compliance.

Before signing a contract “approved as to form,” the County Attorney’s Office will answer any questions or concerns the public agency has about the contract. It is the responsibility of the public agency or department submitting the contract for review to ask any specific questions or address any concerns it has about the contract to the County Attorney’s Office at the same time they submit the contract for review. Making such an inquiry also helps improve the County Attorney’s Office review of the contract because it will help focus the review on specific issues that are of greatest concern to the public agency. Failing to make such an inquiry when the agency does have issues or concerns will decrease the ability of the County Attorney’s Office to meaningfully review the agreement.

ARF-2759

Consent Agenda Item 4. F.

Regular BOS Meeting

Meeting Date: 09/16/2014

Submitted For: Marian Sheppard,
Clerk

Submitted By: Laurie Kline, Deputy Clerk, Clerk of the
Board of Supervisors

Department: Clerk of the Board of Supervisors

Information

Request/Subject

Sidewinders Tavern & Grill Application for a Temporary Extension of Premises/Patio Permit.

Background Information

Any establishment that has been issued a liquor license must submit an Application for Extension of Premises/Patio Permit to the local governing body of the city, town or county where the establishment is located. The application can be submitted to temporarily or permanently extend the premises/patio where serving liquor is permitted by the Arizona Department of Liquor Licenses and Control (DLLC). The local governing body usually has established internal procedures for review and approval of the application. The DLLC has final approval of all recommendations submitted by the local governing body.

Randy D. Nations has submitted an application to temporarily extend the premises/patio of the Sidewinders Tavern & Grill for the Justice McNeeley Foundation fund-raiser event to be held on September 20, 2014. The Sidewinders Tavern & Grill is located in Pine, Arizona.

Evaluation

The application has been reviewed by the Clerk of the Board Department. Scott Buzan, Chief Building Official of the Community Development Division, has also reviewed the application and he is familiar with the premises. Both departments have no objections with regard to this application.

Conclusion

The application is ready to be presented to the Board of Supervisors for a decision. The Board's recommendation will then be sent to the DLLC for a final decision.

Recommendation

It is recommended that the Board of Supervisors issue an approval recommendation to the DLLC.

Suggested Motion

Approval of an Application for Extension of Premises/Patio Permit submitted by Randy D. Nations to temporarily extend the premises where liquor is permitted to be sold at the Sidewinders Tavern & Grill, which is located in Pine, for the Justice McNeeley Foundation fund-raiser event to be held on September 20, 2014.

Attachments

Application-Temporary Extension of Premises/Patio Permit
Interoffice Memo Community Development

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
www.azliquor.gov
(602) 542-5141

Date payment received _____
CSR Initials _____

APPLICATION FOR EXTENSION OF PREMISES/PATIO PERMIT

THIS APPLICATION MUST BE RETURNED TO THE DEPARTMENT OF LIQUOR

<input type="checkbox"/> Permanent change of area of service. A non-refundable \$50 fee will apply. Specific purpose for change: _____ _____
<input checked="" type="checkbox"/> Temporary change for date(s) of: ___/___/___ through ___/___/___ List specific purpose for change: _____ September 20, 2014 Charity Event for Justice McKneely Foundation

1. Licensee's Name: _____ Nations Randy D. _____
 Last First Middle
2. Mailing Address: PO Box 2502 Chandler Arizona 85244
 City State Zip
3. Business Name: Sidewinders Tavern & Grill LICENSE #: 06040050
4. Business Address: 6112 W. Hardscrabble Rd. Pine Gila Arizona 85544
 City COUNTY State Zip
5. Business Phone: (928) 476-6434 Residence Phone: (480) 730-2675
6. Do you understand Arizona Liquor Laws and Regulations? YES NO Email: miranda@azlic.com
7. Have you received approved Liquor Law Training? NO YES If so, when does your Certificate expire? I am a/certified trainer
8. What security precautions will be taken to prevent liquor violations in the extended area? The ext area will be surrounded by a fence
9. Does this extension bring your premises within 300 feet of a church or school? YES NO & we will have security on duty.
10. **IMPORTANT: ATTACH THE REVISED FLOOR PLAN CLEARLY DEPICTING YOUR LICENSED PREMISES AND WHAT YOU PROPOSE TO ADD.**

<input type="checkbox"/> Barrier Exemption: an exception to the requirement of barriers surrounding a patio/outdoor serving area may be requested. Barrier exemptions are granted based on public safety, pedestrian traffic, and other factors unique to a licensed premises. List specific reasons for exemption: _____ _____
Investigation Recommendation <input type="checkbox"/> Approval <input type="checkbox"/> Disapproval by: _____ Date: ___/___/___

******After completing sections 1-10, please take this application to your local Board of Supervisors, City Council or Designate for their recommendation. This recommendation is not binding on the Department of Liquor.**

This change in premises is RECOMMENDED by the local Board of Supervisors, City Council or Designate:

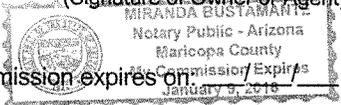
 (Authorized Signature) (Title) (Agency)

I, Randy D. Nations, being first duly sworn upon oath, hereby depose, swear and declare, (Print full name)
 under penalty of perjury, that I am the APPLICANT making the foregoing application. I have read this application and the contents and all statements are true, correct and complete.

X *Randy D. Nations*
 (Signature of Owner or Agent)

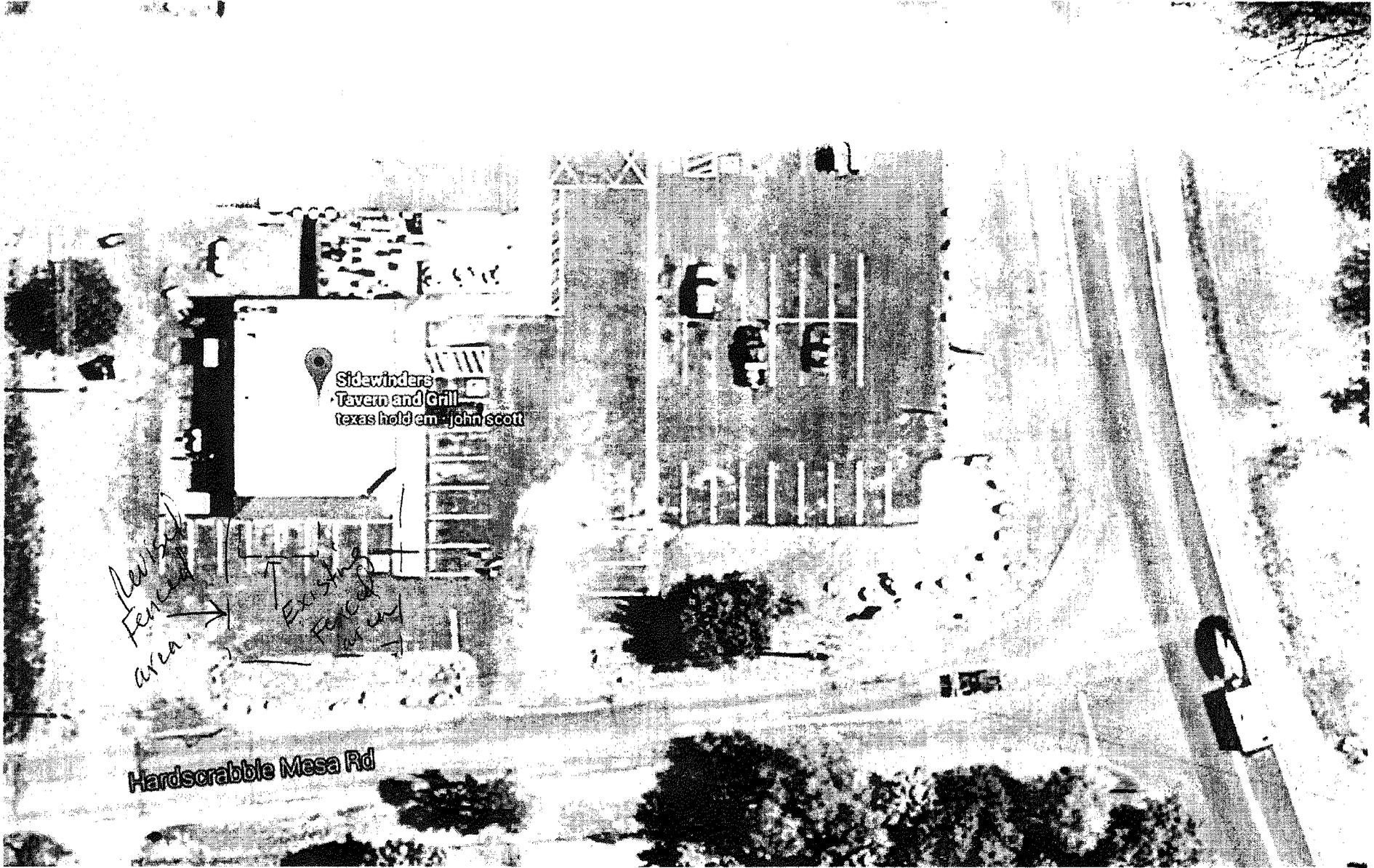
State of Arizona County of Maricopa
 SUBSCRIBED IN MY PRESENCE AND SWORN TO before me this date

26th August 2014
 Day Month Year
Miranda Bustamante
 (Signature of NOTARY PUBLIC)



My commission expires on _____

Investigation Recommendation Approval Disapproval by: _____ Date: ___/___/___
 Director Signature required for Disapprovals _____ Date: ___/___/___



Sidewinders
Tavern and Grill
texas hold em john scott

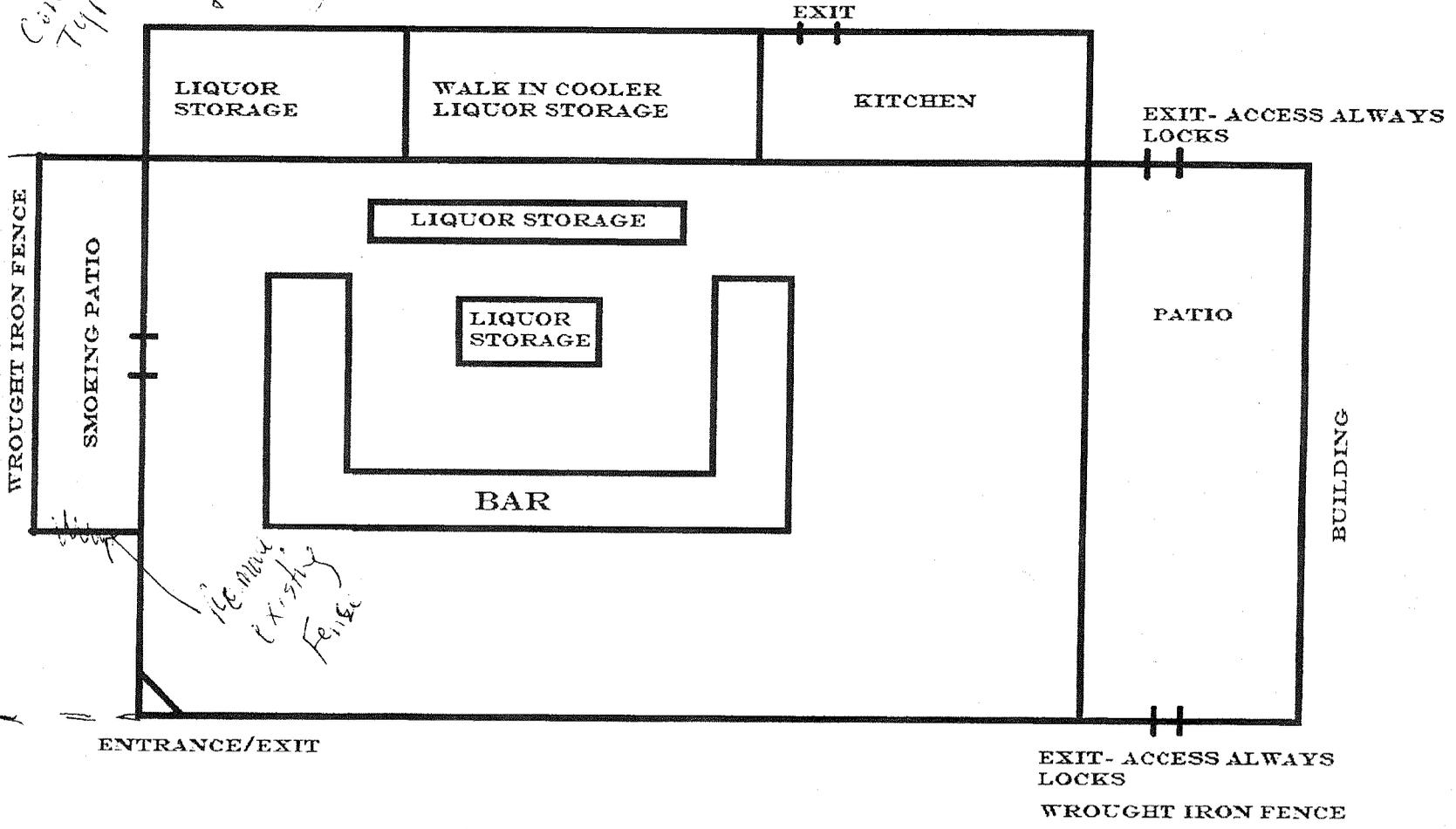
Revised
Fencing
area

Existing
Fencing

Hardscrabble Mesa Rd

135

Temp Fence (Aluminum Construction Type) w/ security staff in the area



the main existing fence



INTEROFFICE MEMORANDUM

DATE: 8/27/2014
TO: Scott Buzan, Chief Building Official, Community Development Division
FROM: Marian Sheppard, Clerk of the Board of Supervisors Department
SUBJECT: APPLICATION FOR EXTENSION OF PREMISES/PATIO PERMIT

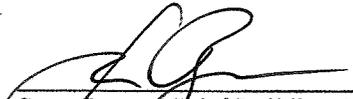
Please be advised that an application for an extension of premises/patio permit has been submitted to Gila County by Randy D. Nations to temporarily extend the liquor license service area on September 20, 2014, for a special event at the Sidewinders Tavern & Grill located in Pine.

A.R.S. §4-207.01 (B) states, "No licensee shall alter or change the physical arrangement of his licensed premises so as to encompass greater space or the use of different or additional entrances, openings or accommodations than the space, entrance or entrances, openings or accommodations offered to the public at the time of issuance of the licensee's license or a prior written approval of the licensed premises, without first having filed with the director floor plans and diagrams completely disclosing and designating the proposed physical alterations of the licensed premises, including the addition of a drive-through or other physical feature to the licensed premises that allows a customer to purchase spirituous liquor without leaving the customer's vehicle, and shall have secured the written approval by the director. This subsection shall apply to any person to person transfer of the licensed premises. Until January 1, 2015, the director may charge a fee for review of floor plans and diagrams submitted by a licensee pursuant to this section."

I have attached a copy of the application which includes a floor plan of the licensed premises and requested extended areas. Please indicate (below) if this request meets with your approval, and return this memorandum to me. Thank you.

PLEASE CIRCLE YOUR APPROVAL OR DISAPPROVAL, SIGN AND DATE.

THIS ESTABLISHMENT DOES DOES NOT (circle one) MEET THE BUILDING CODE REQUIREMENTS FOR A TEMPORARY EXTENSION OF PREMISES/PATIO PERMIT.



Scott Buzan, Chief Building Official,
Community Development Division

Date 9/4/14

ARF-2768

Consent Agenda Item 4. G.

Regular BOS Meeting

Meeting Date: 09/16/2014

Submitted For: Marian Sheppard,
Clerk

Submitted By: Laurie Kline, Deputy Clerk, Clerk of the Board of Supervisors

Department: Clerk of the Board of Supervisors

Information

Request/Subject

THAT Brewery Rimside Grill Application for a Temporary Extension of Premises/Patio Permit

Background Information

Any establishment that has been issued a liquor license must submit an Application for Extension of Premises/Patio Permit to the local governing body of the city, town or county where the establishment is located. The application can be submitted to temporarily or permanently extend the premises/patio where serving liquor is permitted by the Arizona Department of Liquor Licenses and Control (DLLC). The local governing body usually has established internal procedures for review and approval of the application. The DLLC has final approval of all recommendations submitted by the local governing body.

Tamara Morken of THAT Brewery Rimside Grill submitted an application to temporarily extend the premises/patio of THAT Brewery Rimside Grill for the Oktoberfest event to be held on September 27-28, 2014.

Evaluation

The application has been reviewed by the Clerk of the Board, and by the Building Official of the Community Development Division regarding the proposed extended area for liquor to be served on the requested date.

Conclusion

This application is ready to be presented to the Board of Supervisors for a decision. The Board's recommendation will then be sent to the DLLC for a final decision.

Recommendation

It is recommended that the Board of Supervisors issue an approval recommendation to the DLLC.

Suggested Motion

Approval of an Application for Extension of Premises/Patio Permit submitted by Tamara Morken to temporarily extend the premises where liquor is permitted to be sold at THAT Brewery Rimside Grill, which is located in Pine, for the Oktoberfest event to be held on September 27-28, 2014.

Attachments

Rimside Grill Temporary Extension of Premises/Patio Permit Application
Interoffice Memo Community Development

For 9/1/16
Agenda

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
www.azliquor.gov
(602) 542-5141

Date payment received _____
CSR Initials _____

APPLICATION FOR EXTENSION OF PREMISES/PATIO PERMIT

THIS APPLICATION MUST BE RETURNED TO THE DEPARTMENT OF LIQUOR

Permanent change of area of service. A non-refundable \$50 fee will apply. Specific purpose for change: _____
 Temporary change for date(s) of: 9, 27, 14 through 9, 28, 14 List specific purpose for change: Oktoberfest (annual event - 11 yrs)

- Licensee's Name: Morken Tamara Lynne
- Mailing Address: PO Box 90 Pine AZ 85544
- Business Name: THAT Brewery / Riverside Grill LICENSE #: 111043006
- Business Address: 3270 N. Hwy 87 Pine Gila AZ 85544
- Business Phone: 928 476 3349 Residence Phone: (602) 290 94790
- Do you understand Arizona Liquor Laws and Regulations? YES NO Email: _____
- Have you received approved Liquor Law Training? NO YES If so, when does your Certificate expire? May 12015
- What security precautions will be taken to prevent liquor violations in the extended area? Fencing, security, training
- Does this extension bring your premises within 300 feet of a church or school? YES NO
- IMPORTANT: ATTACH THE REVISED FLOOR PLAN CLEARLY DEPICTING YOUR LICENSED PREMISES AND WHAT YOU PROPOSE TO ADD.

Barrier Exemption: an exception to the requirement of barriers surrounding a patio/outdoor serving area may be requested. Barrier exemptions are granted based on public safety, pedestrian traffic, and other factors unique to a licensed premises. List specific reasons for exemption: _____
Investigation Recommendation Approval Disapproval by: _____ Date: 1/1

****After completing sections 1-10, please take this application to your local Board of Supervisors, City Council or Designate for their recommendation. This recommendation is not binding on the Department of Liquor.

This change in premises is RECOMMENDED by the local Board of Supervisors, City Council or Designate:
Michael J. Sauter Chairman BOS Gila County
(Authorized Signature) (Title) (Agency)

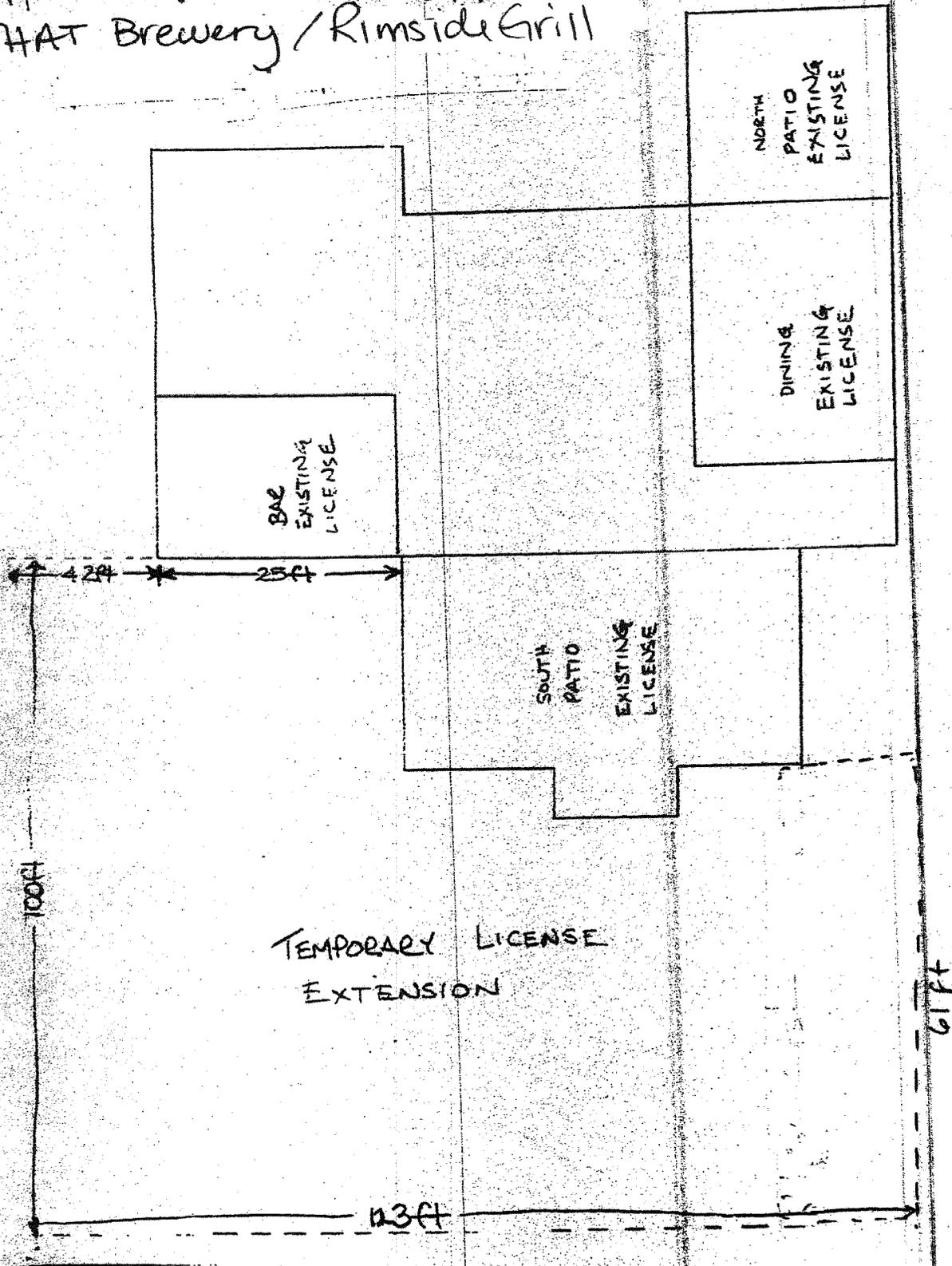
I, Tamara Lynne Morken, being first duly sworn upon oath, hereby depose, swear and declare, under penalty of perjury, that I am the APPLICANT making the foregoing application. I have read this application and the contents and all statements are true, correct and complete.

X Amara Lynne Morken State of Arizona County of Gila
(Signature of Owner or Agent) SUBSCRIBED IN MY PRESENCE AND SWORN TO before me this date
Notary Public State of Arizona
Gila County
Julie Pugel Day September Year 2014
My commission expires on: 8/21/2016 (Signature of NOTARY PUBLIC)

Investigation Recommendation Approval Disapproval by: _____ Date: 1/1
Director Signature required for Disapprovals _____ Date: 1/1

LC# 11043006

Application for extension of patio permit
THAT Brewery / Riverside Grill





INTEROFFICE MEMORANDUM

DATE: September 4, 2014
TO: Scott Buzan, Community Development Division
FROM: Marian Sheppard, Clerk of the Board of Supervisors Department
SUBJECT: APPLICATION FOR EXTENSION OF PREMISES/PATIO PERMIT

Please be advised that an application for an extension of premises/patio permit has been submitted to Gila County by Tamara Morken to temporarily extend the liquor license service area on September 27 & 28, 2014, for a special event at That Brewery located in Pine.

A.R.S. §4-207.01 (B) states, "No licensee shall alter or change the physical arrangement of his licensed premises so as to encompass greater space or the use of different or additional entrances, openings or accommodations than the space, entrance or entrances, openings or accommodations offered to the public at the time of issuance of the licensee's license or a prior written approval of the licensed premises, without first having filed with the director floor plans and diagrams completely disclosing and designating the proposed physical alterations of the licensed premises, including the addition of a drive-through or other physical feature to the licensed premises that allows a customer to purchase spirituous liquor without leaving the customer's vehicle, and shall have secured the written approval by the director. This subsection shall apply to any person to person transfer of the licensed premises. Until January 1, 2015, the director may charge a fee for review of floor plans and diagrams submitted by a licensee pursuant to this section."

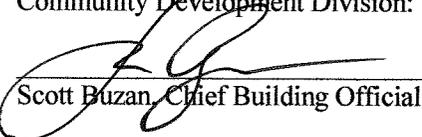
I have attached a copy of the application which includes a floor plan of the licensed premises and requested extended areas. Please indicate (below) if this request meets with your approval, and return this memorandum to me. Thank you.

PLEASE CIRCLE YOUR APPROVAL OR DISAPPROVAL, SIGN AND DATE.

THIS ESTABLISHMENT DOES DOES NOT (circle one) MEET THE BUILDING CODE REQUIREMENTS FOR A TEMPORARY EXTENSION OF PREMISES/PATIO PERMIT.

Community Development Division:

Date:


Scott Buzan, Chief Building Official

9/4/14

ARF-2746

Consent Agenda Item 4. H.

Regular BOS Meeting

Meeting Date: 09/16/2014

Submitted For: Marian
Sheppard,
Clerk

Submitted By: Laurie Kline, Deputy Clerk, Clerk of the
Board of Supervisors

Department: Clerk of the Board of Supervisors

Information

Request/Subject

Cobre Valley Regional Medical Center Foundation Special Event License Application for November 14, 2014.

Background Information

A qualified organization may submit an application to serve liquor at a special event for up to 10 days per year. The Arizona Department of Liquor Licenses and Control (DLLC) approves all liquor-related applications; however, part of the DLLC's process requires that the local governing body review the application and submit a recommendation for approval or disapproval to the DLLC for any establishment located within the jurisdiction of that local governing body.

Evaluation

The Clerk of the Board of Supervisors has reviewed the application and has determined that it has been filled out correctly.

Conclusion

This charitable organization has properly completed the application and if the Board of Supervisors and the DLLC approve the application, the Cobre Valley Regional Medical Center Foundation will have used 1 day of the allowable 10 days to serve liquor at a special event in 2014.

Recommendation

The Clerk of the Board recommends that the Board of Supervisors approve this application. Upon approval, the applicant has the responsibility to submit the application to the DLLC for final approval.

Suggested Motion

Approval of a Special Event License Application submitted by the Cobre Valley Regional Medical Center Foundation to serve liquor at a fund-raising event that will be held at the Gila County Fairgrounds Exhibition Hall in Globe, Arizona, on November 14, 2014.

Attachments

Application for Special Event License

Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix AZ 85007-2934
www.azliquor.gov
(602) 542-5141

APPLICATION FOR SPECIAL EVENT LICENSE

Fee= \$25.00 per day for 1-10 days (consecutive)

A service fee of \$25.00 will be charged for all dishonored checks (A.R.S. §44-6852)

IMPORTANT INFORMATION: This document must be fully completed or it will be returned.

The Department of Liquor Licenses and Control must receive this application ten (10) business days prior to the event. If the special event will be held at a location without a permanent liquor license or if the event will be on any portion of a location that is not covered by the existing liquor license, this application must be approved by the local government before submission to the Department of Liquor Licenses and Control (see Section 15).

SECTION 1 Name of Organization: Cobre Valley Regional Medical Center Foundation (CVRMC)

SECTION 2 Non-Profit/IRS Tax Exempt Number: 86-0732836

SECTION 3 The organization is a: (check one box only)

- Charitable (501.C) Fraternal (must have regular membership and have been in existence for over five (5) years)
 Religious Civic (Rotary, College Scholarship) Political Party, Ballot Measure or Campaign Committee

SECTION 4 Will this event be held on a currently licensed premise and within the already approved premises?

- Yes No

Name of Business

License Number

Phone (include Area Code)

SECTION 5 How is this special event going to conduct all dispensing, serving, and selling of spirituous liquors? Please read R-19-318 for explanation (look in special event planning guide) and check one of the following boxes.

- Place license in non-use
 Dispense and serve all spirituous liquors under retailer's license
 Dispense and serve all spirituous liquors under special event
 Split premise between special event and retail location

(If not using retail license, submit a letter of agreement from the agent/owner of the licensed premise to suspend the license during the event. If the special event is only using a portion of premise, agent/owner will need to suspend that portion of the premise.)

SECTION 6 What is the purpose of this event? On-site consumption Off-site (auction) Both

SECTION 7 Location of the Event: Gila County Fairgrounds,

Address of Location: Hwy 60 Globe AZ 85501
Street City County/State Zip

SECTION 8 Will this be stacked with a wine festival/craft distiller festival? Yes No

SECTION 9 Applicant must be a member of the qualifying organization and authorized by an Officer, Director or Chairperson of the Organization named in Section 1. (Authorizing signature is required in Section 13.)

1. Applicant: Schaefer Ted J. 12/22/1950 122250
Last First Middle Date of Birth

2. Applicant's mailing address: 8610 S. Six Shooter Cayon Globe 85501
Street City State Zip

3. Applicant's home/cell phone: (928) 351-1103 Applicant's business phone: ()

4. Applicant's email address: tedsfam@gmail.com

SECTION 10

1. Has the applicant been convicted of a felony, or had a liquor license revoked within the last five (5) years?
 Yes No (If yes, attach explanation.)

2. How many special event licenses have been issued to this location this year? none
 (The number cannot exceed 12 events per year; exceptions under A.R.S. §4-203.02(D).)

3. Is the organization using the services of a promoter or other person to manage the event? Yes No
 (If yes, attach a copy of the agreement.)

4. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds. The organization applying must receive 25% of the gross revenues of the special event liquor sales. Attach an additional page if necessary.

Name	<u>CVRMC Foundation</u>	Percentage	<u>100</u>
Address	<u>5880 S. Hospital Dr.</u>	<u>Globe, AZ</u>	<u>85501</u>
	Street	City	State Zip
Name	_____	Percentage	_____
Address	_____	_____	_____
	Street	City	State Zip

5. Please read A.R.S. §4-203.02 Special event license; rules and R19-1-205 Requirements for a Special Event License.

Note: ALL ALCOHOLIC BEVERAGE SALES MUST BE FOR CONSUMPTION AT THE EVENT SITE ONLY.

"NO ALCOHOLIC BEVERAGES SHALL LEAVE SPECIAL EVENT UNLESS THEY ARE IN AUCTION SEALED CONTAINERS OR THE SPECIAL EVENT LICENSE IS STACKED WITH WINE /CRAFT DISTILLERY FESTIVAL LICENSE"

6. What type of security and control measures will you take to prevent violations of liquor laws at this event?
 (List type and number of police/security personnel and type of fencing or control barriers, if applicable.)

_____ Number of Police 2 Number of Security Personnel Fencing Barriers

Explanation: The Gila County Fairgrounds Exhibition Hall is a closed controlled facility.

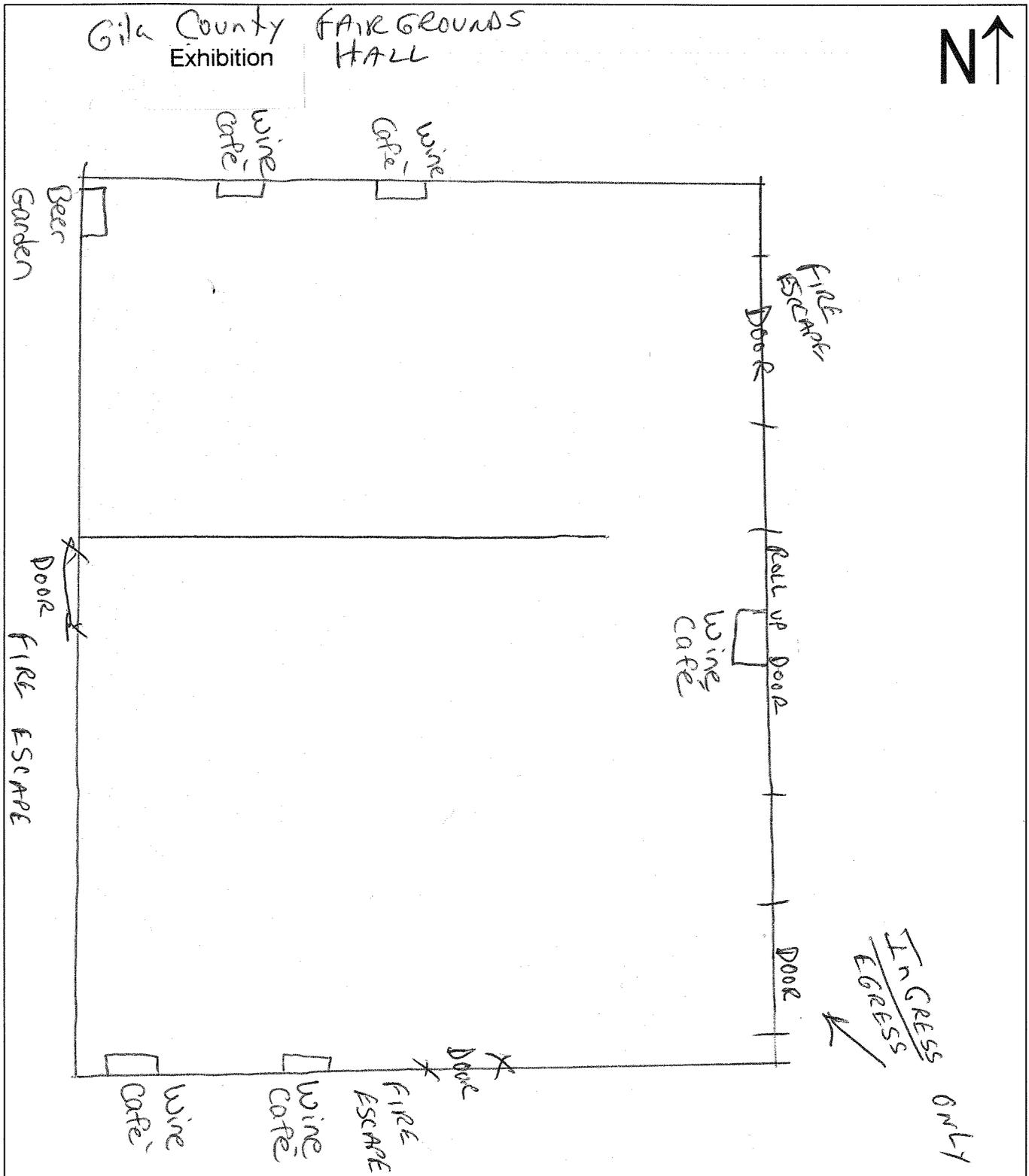
Security will be used at ingress and egress points to control open containers do not leave the facility.

SECTION 11 Date(s) and Hours of Event. May not exceed 10 consecutive days.

See A.R.S. §4-244(15) and (17) for legal hours of service.

	Date	Day of Week	Event Start Time AM/PM	License End Time AM/PM
DAY 1:	<u>11142014</u>	<u>Friday</u>	<u>5pm</u>	<u>11pm</u>
DAY 2:	_____	_____	_____	_____
DAY 3:	_____	_____	_____	_____
DAY 4:	_____	_____	_____	_____
DAY 5:	_____	_____	_____	_____
DAY 6:	_____	_____	_____	_____
DAY 7:	_____	_____	_____	_____
DAY 8:	_____	_____	_____	_____
DAY 9:	_____	_____	_____	_____
DAY 10:	_____	_____	_____	_____

SECTION 12 License premises diagram. The licensed premises for your special event is the area in which you are authorized to sell, dispense or serve alcoholic beverages under the provisions of your license. The following space is to be used to prepare a diagram of your special event licensed premises. Please show dimensions, serving areas, fencing, barricades, or other control measures and security position.



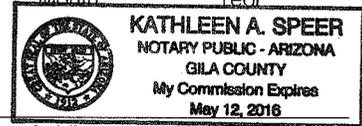
SECTION 13 This section is to be completed only by an Officer, Director or Chairperson of the organization named in Section 1.

I, Ted J. Schaefer declare that I am an OFFICER, DIRECTOR, or CHAIRPERSON
(Print full name)
appointing the applicant listed in Section 9, to apply on behalf of the foregoing organization for a Special Event
Liquor License.

x Ted J. Schaefer Treasurer 08192014 9283511103
(Signature) Title/ Position Date Phone #

The foregoing instrument was acknowledged before me this 19th August 2014
Day Month Year
State Az County of GILA

My Commission Expires on: 5/12/2016 Kathleen A. Speer
Date Signature of Notary Public



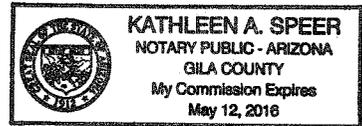
SECTION 14 This section is to be completed only by the applicant named in Section 9.

I, Ted J. Schaefer declare that I am the APPLICANT filing this application as
(Print full name)
listed in Section 9. I have read the application and the contents and all statements are true, correct and
complete.

x Ted J. Schaefer Treasurer 0918192014 9283511103
(Signature) Title/ Position Date Phone #

The foregoing instrument was acknowledged before me this 19th August 2014
Day Month Year
State Az County of GILA

My Commission Expires on: 5/12/2016 Kathleen A. Speer
Date Signature of Notary Public



The local governing body may require additional applications to be completed and submitted. Please check with local government as to how far in advance they require these applications to be submitted. Additional licensing fees may also be required before approval may be granted. For more information, please contact your local jurisdiction: http://www.azliquor.gov/assets/documents/homepage_docs/spec_event_links.pdf.

SECTION 15 Local Governing Body Approval Section

I, _____ recommend APPROVAL DISAPPROVAL
(government official) (Title)

on behalf of _____
(City, Town, County) Signature Date Phone

FOR DEPARTMENT OF LIQUOR LICENSES AND CONTROL USE ONLY

APPROVAL DISAPPROVAL BY: _____ DATE: _____

ARF-2769

Consent Agenda Item 4. I.

Regular BOS Meeting

Meeting Date: 09/16/2014

Submitted For: Marian Sheppard, Clerk Submitted By: Laurie Kline, Deputy Clerk, Clerk of the Board of Supervisors

Department: Clerk of the Board of Supervisors

Information

Request/Subject

Lion's Club Special Event Liquor License Applications for October 4, 2014, and October 11, 2014.

Background Information

A qualified organization may submit an application to serve liquor at a special event for up to 10 days per year. The Arizona Department of Liquor Licenses and Control (DLLC) approves all liquor-related applications; however, part of the DLLC's process requires that the local governing body review the application and submit a recommendation for approval or disapproval to the DLLC for any establishment located within the jurisdiction of that local governing body.

Evaluation

The Clerk of the Board of Supervisors has reviewed the attached applications and has determined that they have been filled out correctly.

Conclusion

This charitable organization properly completed the applications. If the Board of Supervisors approves these applications and final approval is given by the DLLC, the Lion's Club of Globe, Arizona, will have used 7 days of the allowable 10 days to serve liquor at a special event in 2014.

Recommendation

The Clerk recommends that the Board of Supervisors approve these applications to allow the Lion's Club to serve liquor at two weddings to be held at the Gila County Fairgrounds.

Suggested Motion

Approval of two Special Event Liquor License Applications submitted by the Lion's Club of Globe, Arizona, Inc. to serve liquor at two weddings to be held at the Gila County Fairgrounds in Globe, Arizona, on October 4, 2014, and October 11, 2014.

Attachments

Application for Special Event 10-04-2014

Application for Special Event 10-11-2014

APPLICATION FOR SPECIAL EVENT LICENSE

Fee= \$25.00 per day for 1-10 days (consecutive)
A service fee of \$25.00 will be charged for all dishonored checks (A.R.S. §44-6852)

IMPORTANT INFORMATION: This document must be fully completed or it will be returned.

The Department of Liquor Licenses and Control must receive this application ten (10) business days prior to the event. If the special event will be held at a location without a permanent liquor license or if the event will be on any portion of a location that is not covered by the existing liquor license, this application must be approved by the local government before submission to the Department of Liquor Licenses and Control (see Section 15).

SECTION 1 Name of Organization: GLOBE LIONS CLUB

SECTION 2 Non-Profit/IRS Tax Exempt Number: 501(C)4 86-6052543

SECTION 3 The organization is a: (check one box only)

- Charitable (501.C) Fraternal (must have regular membership and have been in existence for over five (5) years)
 Religious Civic (Rotary, College Scholarship) Political Party, Ballot Measure or Campaign Committee

SECTION 4 Will this event be held on a currently licensed premise and within the already approved premises?
 Yes No

Name of Business License Number Phone (include Area Code)

SECTION 5 How is this special event going to conduct all dispensing, serving, and selling of spirituous liquors?
Please read R-19-318 for explanation (look in special event planning guide) and check one of the following boxes.

- Place license in non-use
 Dispense and serve all spirituous liquors under retailer's license
 Dispense and serve all spirituous liquors under special event
 Split premise between special event and retail location

(If not using retail license, submit a letter of agreement from the agent/owner of the licensed premise to suspend the license during the event. If the special event is only using a portion of premise, agent/owner will need to suspend that portion of the premise.)

SECTION 6 What is the purpose of this event? On-site consumption Off-site (auction) Both

SECTION 7 Location of the Event: GILA COUNTY FAIRGROUNDS
Address of Location: 900 E. FAIRGROUNDS RD. GILAC, AZ 85501
Street City County/State Zip

SECTION 8 Will this be stacked with a wine festival/craft distiller festival? Yes No

SECTION 9 Applicant must be a member of the qualifying organization and authorized by an Officer, Director or Chairperson of the Organization named in Section 1. (Authorizing signature is required in Section 13.)

1. Applicant: ANDERSON, DONNA L. 3-6-1933
Last First Middle Date of Birth

2. Applicant's mailing address: P.O. Box 171, GLOBE, AZ 85502
Street City State Zip

3. Applicant's home/cell phone: 928 812-2969 Applicant's business phone: () _____

4. Applicant's email address: donna33guy@gmail.com

SECTION 10

1. Has the applicant been convicted of a felony, or had a liquor license revoked within the last five (5) years?
 Yes No (If yes, attach explanation.)
2. How many special event licenses have been issued to this location this year? 4
 (The number cannot exceed 12 events per year; exceptions under A.R.S. §4-203.02(D).)
3. Is the organization using the services of a promoter or other person to manage the event? Yes No
 (If yes, attach a copy of the agreement.)
4. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds. The organization applying must receive 25% of the gross revenues of the special event liquor sales. Attach an additional page if necessary.

Name GLOBE LIONS CLUB Percentage 100
 Address P.O. BOX 209 GLOBE AZ. 85502
Street City State Zip

Name _____ Percentage _____
 Address _____
Street City State Zip

5. Please read A.R.S. §4-203.02 Special event license; rules and R19-1-205 Requirements for a Special Event License.
Note: ALL ALCOHOLIC BEVERAGE SALES MUST BE FOR CONSUMPTION AT THE EVENT SITE ONLY.
"NO ALCOHOLIC BEVERAGES SHALL LEAVE SPECIAL EVENT UNLESS THEY ARE IN AUCTION SEALED CONTAINERS OR THE SPECIAL EVENT LICENSE IS STACKED WITH WINE /CRAFT DISTILLERY FESTIVAL LICENSE"

6. What type of security and control measures will you take to prevent violations of liquor laws at this event?
 (List type and number of police/security personnel and type of fencing or control barriers, if applicable.)

Number of Police 2 Number of Security Personnel Fencing Barriers

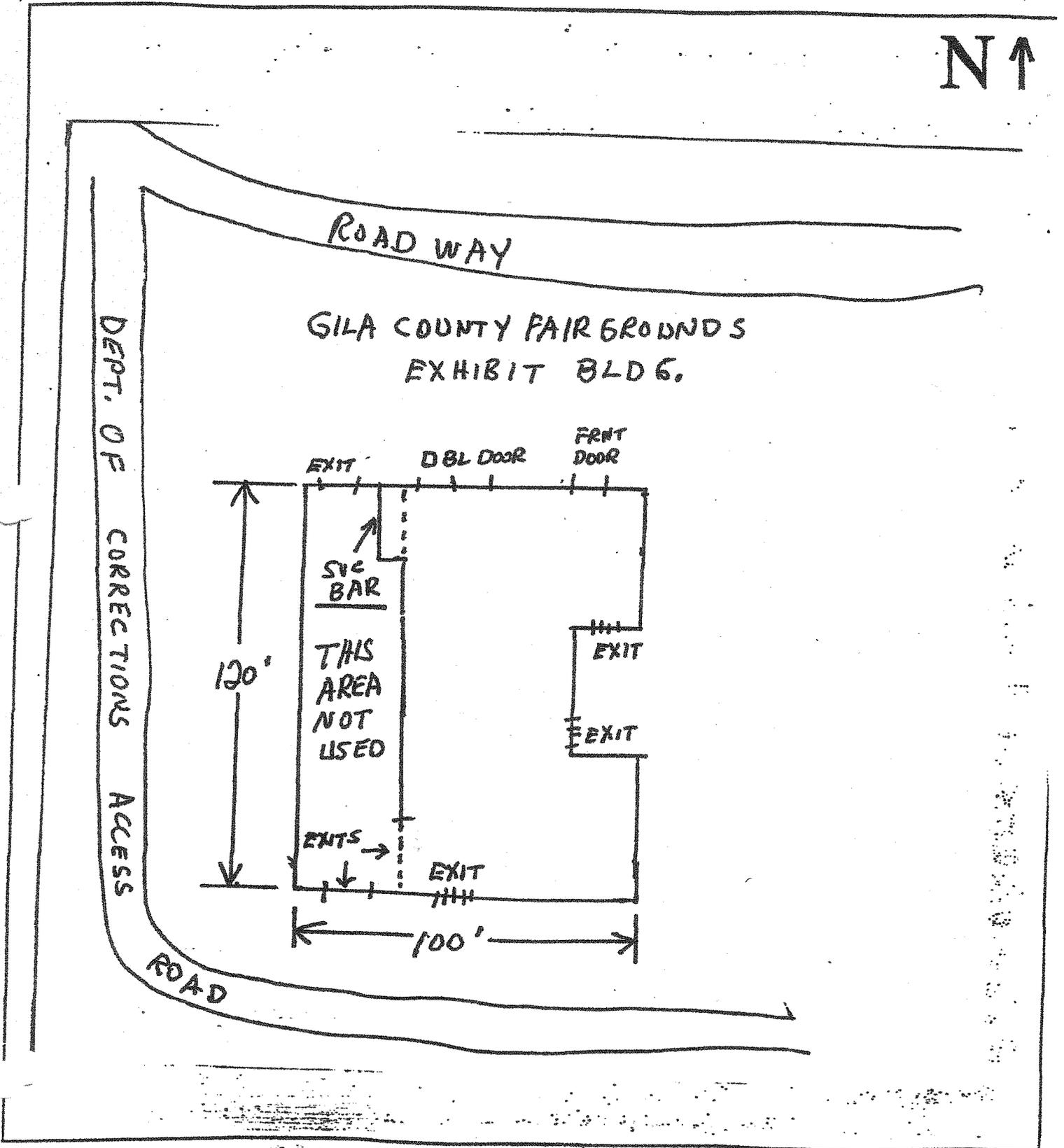
Explanation: INSIDE BUILDING AT FAIRGROUNDS

SECTION 11 Date(s) and Hours of Event. May not exceed 10 consecutive days.
 See A.R.S. §4-244(15) and (17) for legal hours of service.

	Date	Day of Week	Event Start Time AM/PM	License End Time AM/PM
DAY 1:	<u>10/4/2014</u>	<u>SATURDAY</u>	<u>3:30 PM</u>	<u>11:30 PM</u>
DAY 2:	_____	_____	_____	_____
DAY 3:	_____	_____	_____	_____
DAY 4:	_____	_____	_____	_____
DAY 5:	_____	_____	_____	_____
DAY 6:	_____	_____	_____	_____
DAY 7:	_____	_____	_____	_____
DAY 8:	_____	_____	_____	_____
DAY 9:	_____	_____	_____	_____
DAY 10:	_____	_____	_____	_____

SPECIAL EVENT LICENSED PREMISES DIAGRAM
(This diagram must be completed with this application)

Special Event Diagram: (show dimensions, serving areas, and label type of enclosure and security positions)
NOTE: Show nearest cross streets, highway, or road if location doesn't have an address.

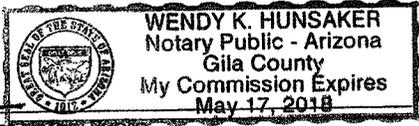


SECTION 13 This section is to be completed only by an Officer, Director or Chairperson of the organization named in Section 1.

I, DANIEL OTIS GUTHREY declare that I am an OFFICER, DIRECTOR, or CHAIRPERSON
(Print full name)
appointing the applicant listed in Section 9, to apply on behalf of the foregoing organization for a Special Event
Liquor License.

X Daniel Otis Guthrey PRESIDENT 8/29/14 928-425-9549
(Signature) Title/ Position Date Phone #

The foregoing instrument was acknowledged before me this 29 August 2014
Day Month Year
State AZ County of Gila

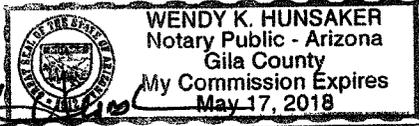
My Commission Expires on: May 17, 2018
Date
Wendy K. Hunsaker
Signature of Notary Public


SECTION 14 This section is to be completed only by the applicant named in Section 9.

I, DONNA LOUISE ANDERSON declare that I am the APPLICANT filing this application as
(Print full name)
listed in Section 9. I have read the application and the contents and all statements are true, correct and
complete.

X Donna Louise Anderson Treasurer 8/29/14 928-812-2969
(Signature) Title/ Position Date Phone #

The foregoing instrument was acknowledged before me this 29 August 2014
Day Month Year
State AZ County of Gila

My Commission Expires on: May 17, 2018
Date
Wendy K. Hunsaker
Signature of Notary Public


The local governing body may require additional applications to be completed and submitted. Please check with local government as to how far in advance they require these applications to be submitted. Additional licensing fees may also be required before approval may be granted. For more information, please contact your local jurisdiction: http://www.azliquor.gov/assets/documents/homepage_docs/spec_event_links.pdf.

SECTION 15 Local Governing Body Approval Section

I, _____ recommend APPROVAL DISAPPROVAL
(government official) (Title)

on behalf of _____
(City, Town, County) Signature Date Phone

FOR DEPARTMENT OF LIQUOR LICENSES AND CONTROL USE ONLY

APPROVAL DISAPPROVAL BY: _____ DATE: _____

APPLICATION FOR SPECIAL EVENT LICENSE

Fee= \$25.00 per day for 1-10 days (consecutive)
A service fee of \$25.00 will be charged for all dishonored checks (A.R.S. §44-6852)

IMPORTANT INFORMATION: This document must be fully completed or it will be returned.

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 Religious Civic (Rotary, College Scholarship) Political Party, Ballot Measure or Campaign Committee

SECTION 4 Will this event be held on a currently licensed premise and within the already approved premises?
 Yes No

Name of Business License Number Phone (include Area Code)

SECTION 5 How is this special event going to conduct all dispensing, serving, and selling of spirituous liquors? Please read R-19-318 for explanation (look in special event planning guide) and check one of the following boxes.

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SECTION 7 Location of the Event: GILA COUNTY FAIR GROUNDS
Address of Location: 900 E. FAIR GROUNDS RD GILA COUNTY, AZ. 85501
Street City County/State Zip

SECTION 8 Will this be stacked with a wine festival/craft distiller festival? Yes No

SECTION 9 Applicant must be a member of the qualifying organization and authorized by an Officer, Director or Chairperson of the Organization named in Section 1. (Authorizing signature is required in Section 13.)

1. Applicant: ANDERSON, DONNA L. 3-6-1933
Last First Middle Date of Birth

2. Applicant's mailing address: P.O. BOX 171, GLOBE AZ. 85502
Street City State Zip

3. Applicant's home/cell phone: (928) 812-2289 Applicant's business phone: () _____

4. Applicant's email address: donna33904@gmail.com

SECTION 10

1. Has the applicant been convicted of a felony, or had a liquor license revoked within the last five (5) years?

Yes No (If yes, attach explanation.)

2. How many special event licenses have been issued to this location this year? 4
 (The number cannot exceed 12 events per year; exceptions under A.R.S. §4-203.02(D).)

3. Is the organization using the services of a promoter or other person to manage the event? Yes No
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4. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds. The organization applying must receive 25% of the gross revenues of the special event liquor sales. Attach an additional page if necessary.

Name GLOBE LIONS CLUB Percentage 100
 Address P. O. BOX 209 GLOBE AZ. 85502
Street City State Zip

Name _____ Percentage _____
 Address _____
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5. Please read A.R.S. §4-203.02 Special event license; rules and R19-1-205 Requirements for a Special Event License.

Note: ALL ALCOHOLIC BEVERAGE SALES MUST BE FOR CONSUMPTION AT THE EVENT SITE ONLY.

"NO ALCOHOLIC BEVERAGES SHALL LEAVE SPECIAL EVENT UNLESS THEY ARE IN AUCTION SEALED CONTAINERS OR THE SPECIAL EVENT LICENSE IS STACKED WITH WINE /CRAFT DISTILLERY FESTIVAL LICENSE"

6. What type of security and control measures will you take to prevent violations of liquor laws at this event?
 (List type and number of police/security personnel and type of fencing or control barriers, if applicable.)

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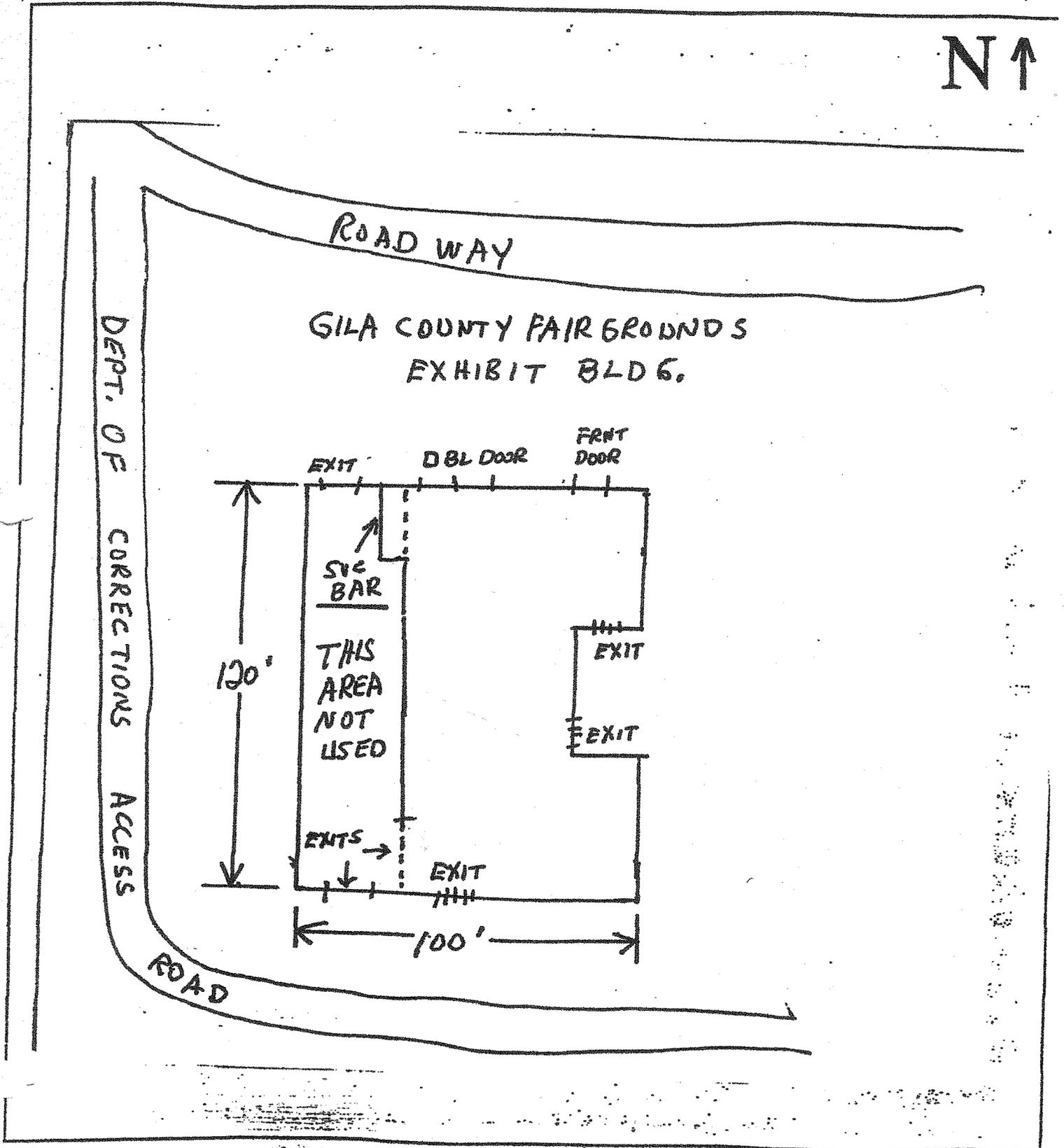
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DAY 2:	_____	_____	_____	_____
DAY 3:	_____	_____	_____	_____
DAY 4:	_____	_____	_____	_____
DAY 5:	_____	_____	_____	_____
DAY 6:	_____	_____	_____	_____
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I, DANIEL OTIS GUTHREY declare that I am an OFFICER, DIRECTOR, or CHAIRPERSON
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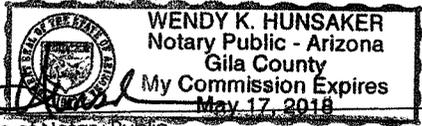
x Daniel Otis Guthrey PRESIDENT 8/29/14 928-425-9549
(Signature) Title/ Position Date Phone #

The foregoing instrument was acknowledged before me this 29 August 2014
Day Month Year

State Az County of Gila

My Commission Expires on: May 17, 2018
Date

Wendy K. Hunsaker
Signature of Notary Public



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I, DONNA LOUISE ANDERSON declare that I am the APPLICANT filing this application as
(Print full name)
 listed in Section 9. I have read the application and the contents and all statements are true, correct and
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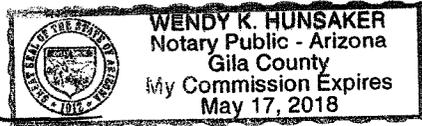
x Donna Louise Anderson Treasurer 8/29/14 928-812-2969
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SECTION 15 Local Governing Body Approval Section

I, _____ recommend APPROVAL DISAPPROVAL
(government official) (Title)

on behalf of _____
(City, Town, County) Signature Date Phone

FOR DEPARTMENT OF LIQUOR LICENSES AND CONTROL USE ONLY

APPROVAL DISAPPROVAL BY: _____ DATE: _____

ARF-2766

Consent Agenda Item 4. J.

Regular BOS Meeting

Meeting Date: 09/16/2014

Reporting Period: August 5, 2014 and August 26, 2014

Submitted For:

Marian
Sheppard,
Clerk

Submitted By:

Laurie Kline, Deputy Clerk, Clerk of the
Board of Supervisors

Information

Subject

August 5, 2014, and August 26, 2014, Board of Supervisors' Meeting Minutes

Suggested Motion

Approval of the August 5, 2014, and August 26, 2014, Board of Supervisors' meeting minutes.

Attachments

BOS 08-26-14 Meeting Minutes

BOS 08-05-14 Meeting Minutes

**BOARD OF SUPERVISORS MINUTES
GILA COUNTY, ARIZONA**

Date: August 26, 2014

MICHAEL A. PASTOR
Chairman

MARIAN E. SHEPPARD
Clerk of the Board

TOMMIE C. MARTIN
Vice-Chairman

By: Marian E. Sheppard
Clerk of the Board

JOHN D. MARCANTI
Member

Gila County Courthouse
Globe, Arizona

PRESENT: Michael A. Pastor, Chairman; Tommie C. Martin, Vice-Chairman (via ITV); John D. Marcanti, Supervisor; Don E. McDaniel, Jr., County Manager; Jacque Griffin, Assistant County Manager/Librarian; Bryan B. Chambers, Deputy County Attorney/Civil Bureau Chief; and Marian E. Sheppard, Clerk of the Board.

Item 1 – CALL TO ORDER - PLEDGE OF ALLEGIANCE

The Gila County Board of Supervisors met in a work session at 10:00 a.m. this date in the Board of Supervisors' hearing room. Don McDaniel led the Pledge of Allegiance.

Item 2 – REGULAR AGENDA ITEMS:

A. Presentation by the Gila County Library District on electronic resources that are provided for all residents.

Jacque Griffin, Assistant County Manager/Librarian; and Pam Beerens, Public Services Librarian, provided an overview of the electronic resources that can be accessed through the Gila County Library District's website. Ms. Griffin explained that the collection of online research tools that are provided by the Arizona State Library, Pima County Library District and county libraries throughout Arizona have recently changed the subscription to Gale Products. Ms. Griffin referred to the icons on the Gila County Library District's website, which are all live links to databases, documents and electronic resources. She and Ms. Beerens reviewed a few of the sites. Ms. Griffin further explained that a person must possess a Gila County library card in order to access e-books, e-audiobooks, over 100 current magazines in e-book format, and Mango Languages, which is a language learning product that provides tutelage for reading, writing and speaking 63 languages. Ms. Griffin answered a few

questions from the Board on the online resources and then each Board member provided their compliments on these available resources.

B. Presentation on the National Association of Counties (NACo) Prescription and Health Discount Program.

Ms. Griffin viewed the NACo website on the overhead screen, which contained a link to information on NACo's Prescription and Health Discount Program (Program). She provided an overview of the Program and then reviewed the information that is available online for this Program, such as "FAQs" (frequently asked questions). Highlights of this Program are as follows: This is not insurance; this Program is free to NACo member counties, such as Gila County. This Program provides relief to uninsured and underinsured individuals who face high prescriptions and health costs. The Program is administered by CVS Caremark and it includes discounts on prescriptions, vision care, LASIK (*Laser-Assisted in situ Keratomileusis*), and PRK (*photorefractive keratectomy*) vision procedures, hearing aids and screenings, prepaid lab work, prepaid diagnostic imaging and diabetic supplies. In order to obtain the discount benefits, a person only needs to obtain a free prescription discount card, and everyone in a family may use the same card. The card may also be used to obtain discounts on prescribed medications for pets that are also used to treat a human condition. Ms. Griffin added that the discount card can also be used if a person has signed up for a Medicare prescription plan, but a discount on medications can only be obtained when purchasing medications not covered by the Medicare prescription plan.

Ms. Griffin then reviewed some statistics regarding the Program. Since June 2014, 55 Gila County residents have utilized the Program and saved approximately \$1,400 off the retail price of a prescription or about 26%. Since 2008, when data first began to be compiled, 7,900 individuals utilized this Program with a total savings of approximately \$152,000 off the retail price.

Ms. Griffin advised that the discount cards and related information on the Program have been distributed to all pharmacies and most doctors' offices throughout Gila County. Vice-Chairman Martin emphasized the need to verify that this information has been placed in all pharmacies and doctors' offices and to promote the Program. Supervisor Marcanti advised that he recently read a report from NACo and stated that nationwide this Program has saved consumers about \$52M or \$5.2M. Ms. Griffin replied that she believes the figure to be around \$52M. Chairman Pastor requested that the County make a concerted effort to advertise this Program throughout the County.

C. Information/Discussion/Action to set a date of Tuesday, September 16, 2014, whereby the Board of Supervisors will hold a public hearing to obtain comments to consider adopting an Order to deannex 760 acres of

Forest Service land from the Town of Star Valley and to annex that land to the Town of Payson per the requests of both Towns.

Don McDaniel, County Manager, began by commenting that this Board action was Gila County's opportunity to be good neighbors to two towns within the County and this part of the process is also dictated by State law. Both towns recently adopted Ordinances in favor of the Town of Star Valley deannexing approximately 760 acres of land that belongs to the U.S. Forest Service and annexing that land to the Town of Payson. Mr. McDaniel advised that the next step in the statutory process is for the Board of Supervisors to establish a public hearing date of which the date of September 16, 2014, has been recommended. He added that the purpose of this proposed deannexation/annexation of land is because the Town of Payson is considering annexing a parcel of private property, known as the Fox Farm, which is located to the east of Payson that is surrounded on three sides by national forest land located within Star Valley. Both towns believe that the proposed deannexation/annexation of the U.S. Forest Service land would aid in the Town of Payson's possible annexation of the Fox Farm. If the Town of Payson annexes the Fox Farm, it would allow for the expansion of an industrial developer.

Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously set a public hearing date of Tuesday, September 16, 2014, whereby the Board of Supervisors will hear comments and consider adopting an Order to allow the Town of Star Valley to deannex approximately 760 acres of U.S. Forest Service land and for the Town of Payson to annex that land.

D. Information/Discussion regarding the procedures which accompany the adopted Community Agency and Economic Development Funding Policy No. BOS-FIN-016.)

Chairman Pastor advised that the Board received additional information this morning which relates to this policy. He didn't have time to read the information, so he requested that the Board not discuss this topic at this time, but rather schedule it on a future meeting agenda. Vice-Chairman Martin agreed with Chairman Pastor. Supervisor Marcanti advised that he worked most of last week on the information that was presented to the other Board members this morning. He suggested discussing this topic on the next scheduled work session on September 30th or possibly the following regular meeting of the Board. Chairman Pastor recommended that staff review the information and then establish the meeting date to discuss this issue. Vice-Chairman Martin also did not see an urgency to place this issue on the nearest meeting agenda. Mr. McDaniel advised that the Board of Supervisors previously adopted a policy regarding community agency and economic development funding, as stated above, which includes procedures, so he also was not concerned with establishing a meeting date at this time.

Item 3 – CALL TO THE PUBLIC: Call to the Public is held for public benefit to allow individuals to address the Board of Supervisors on any issue within the jurisdiction of the Board of Supervisors. Board members may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to Arizona Revised Statute §38-431.01(H), at the conclusion of an open call to the public, individual members of the Board of Supervisors may respond to criticism made by those who have addressed the Board, may ask staff to review a matter or may ask that a matter be put on a future agenda for further discussion and decision at a future date.

Jon Cornell, a news reporter for local radio station 101.9 – KQSS, asked a question regarding agenda item 2C (above). He wanted to know that at such time as the land is annexed to the Town of Payson, if it becomes private land or if it remains U.S. Forest Service land, to which Chairman Pastor replied that it remains U.S. Forest Service land. Vice-Chairman Martin added that to her knowledge the U.S. Forest Service has no intention of making any additional land as private. She stated that the deannexation/annexation would clear up political boundaries for both the Town of Payson and the Town of Star Valley.

Item 4 – At any time during this meeting pursuant to A.R.S. §38-431.02(K), members of the Board of Supervisors and the County Manager may present a brief summary of current events. No action may be taken on issues presented.

Each Board member presented information on current events.

There being no further business to come before the Board of Supervisors, Chairman Pastor adjourned the meeting at 10:50 a.m.

APPROVED:

Michael A. Pastor, Chairman

ATTEST:

Marian Sheppard, Clerk of the Board

**BOARD OF SUPERVISORS MINUTES
GILA COUNTY, ARIZONA**

Date: August 5, 2014

MICHAEL A. PASTOR
Chairman

MARIAN E. SHEPPARD
Clerk of the Board

TOMMIE C. MARTIN
Vice-Chairman

By: Laurie J. Kline
Deputy Clerk

JOHN D. MARCANTI
Member

Gila County Courthouse
Globe, Arizona

PRESENT: Michael A. Pastor, Chairman; Tommie C. Martin, Vice-Chairman (via ITV); John D. Marcanti, Supervisor; Don E. McDaniel, Jr., County Manager; Jacque Griffin, Assistant County Manager/Librarian; Bryan B. Chambers, Deputy County Attorney/Civil Bureau Chief; Marian E. Sheppard, Clerk of the Board; and Laurie J. Kline, Deputy Clerk.

Item 1 – CALL TO ORDER - PLEDGE OF ALLEGIANCE - INVOCATION

The Gila County Board of Supervisors met in a regular session at 10:00 a.m. this date in the Board of Supervisors' hearing room. Adam Shepherd led the Pledge of Allegiance and Pastor Jerry Green of the Ponderosa Bible Church in Payson delivered the invocation.

Item 2 – PRESENTATIONS:

A. Update on the activities of the County Supervisors Association (CSA) by Craig Sullivan, CSA Executive Director, including a discussion of recent legislative activities.

Craig Sullivan, CSA Executive Director, stated that the CSA Board of Directors is comprised of all 61 Supervisors from the 15 Arizona counties. He thanked the Board for the time and effort put into CSA and acknowledged Vice-Chairman Martin's position of Second Vice-President of CSA's Executive Committee. Mr. Sullivan mentioned the sudden passing of Arizona Senator Chester Crandell. He also thanked the Board for hosting last year's Legislative Summit that was held in Payson. Highlights of the presentation are as follows:

The budget includes the following county-related provisions:

- Highway User Revenue Fund (HURF) Restoration: \$30 million appropriated for HURF restoration

Counties receive \$10 million

Gila County receives an estimated: \$152,765; however, lost approximately \$1.8 million by State action

- Direct Appropriation to Counties (Lottery Revenue): \$7.15 million line item appropriation to be distributed to 13 counties under 900,000 persons
Gila County receives: \$550,000
- Sexually Violent Persons (SVP) Payments: Maintains FY15 payments at FY14 levels, approximately 34% of costs. Includes “flexibility language” allowing counties to pay via any county resource. CSA was unsuccessful with regard to ceasing payment for state hospitals; however, County Flexibility Language, allows counties, with fewer than 200,000 persons, to use any source of county revenue to meet a county fiscal obligation for FY 2015

CSA-Sponsored Legislation

Enacted into law:

- House Bill 2218: Fire District reorganization elections
- House Bill 2240: Developmental disabilities; client income; retention
- House Bill 2320: County Seals; approval of use
- State Concurrent Memorial 1006: Urging Congress; Payment in lieu of Taxes Program funding

Did not advance through the process:

- House Bill 2149: State parks; State Lake Improvement fund restoration
 - Held House Rules
- House Bill 2224: Sale of fireworks; counties
 - Failed in House Public Safety, Military and Regulatory Affairs
- House Bill 2531: Court-ordered evaluation services; payment
 - Held Senate Third Read, to pursue an administrative remedy
- Senate Bill 1271: County liens; abatements
 - Assigned to Senate Government and Environment

AACO’s Legislative Agenda

Enacted into law:

- House Bill 2005: Community colleges; nonresidents; reimbursement
- House Bill 2287: County treasurer; lien; sale
- Senate Bill 1179: Constables; prohibited acts
- Senate Bill 1352: Property tax roll; corrections

Did not advance through the process:

- House Bill 2460: Probation; community supervision; search; seizure
 - Assigned to House Judiciary
- Senate Bill 1131: County treasurer; liability

- Held Senate Rules
- Senate Bill 1178: Special detainer actions; landlord; tenant
 - Held House Commerce
- Senate Bill 1470: Superior Court Clerks; salaries
 - Assigned Senate Government and Environment Appropriations

In summary, lawmakers were very responsive to county concerns; however, most of CSA activities are reactive advocacy.

Incremental progress of financial objectives resulted in \$10 million in Highway User Revenue Funds relief for counties in FY 2015.

- Secured direct county appropriation, projected through 2017
- Session law “flexibility language”
- Elevated awareness of growing transportation funding crisis

Lawmakers exercising caution when funding new items or addressing cost shifts due to projected structural deficits.

- Situation made worse by looming lawsuits (Medicaid Expansion, K-12 inflation) and child welfare crisis

Improved operating environment with many new legislators taking an interest in county issues

- Education efforts and relationships paying dividends

Major changes on the horizon

- New Executive = New Agenda
- New Leaders in 3 of 4 legislative caucuses
- Legislative mix

Federal Updates include:

- Payment in Lieu of Taxes (PILT)
 - Gila County received \$3,426,420
- Waters of the U.S.
 - Proposed rule* to expand the definition of waters of the U.S. under the Clean Water Act, *Comment period extended to October 20, 2014

Mr. Sullivan announced that the CSA Legislative Summit will be held on October 8-10, 2014, in Prescott, Arizona, and that the deadline for proposal submissions for CSA’s consideration is August 15th.

Vice-Chairman Martin expressed concern with regard to the medical cost structure for the jail population in Gila County. She advised that this subject needs to be explored with regard to County financial responsibility and the timing of delivery of funds in an effort to save the County money.

Chairman Pastor stated that staff will take action to prepare proposal submissions for CSA by the August 15th deadline. The Board members thanked Mr. Sullivan for the presentation.

B. Information/Discussion regarding the Arizona State Auditor General's report of the Gila County 1/2 Cent Transportation Excise Tax performance audit.

Steve Stratton, Public Works Division Director, stated that the ½ Cent Transportation Excise Tax performance audit completed by the Office of the Auditor General produced positive results. He thanked Shannon Coons, Fiscal Services Manager, for her hard work. The only recommendation outstanding from the previous year's audit was to revise the Gila County Travel Policy which any revisions have not yet been approved by the Board of Supervisors. The current year's report contained no recommendations to the County.

Jay Zsorey, State of Arizona Office of the Auditor General Financial Audit Director, stated that the County has spent excise tax monies in accordance with the law and has implemented all but one prior audit recommendation as stated above. He added that as of December 31, 2013, the County had approximately \$5.5 million in remaining excise tax monies to pay for future projects. On June 24, 2014, the Board of Supervisors adopted a resolution to extend the excise tax effective January 1, 2015, for a period of 20 years and it would be shared with the local municipalities.

Chairman Pastor spoke to the fact that the travel policy has not been adopted by the Board as of yet, stating that there have been changes in the Finance Division and he expects to see progress with regard to the travel policy being presented to the Board for adoption. Mr. Zsorey replied that the County travel policy is adequate at this time and that he wouldn't be performing another audit for 5 years.

Item 3 – REGULAR AGENDA ITEMS:

A. Information/Discussion/Action to approve an Agreement-Economic Development Grant between Gila County and the Bullion Plaza Cultural Center & Museum whereby the County will disburse up to \$30,000 to the Museum to maintain and improve the Museum; and further the Board determines this is for the benefit of the public and will improve or enhance the economic welfare of the inhabitants of Gila County.

Jose Sanchez, President of the Bullion Plaza Cultural Center & Museum (BPCCM) Board of Directors, provided an overview of recent activities as follows: The BPCCM has completed a new 50-year lease with the Town of Miami; this is the second year of hosting the Arizona Historical Society Board meeting; working with Gila County School Superintendent, Dr. Linda Odell,

with the STEM (science, technology, engineering and math) Program, by hosting a technical event; hosted the University of Arizona, Cooperative Extension, Master Gardener convention which was attended by approximately 200 people.

Thomas Foster, BPCCM Executive Director, advised that in August the 2014 Arizona Rural Policy Forum will be held at BPCCM's restored gym with a scheduled attendance of approximately 200 people from all around Arizona and who will be contributing to the economy of the Globe-Miami area.

Each Board member expressed appreciation and thanks for the hard work of the volunteers and workers at the BPCCM, and stated that they look forward to ongoing new activities and growth. Chairman Pastor requested a motion to continue this item until the August 26th work session or later. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously continued this item to after the August 26, 2014, work session.

B. Information/Discussion/Action to ratify the Sheriff's Office electronic submission of a FY2015 Drug, Gang and Violent Crime Control Grant Application in the amount of \$416,906, which includes a 25% match requirement to the Arizona Criminal Justice Commission to renew grant funding that will be used for the salaries and benefits of the Gila County Sheriff's Office Drug, Gang, and Violent Crimes Task Force.

Travis Baxley, Task Force Commander, stated that the Sheriff's Office annually submits a grant application to the Arizona Criminal Justice Commission, and each year the Sheriff's Office has been awarded grant funds which are provided to the Sheriff's Office Drug, Gang, and Violent Crimes Task Force for its operations including employee salaries. He reviewed some of the drugs that have been recently seized by the Task Force. He then stated that the mission of the Task Force which is to protect life, property, and the rights of individuals by using multi-agency efforts.

Supervisor Marcanti expressed concern with the number of requests being presented to the Board of Supervisors to ratify actions that have been taken which require Board approval. Chairman Pastor directed County Manager Don McDaniel to schedule meetings with County department heads to review County internal policies and procedures in an effort to streamline the process to reduce the time it takes to get approval for grant application submissions, etc.

J. Adam Shepherd, Gila County Sheriff, added that sometimes the State of Arizona provides little, if any, notification of grant funding opportunities; therefore, the grant application must be submitted to meet an application deadline and approval from the Board is obtained after that has been done. Chairman Pastor suggested that Mr. McDaniel develop a process so that he, as

the County Manager, will be able to approve these types of requests; similar to the contracts under \$50K that are signed by the County Manager. Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously ratified the Sheriff's Office electronic submission of a FY2015 Drug, Gang and Violent Crime Control Grant Application in the amount of \$416,906, which includes a 25% match requirement to the Arizona Criminal Justice Commission to renew grant funding that will be used for the salaries and benefits of the Gila County Sheriff's Office Drug, Gang, and Violent Crimes Task Force.

C. Information/Discussion/Action to approve a Drug, Gang, and Violent Crime Control Grant Agreement (FY2015 Grant Cycle 28 Award- ACJC Grant No. DC-15-004) between the Gila County Sheriff's Office and the Arizona Criminal Justice Commission in the amount of \$336,917 (\$134,767 in federal funds, \$117,921 in state funds and \$84,229 in matching funds from the County's General Fund) to provide continued funding for the Gila County Drug, Gang, and Violent Crimes Task Force for the period of July 1, 2014, through June 30, 2015.

Commander Baxley stated that a grant application requesting these funds was electronically submitted to the Arizona Criminal Justice Commission on March 21, 2014, which was also the deadline for submission. The Sheriff's Office received written notification of the grant award on June 9, 2014. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously approved a Drug, Gang, and Violent Crime Control Grant Agreement (FY2015 Grant Cycle 28 Award- ACJC Grant No. DC-15-004) between the Gila County Sheriff's Office and the Arizona Criminal Justice Commission in the amount of \$336,917 (\$134,767 in federal funds, \$117,921 in state funds and \$84,229 in matching funds from the County's General Fund) to provide continued funding for the Gila County Drug, Gang, and Violent Crimes Task Force for the period of July 1, 2014, through June 30, 2015.

D. Information/Discussion/Action to adopt Proclamation No. 2014-08 proclaiming August 1-31, 2014, as Child Support Awareness Month in Gila County.

Jeff Dalton, Deputy County Attorney Principal, thanked the Board for the support provided by the County to help the children of Gila County. Currently the Department of Economic Security statewide provides services for approximately 186,000 child support cases, and approximately 1,600 of those child support cases are in Gila County. Despite economic hardships, the County's Child Support Division was able to collect \$4,308,552 for the families served in Gila County. Chairman Pastor stated that to his knowledge the Gila County Attorney's Office is rated as one of the top child support collection agencies in the State of Arizona, to which Mr. Dalton concurred that he was

correct. Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously adopted Proclamation No. 2014-08 proclaiming August 1-31, 2014, as Child Support Awareness Month in Gila County. **(A copy of the Proclamation is permanently on file in the Board of Supervisors' Office.)**

Mr. Dalton then stated that he had a package of items commemorating Child Support Awareness Month for each of the Board members which he would deliver.

E. Information/Discussion/Action to approve the Gila County Superior Court's "State Fill the Gap" application which will facilitate the transition of the Limited Jurisdiction Courts to the new document imaging case management system known as AJACS (Arizona Judicial Automated Case System).

Jonathan Bearup, Deputy Court Administrator, stated that Arizona Courts are beginning to transition to a paperless business environment. Implementation of the Administrative Office of the Court's "Disconnected Scanning Program" will allow Gila County Limited Jurisdiction Court to preemptively and proactively prepare for the new case management system, Arizona Judicial Automated Case System. If the "State Fill the Gap" application is approved for submission, and the scanning devices are implemented, it will make the transition to the new system in approximately 2016 much easier by scanning documents sooner than later. A brief discussion was held with regard to the software and integration and Mr. Bearup explained that the County IT Department would not have to complete the installation of the scanning devices, and that the State Administration would install the scanning devices to interface with its hardware, provide training and technical support once installed in each Court facility. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously approved the Gila County Superior Court's "State Fill the Gap" application which will facilitate the transition of the Limited Jurisdiction Courts to the new document imaging case management system known as AJACS (Arizona Judicial Automated Case System).

F. Information/Discussion/Action to review all bids submitted for Invitation for Bids No. 060214 for the hauling of asphalt millings to Forest Road 417-Gisela Road; award to the lowest, most responsive, responsible and qualified bidder; and authorize the Chairman's signature on the award contract for the winning bidder.

Jeff Hessenius, Finance Division Director, stated that on June 24th the Board authorized the advertisement of Invitation for Bids No. 060214-1. It was published in the Arizona Silver Belt's July 2nd and July 9th issues; and on July 16th the bids were opened. The County received 2 bids and Mr. Hessenius

advised that the best choice for this project was Otto Trucking Inc., which is the lowest, most responsive, responsible and qualified bidder. Supervisor Marcanti made a motion to award a contract for Invitation for Bids No. 060214 for the hauling of asphalt millings to Forest Road 417-Gisela Road to Otto Trucking, Inc. in an amount of \$21,617.65 and authorize the Chairman's signature on the award contract. Chairman Martin seconded the motion. Mr. Hessenius advised that the amount stated was an estimate, and the amount may change based on quantities. Steve Stratton, Public Works Division Director, reiterated that the quoted amount on the agenda item was an estimate. He requested that the Board award the contract based on "price per load" so that if the quoted estimated amount (as stated above) is not accurate, there is flexibility to change that amount. (Note: Otto Trucking submitted a bid with a unit price of \$110.25 per load.) Chairman Pastor asked the other Board members if they would agree to amend the motion to award the contract to Otto Trucking based on a price per load, to which they agreed. He then asked for the vote which was unanimous.

G. Information/Discussion/Action to review all bids submitted for Invitation for Bids No. 060314-1 for the milling of asphalt for the Gisela Road project; award to the lowest, most responsive, responsible and qualified bidder; and authorize the Chairman's signature on the award contract for the winning bidder.

Mr. Hessenius stated that on June 24th the Board authorized the advertisement of Invitation for Bids No. 060314-1. It was published in the Arizona Silver Belt's July 2nd and July 9th issues; and on July 16th the bids were opened. The County received 4 bids and Mr. Hessenius advised that Swaine Asphalt Corporation was the best choice for award of the contract. Supervisor Marcanti inquired as to the gap in price between the lowest and the highest bidders, to which Mr. Stratton replied that this contract is a fixed bid amount, and that a mandatory "walk-through" was done with all 4 contractors to ensure they were aware of the scope of work. He stated that he was unable to answer the question of the price difference in the bids returned.

Chairman Pastor stated that the residents of Gisela will be pleased to have 1.8 miles of the Gisela Road resurfaced. Mr. Stratton added that earlier in the year improvements to the drainage were made; culverts were replaced; and currently road shoulder work is being completed to prepare for this job (as stated above) with an estimated job completion time frame of August 2014, weather permitting. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously awarded a contract for Invitation for Bids No. 060314-1 for the milling of asphalt for the Gisela Road project to Swaine Asphalt Corporation, and authorized the Chairman's signature on the award contract.

H. Information/Discussion/Action to approve Library Service Agreements between the Gila County Library District and the following five libraries to cooperate in the provision of library services to the citizens of the District for the period July 1, 2014, through June 30, 2015: Hayden Public Library - \$47,120; Isabelle Hunt Memorial Library - \$101,080; Miami Memorial Library - \$51,680; Payson Public Library - \$218,880; and Tonto Basin Public Library - \$64,600.

Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously adjourned as the Board of Supervisors and convened as the Library District Board of Directors.

Jacque Griffin, Assistant County Manager/Librarian, stated that the Library District has received five of the eight library services agreements thus far for the libraries in the County. She anticipates having the three remaining library services agreements, which are with the Globe Public Library, San Carlos Public Library, and Young Public Library, signed by each of the respective library Boards of Directors sometime this August, at which time another agenda item will be presented to the Board of Supervisors for approval of the remaining three library service agreements. Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously approved Library Service Agreements between the Gila County Library District and the following five libraries to cooperate in the provision of library services to the citizens of the District for the period July 1, 2014, through June 30, 2015: Hayden Public Library - \$47,120; Isabelle Hunt Memorial Library - \$101,080; Miami Memorial Library - \$51,680; Payson Public Library - \$218,880; and Tonto Basin Public Library - \$64,600.

Upon Motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously adjourned as the Library District Board of Directors and reconvened as the Board of Supervisors.

I. Information/Discussion/Action to approve the following Countywide policies to be included in the Countywide Policy Manual: Minutes of the Board of Supervisors' Meeting Policy No. BOS-COB-001, Computing and Communication Technology Use and Ethics Policy No. BOS-ADM-002, and revised Conflict of Interest Policy No. BOS-HRS-140.

Don McDaniel, County Manager, provided a brief overview of each of the policies as stated above. He stated that it has been determined by the Board that the format of the County policies should be uniform and in compliance with Arizona Revised Statutes with regard to written County policies. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously approved the following Countywide policies to be included in the Countywide Policy Manual: Minutes of the Board of Supervisors' Meeting Policy No. BOS-COB-001, Computing and Communication Technology Use and

Ethics Policy No. BOS-ADM-002, and revised Conflict of Interest Policy No. BOS-HRS-140.

J. Information/Discussion/Action to consider a sealed bid for the purchase of State-owned tax parcel number 207-15-300-B-7 located in Globe.

Marian Sheppard, Clerk of the Board, explained the process for selling State-owned tax deeded land that is in care of the Board of Supervisors. She advised that any parcels of land which are not sold at the Supervisors' annual property tax sale/auction are added to the County's "Back Tax Land List" and the list is posted on the Gila County website. Ms. Sheppard advised that she received a sealed bid on the subject parcel of land, which is vacant land on a hillside near Hackney Avenue in Globe. She then opened the sealed bid and stated that David Hines submitted a bid in the amount of \$1,254.14 for this property. She added that this amount is the total lien amount and the minimum acceptable bid allowed by the Board. She stated that this property is not contiguous to Mr. Hines' property, but he wants to purchase this property and hopefully in the future purchase another sliver of land that is between both properties when it becomes available for sale. Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously accepted a sealed bid for the purchase of State-owned tax parcel number 207-15-300-B-7 located in Globe from David Hines in the amount of \$1,254.14.

Item 4 – CONSENT AGENDA ACTION ITEMS: (Any matter on the Consent Agenda will be removed from the Consent Agenda and discussed and voted upon as a regular agenda item upon the request of any member of the Board of Supervisors.)

A. Approval of Intergovernmental Agreement (DPS Contract No. 2014-087) between the State of Arizona Department of Public Safety and the Gila County Sheriff's Office to provide one (1) detention officer as a Detention Liaison Officer for the Gang and Immigration Intelligence Team Enforcement Mission for the performance period of July 1, 2014, through June 30, 2015, and the Agreement shall renew annually on July 1st for a period of time not to exceed five (5) years.

B. Approval of Amendment No. 1 to a Prevention Services Agreement between Cenpatico Behavioral Health of Arizona, LLC, and Cenpatico of Arizona, Inc. (collectively referred to as "Cenpatico") and Gila County Division of Health and Emergency Services to extend the term of the agreement for the period July 1, 2014, to September 30, 2014, and to add funding in the amount of \$8,517.

C. Approval of a FY 2015 Crime Victim Compensation Grant Agreement (ACJC No. VC-15-052) between Gila County and the Arizona Criminal

Justice Commission in the amount of \$70,477 for the period of July 1, 2014, to June 30, 2015.

D. Approval of a FY2015 Drug, Gang and Crime Control Grant Agreement (ACJC No. DC-15-023) between Gila County and the Arizona Criminal Justice Commission in the amount of \$63,656 for the period of July 1, 2014, to June 30, 2015.

E. Approval of a FY2015 Crime Victim Assistance Grant Agreement (ACJC Grant No. VA-15-020) between Gila County and the Arizona Criminal Justice Commission in the Amount of \$17,600 for the period of July 1, 2014, to June 30, 2015.

F. Approval of Amendment No. 11 to an Intergovernmental Agreement (Contract No. DE111073001) between the Arizona Department of Economic Security and the Gila County Division of Community Services, Community Action Program, which pertains to contractors utilized to provide services throughout the designated geographic service areas.

G. Adoption of an Order designating polling places and appointment of poll workers and election board workers for the purpose of conducting the Primary Election on Tuesday, August 26, 2014. (A copy of the Order is permanently on file in the Board of Supervisors' Office.)

H. Acknowledgment of the resignation of Joseph Brown from the Whispering Pines Fire District and the appointment of Doyle Warner to complete Mr. Brown's term which expires December 31, 2016.

I. Acknowledgment of the resignation of Don Nelder from the Rim Trail Domestic Water Improvement District Governing Board and the appointment of Gary Richardson to complete Mr. Nelder's term which expires December 31, 2014.

J. Acknowledgment of the June 2014 monthly activity report submitted by the Globe Regional Justice of the Peace's Office.

K. Acknowledgment of the June 2014 monthly activity report submitted by the Payson Regional Justice of the Peace's Office.

L. Acknowledgment of the June 2014 monthly activity report submitted by the Payson Regional Constable's Office.

M. Acknowledgment of the annual activity report submitted by the Payson Regional Constable's Office.

N. Acknowledgment of the May 2014 and June 2014 monthly activity reports submitted by the Globe Regional constable's Office.

O. Acknowledgment of the June 2014 monthly activity report submitted by the Clerk of the Superior Court's Office.

P. Approval of the June 24, 2014, and July 15, 2014, Board of Supervisors' meeting minutes.

Q. Acknowledgment of the Human Resources reports for the weeks of July 1, 2014, July 8, 2014, July 15, 2014, July 22, 2014, and July 29, 2014.

JULY 1, 2014

DEPARTURES:

1. Debra Espinoza – Public Works – Administrative Clerk – 06/26/14 – Public Works Fund – DOH 04/28/14
2. Jennifer Lisenbee – Sheriff's Office – Detention Officer – 06/29/14 – General Fund – DOH 12/23/13
3. Christopher Lisenbee – Sheriff's Office – Detention Officer Sgt. – 06/29/14 – General Fund – DOH 03/15/10
4. Zada Shafer – Payson Constable's Office – Deputy Constable (.38) – 06/21/14 – General Fund – DOH 05/05/14
5. Jose Ramirez – Public Works – Building Maintenance Technician – 06/25/14 – General Fund – DOH 02/03/14
6. Lisa Foster – Probation – Deputy Probation Officer 2 – 06/27/14 – Adult Intensive Probation Supervision Fund – DOH 05/31/05
7. Alison Manista-Cooper – Probation – Deputy Probation Officer 2 – 07/11/14 – General Fund – DOH 10/15/12

NEW HIRES:

8. Diana Simmes – Public Works – Scalehouse Attendant – 07/07/14 – Recycling and Landfill Management Fund – Replacing Tol Johnson
9. Jason Fajardo – Sheriff's Office- Deputy Sheriff – 07/14/14 – General Fund – Replacing Christopher Bender
10. Brian Dirks – Sheriff's Office – Deputy Sheriff – 07/03/14 – General Fund – Replacing George Carrillo
11. Oulono Folau – Sheriff's Office – Deputy Sheriff – 07/03/14 – General Fund – Replacing William Newman
12. Christy Buchanan – Sheriff's Office – Detention Officer – 07/14/14 – General Fund – Replacing Brittany Gonzales

END PROBATIONARY PERIOD:

13. Duncan Rose – County Attorney's Office – Deputy Attorney Senior – 07/27/14 – General Fund
14. Ted Schaefer – Sheriff's Office – Detention Officer (.38) – 03/11/14 – General Fund

15. Tyler Pearce – Public Works – Automotive Service Worker – 07/06/14 – Public Works Fund

JULY 8, 2014

DEPARTURES:

1. Christine Rocha – Health and Emergency Services – Health Program Manager – 06/30/14 – Tobacco Free Environment Fund – DOH 04/01/96

OTHER ACTIONS:

2. Mark Warden – Public Works – Building Maintenance Technician Lead – 07/01/14 – From Fairgrounds Fund – To Facilities Management Fund – Change in fund codes

3. Brian Rogers – Public Works – Building Maintenance Technician – 07/01/14 – From Fairgrounds Fund – To Facilities Management Fund – Change in fund codes

4. Jerry M. Moore – Public Works – Building Maintenance Technician – 07/01/14 – From Fairgrounds Fund – To Facilities Management Fund – Change in fund codes

5. Erika Pisano – Probation – Deputy Probation Officer 2 – 07/14/14 – From Juvenile Standards Probation Fund – To General Fund – Change in fund codes

JULY 15, 2014

DEPARTURES:

1. Annamarie Schutter – Sheriff's Office – 911 Dispatcher – 06/30/14 – General Fund – DOH 04/30/03

2. Michael Lorca – Probation – Juvenile Detention Officer (.48) – 06/30/14 – General Fund – DOH 07/19/10

3. Linda Eastlick – Human Resources – Director of Human Resources and Risk Management – 07/18/14 – General Fund – DOH 08/27/07

4. Virginia Mounce – Treasurer's Office – Treasurer Services Assistant – 07/07/14 – General Fund – DOH 11/01/10

5. Donald Simon – Health and Emergency Services – HIV Early Intervention Services Coordinator – 07/18/14 – General Fund – DOH 04/30/14

NEW HIRES:

6. Patricia Dodd – Sheriff's Office – Civil Clerk – 07/21/14 – General Fund – Replacing Susan Dean

7. Barbara Romero – Probation – Administrative Clerk Senior – 07/21/14 – State Aid Enhancement Fund – Replacing April Fogle

TEMPORARY HIRES TO COUNTY SERVICES:

8. Savannah Barajas – Constituent Services 2 – Temporary Laborer – 07/14/14 – General Fund – Replacing Curtis Johnson

9. Marlyce Miller – Constituent Services 2 – Temporary Laborer – 07/14/14 – General Fund – Replacing Matthew Cruz

10. Destinee Barajas – Constituent Services 2 – Temporary Laborer – 07/14/14 – General Fund – Replacing Christopher Thorne

END PROBATIONARY PERIOD:

11. R. Brent Henry – Public Works – Building Maintenance Technician Senior – 08/10/14 – Facilities Management Fund
12. Justin Simpson – Public Works – Road Maintenance and Equipment Operator – 07/06/14 – Public Works Fund
13. R. Joe Johnson – Public Works – Road Maintenance and Equipment Operator – 07/06/14 – Public Works Fund

OTHER ACTIONS:

14. April Fogle – Probation – Administrative Clerk Senior – 07/21/14 – From State Aid Enhancement Fund – To General Fund
15. Ronald Hanse – Sheriff’s Office – From Deputy Sheriff – To Deputy Sheriff (Special Assignment) – 06/17/14 – General Fund – Temporary assignment
16. Thoreina Hensley – Sheriff’s Office – From Deputy Sheriff (Special Assignment) – To Deputy Sheriff – 06/29/14 – General Fund – End of temporary assignment

REQUEST TO POST:

17. Public Works – Senior Accounting Clerk – Vacated by Gloria Aguirre
18. Recorder’s Office – Recorder’s Clerk - Vacated by Simone Sheppard
19. Recorder’s Office – Recorder Clerk Senior – Vacated by Teri Berumen
20. Health and Emergency Services – Public Health Nurse – Vacated by Roberta Johnson
21. Health and Emergency Services – Health Programs Manager – Vacated by Christine Rocha
22. Health and Emergency Services – Temporary Public Health Nurse

JULY 22, 2014

DEPARTURES:

1. Judith Eckhardt – Assessor’s Office – Property Appraiser 1 – 07/15/14 – General Fund – DOH 02/04/14
2. Gloria Thompson – Library District – Temporary Early Literacy Program Coordinator – 07/31/14 – Library District Grants Fund – DOH 07/22/13
3. Delores Guerrero – Library District – Temporary Early Literacy Community Liaison – 06/30/14 – Library District Grants Fund – DOH 07/29/13
4. Maxine Piper – Library District – Temporary Early Literacy Community Liaison – 06/30/14 – Library District Grants Fund – DOH 08/06/12

NEW HIRES:

5. Brian Buchanan – Sheriff’s Office – Detention Officer – 07/28/14 – General Fund – Replacing Matthew Benson

TEMPORARY HIRES TO COUNTY SERVICES:

6. Carolyn Haro – Library District – Temporary Early Literacy Community Liaison – 07/28/14 – Library Districts Grants Fund – Replacing Delores Guerrero
7. Robin Holt – Library District – Temporary Early Literacy Community Liaison – 07/01/14 – Library District Grants Fund
8. Lorraine Dalrymple – Health and Emergency Services – Temporary Public Health Nurse – 07/30/14 – Health Services Fund

END PROBATIONARY PERIOD:

9. Joni Erwin – Finance – Buyer – 07/21/14 – General Fund

OTHER ACTIONS:

10. Pamela Beerens – Library District – Public Services Librarian – 07/01/14 – From Library Assistance Fund – To Various Funds – Change in funds

11. Debra Blevins – Health and Emergency Services – Accounting Clerk – 07/01/14 – Various Funds – Change in funds

12. Ramona Scales – Health and Emergency Services – Public Health Nurse – 07/01/14 – Various Funds – Change in funds

13. Lucinda Campbell – Health and Emergency Services – Public Health Nurse – 07/01/14 – Various Funds – Change in funds

REQUEST TO POST:

14. Human Resources – Director of Human Resources and Risk Management – Vacated by Linda Eastlick

15. Public Works – Building and Maintenance Technician – Vacated by Jose Ramirez

16. Assessor’s Office – Property Appraiser 1 – Vacated by Judith Eckhardt

17. Library District – San Carlos Temporary Early Literacy Program Coordinator – Vacated by Gloria Thompson

JULY 29, 2014

DEPARTURES:

1. Cecilia Bejarano – Community Services – Administrative Assistant – 08/01/14 – Various Funds – DOH 10/01/76

2. Arlene Ramirez – Superior Court – Calendar Administrator – 07/18/14 – General Fund – DOH 09/16/13

NEW HIRES:

3. Morgan Epperson – Community Development – Permit Technician – 08/04/14 – General Fund – Replacing Beverly Valenzuela

4. Cole LaBonte – Sheriff’s Office – Deputy Sheriff – 08/04/14 – General Fund – Replacing Karl Schubert

5. Alicia Santa Maria – Recorder’s Office – Recorder’s Clerk Senior – 08/04/14 – General Fund – Replacing Teri Berumen

6. Meagan Hart – Recorder’s Office – Recorder’s Clerk – 08/18/14 – General Fund – Replacing Simone Sheppard

TEMPORARY HIRES TO COUNTY SERVICES:

7. Juanita Martinez – Library District – Temporary Early Literacy Community Liaison – 07/30/14 – Library District Grants Fund – Replacing Amanda Aguirre

END PROBATIONARY PERIOD:

8. Jerry M. Moore – Public Works – Building Maintenance Technician – 08/10/14 – Facilities Management Fund

9. M. Reyes Barajas – Public Works – Building Maintenance Technician – 08/03/14 – Facilities Management Fund

OTHER ACTIONS:

10. Valerie Pizano – Superior Court – Temporary Court Clerk – 07/01/14 – From Local Probate Assessment Fee Fund – To Superior Court Cost of Prosecution Fund – Change in fund codes

REQUEST TO POST:

11. Community Services – Administrative Assistant – Vacated by Cecilia Bejarano

R. Acknowledgment of contracts under \$50,000 which have been approved by the County Manager for the weeks of June 30, 2014 to July 4, 2014; July 7, 2014 to July 11, 2014; and July 14, 2014 to July 18, 2014.

S. Approval of finance reports/demands/transfers for the weeks of July 22, 2014, July 29, 2014, and August 5, 2014.

July 22, 2014

\$2,791,279.13 was disbursed for County expenses by check numbers 263209 through 263406.

July 29, 2014

\$246,491.97 was disbursed for County expenses by check numbers 263407 through 263523.

August 5, 2014

\$1,605,464.23 was disbursed for County expenses by check numbers 263524 through 263675. **(An itemized list of disbursements is permanently on file in the Board of Supervisors' Office.)**

Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously approved Consent Agenda action items 4-A through 4-S.

Item 5 – CALL TO THE PUBLIC: Call to the Public is held for public benefit to allow individuals to address the Board of Supervisors on any issue within the jurisdiction of the Board of Supervisors. Board members may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to Arizona Revised Statute §38-431.01(H), at the conclusion of an open call to the public, individual members of the Board of Supervisors may respond to criticism made by those who have addressed the Board, may ask staff to review a matter or may ask that a matter be put on a future agenda for further discussion and decision at a future date.

There were no comments from the public.

Item 6 – At any time during this meeting pursuant to A.R.S. §38-431.02(K), members of the Board of Supervisors and the County Manager may present a brief summary of current events. No action may be taken on issues presented.

Each Board member and the County Manager presented information on current events.

There being no further business to come before the Board of Supervisors, Chairman Pastor adjourned the meeting at 11:45 a.m.

APPROVED:

Michael A. Pastor, Chairman

ATTEST:

Marian Sheppard, Clerk of the Board

ARF-2760

Consent Agenda Item 4. K.

Regular BOS Meeting

Meeting Date: 09/16/2014

Reporting Period: Report for County Manager Approved Contracts Under \$50,000 for Weeks Ending 8-22-14; and 8-29-14

Submitted For: Jeffrey Hessenius, Finance Director
Submitted By: Jeannie Sgroi, Contracts Administrator, Finance Division

Information

Subject

Report for County Manager Approved Contracts Under \$50,000 for Weeks Ending 8-22-14; and 8-29-14.

Suggested Motion

Acknowledgment of contracts under \$50,000 which have been approved by the County Manager for the weeks of August 18, 2014, to August 22, 2014; and August 25, 2014, to August 29, 2014.

Attachments

Report for County Manager Approved Contracts Under \$50,000 for Weeks Ending 8-22-14, and 8-29-14

Service Agreement 081414 with Superior Cleaning Equipment

Amendment No. 1 to Lease Agreement No. 1005 340 DPM 5-2011 with R&M Repeaters LLC

2014-2015 Executed Maintenance Agreement with Thomas Reprographics

2014-2015 Maintenance Renewal with Windstream

Amendment No. 3 to Lease Agreement with Payson Place

2014-2015 Contract for Bookkeeping Services with Quality Accounts

Online Training-License Agreement with StateFoodSafety.com

Service Agreement No. 080514 with Quality Pumping, LLC

Professional Services Contract No. 082514 with Kimley-Horn and Associates

Amendment No 1 to Laboratory Testing Services Agreement with Center for Disease Detection

Amendment No. 5 to Service Agreement 032913 with Earthquest Plumbing

COUNTY MANAGER APPROVED CONTRACTS UNDER \$50,000

August 18, 2014 to August 22, 2014

Number / Vendor	Title	Amount	Term	Approved	Renewal Option	Summary
081414 Superior Cleaning Equipment, Inc.	Service Agreement No. 081414 Pressure Washer Service & Repair Recycling & Landfill	\$1,800.00	8-20-14 to 11-14-14	8-20-14	Expires	Replace and repair landfill pressure washer.
1005.340.DPM/5-2011 R&M Repeaters LLC	Amendment No. 1 to Lease Agreement No. 1005.340.DPM/5-2011 Site Lease Diamond Point Mountain Radio Equipment	\$8,520.84	7-1-14 to 6-30-15	8-20-14	Expires	Amendment No. 1 will extend the term of the contract with R&M Repeaters for the lease of the radio equipment on the Diamond Point Mountain site.
Thomas Reprographics	Maintenance Agreement OCE Plotwave 300	\$1,680.00	9-1-14 to 8-31-15	8-20-14	Expires	Renewal of the 1 year maintenance agreement for the Public Works and Community Development OCE Plotwave 3000 printer. Agreement includes all travel, labor, parts and preventative maintenance.
Windstream	Radvision Maintenance Renewal	\$13,750.00 plus sales tax	10-22-14 to 10-21-15	8-20-14	Expires	Annual maintenance renewal for Scopia Desktop video conferencing software. This software is utilized by departments to conduct video conferencing from desktops computers as needed.
Payson Place LLC	Amendment No. 3 to Lease Agreement between Gila County and Payson Place LLC.	\$9,851.52	9-1-14 to 8-31-15	8-20-14	Annual option to renew	Extension to lease agreement for rental of County Attorney's office in Payson, AZ.

August 18, 2014 to August 22, 2014

Number / Vendor	Title	Amount	Term	Approved	Renewal Option	Summary
Quality Accounts, LLC	Contract for Bookkeeping/Fee Accounting Services	\$1,500.00	7-1-14 to 6-30-16	8-20-14	Expires	Contractor shall provide Community Services with Section 8 monthly financials, year-end closing and audit file preparation, unaudited FASPHA REAC submission and HUD Quarterly NRA balance reconciliations. Invoices will be submitted for full amount upon contract execution.
StateFoodSafety.com	Online Training-License Agreement with StateFoodSafety.com	N/A	8-22-14 to 8-21-15	8-22-14	Option to renew for three (3) additional one (1) year periods	State law requires that all food handler works be certified. This service will allow for Gila County residents to take a state approved course and test to obtain their food handler card. StateFoodSafety.com provides the course, bills the citizen and pays the agreed to fee to the County on a monthly basis.

August 25, 2014 to August 29, 2014

Number / Vendor	Title	Amount	Term	Approved	Renewal Option	Summary
080514 Quality Pumping LLC	Service Agreement No. 080514 Portable Toilet Service Buckhead Mesa Landfill	\$2,290.00	8-26-14 to 8-25-15	8-20-14	Option to renew for two (2) additional one (1) year periods	For years the County contracted with Wrangler Plumbing to provide porta jon rentals and service for the porta jons. Wrangler Plumbing has notified the County that effective 08-31-14, they will no longer be in the Porta jon business. After obtaining quotes from the only two vendors that will serve the Payson area, a contract is being executed with Quality Pumping, Inc. to provide two porta jons and monthly service for each.

August 25, 2014 to August 29, 2014

Number / Vendor	Title	Amount	Term	Approved	Renewal Option	Summary
082514 Kimley-Horn & Associates	Professional Services Contract No. 082514 Oak Creek Bridge Design	\$11,566.800	8-26-14 to 8-25-15	8-26-14	Option to renew for two (2) additional one (1) year periods	Remove and re-package the Oak Creek Bridge out of the Tonto Creek Bridge Design Project. Gila County applied for and received STP funds through CAAG to construct the Oak Creek Bridge. Contract No. 112113-1 was executed on 11-27-13 in the amount of \$38,556.00, however it has expired. There is a remaining balance from that contract of \$11,566.80 which will be used to complete the project, through the execution of this contract.
Center for Disease Detection	Amendment No. 1 to Laboratory Testing Services	\$-719.25	2-1-14 to 1-31-15	8-26-14	Option to renew for two (2) additional one (1) year periods	Contractor will provide laboratory testing services for the Gila County Health Department. The price includes all collection devices, shipping boxes, postage paid shipping envelopes, and testing. All supplies are tracked by the contractor's computer and will automatically be shipped to keep the department inventory well stocked. Due to budget restrictions, the Health Department has requested the contract amount be reduced by \$719.25.
032913 Earthquest Plumbing, Inc.	Amendment No. 5 to Service Agreement No. 032913 URRD/PGC Emergency Repair/Replace	\$9,412.86	4-3-14 to 4-2-15	8-27-14	Option to renew for two (2) additional one (1) year periods	Amendment No. 5 will increase the contract by an additional \$9,412.86 for a new total amount of \$26,412.86. The contract was issued for a blanket P.O., so in the event of an emergency repair Community Service will have the opportunity to respond quickly.

Tommie C. Martin, District I
610 E. Highway 260 Payson, AZ. 85547
(928) 474-2029

Michael A. Pastor, District II
1400 E. Ash St. Globe, AZ. 85501
(928) 425-3231 Ext. 8753

John D. Marcanti, District III
1400 E. Ash St. Globe, AZ. 85501
(928) 425-3231 Ext. 8511



GILA COUNTY
www.gilacountyaz.gov

Don E. McDaniel Jr., County Manager
Phone (928) 425-3231 Ext. 8761

Jeff Hessenius, Finance Director
Phone (928) 425-3231 Ext. 8743

1400 E. Ash Street
Globe, AZ 85501

SERVICE AGREEMENT NO. 081414
PRESSURE WASHER SERVICE & REPAIR
RECYCLING & LANDFILL

THIS AGREEMENT, made and entered into this 20TH day of AUGUST, 2014, by and between Gila County, a political subdivision of the State of Arizona hereinafter designated the County, and Superior Cleaning Equipment Inc., of the City of Phoenix, State of Arizona, hereinafter designated the Contractor.

WITNESSETH: The Contractor, for and in consideration of the sum to be paid him by the County, in the manner and at the time hereinafter provided, and of the other covenants and agreement's herein contained, hereby agrees, for himself, his heirs, administrators, successors, and assigns as follows:

ARTICLE 1 – SCOPE OF SERVICES: The Contractor shall provide the services and products listed in the Scope of Work below and shall do so in a good, workmanlike and substantial manner and to the satisfaction of the County under the direction of the **Public Works Department** or designee.

All work performed by the Contractor shall be completed to local codes and regulation per Gila County and the State of Arizona and consistent with all Gila County guidelines.

Scope of Work: Refer to attached Attachment "A" to **Service Agreement 081414** by mention made a binding part of this agreement as set forth herein.

Contractor Fee's: Refer to Attachment "A" to **Service Agreement 081414** by mention made a binding part of this agreement as set forth herein. To the extent that the terms and conditions of this Service Agreement conflict with the Terms and Conditions of Attachment "A" to **Service Agreement 081414**, the terms and conditions of this service agreement will prevail and govern the contractual relationship between the parties.

ARTICLE 2 – TERMINATION: The County reserves the right to terminate the Contract, in whole or in part at any time, when in the best interest of the County, without penalty or recourse. Upon receipt of the written notice, the Contractor shall stop all work as directed in the notice. If the contract is terminated, the County shall be liable only for the services rendered under this contract and accepted material received by the County before the effective date of termination.

ARTICLE 3 - INDEMNIFICATION: Contractor shall indemnify, defend, save and hold harmless the County of Gila and its officers, officials, agents, and employees (hereinafter referred to as "Indemnatee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Contractor or any of its owners, officers, directors, agents, employees or subcontractors. This indemnity includes any claim or amount arising out of or recovered under the Workers' Compensation Law or arising out of the failure of such contractor to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree. It is the specific intention of the parties that the Indemnatee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnatee, be indemnified by Contractor from and against any and all claims. It is agreed that Contractor will be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable. In consideration of the award of this contract, the Contractor agrees to waive all rights of subrogation against the County, its officers, officials, agents and employees for losses arising from the work performed by the Contractor for the County.

ARTICLE 4 - INSURANCE REQUIREMENTS: Contractor and subcontractors shall procure and maintain until all of their obligations have been discharged, including any warranty periods under this Contract are satisfied, insurance against claims for injury to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Contractor, his agents, representatives, employees or subcontractors.

The insurance requirements herein are minimum requirements for this Contract and in no way limit the indemnity covenants contained in this Contract. The County in no way warrants that the minimum limits contained herein are sufficient to protect the Contractor from liabilities that might arise out of the performance of the work under this contract by the Contractor, his agents, representatives, employees or subcontractors and Contractor is free to purchase additional insurance as may be determined necessary.

A. **MINIMUM SCOPE AND LIMITS OF INSURANCE:** Contractor shall provide coverage with limits of liability not less than those stated below.

1. Commercial General Liability - Occurrence Form

Policy shall include bodily injury, property damage and broad form contractual liability coverage.

- General Aggregate \$2,000,000
- Products - Completed Operations Aggregate \$1,000,000
- Personal and Advertising Injury \$1,000,000
- Each Occurrence \$1,000,000

a. The policy shall be endorsed to include the following additional insured language: "The County of Gila shall be named as an additional insured with respect to liability arising out of the activities performed by, or on behalf of the Contractor".

2. Worker's Compensation and Employers' Liability

Workers' Compensation	Statutory
Employers' Liability	
Each Accident	\$100,000
Disease - Each Employee	\$100,000
Disease - Policy Limit	\$500,000

a. Policy shall contain a waiver of subrogation against the County of Gila.

3. **Professional Liability (Errors and Omissions Liability)**

Each Claim	\$1,000,000
Annual Aggregate	\$2,000,000

- a. In the event that the professional liability insurance required by this Contract is written on a claims-made basis, Contractor warrants that any retroactive date under the policy shall precede the effective date of this Contract; and that either continuous coverage will be maintained or an extended discovery period will be exercised for a period of two (2) years beginning at the time work under this Contract is completed.

B. **ADDITIONAL INSURANCE REQUIREMENTS:** The policies shall include, or be endorsed to include, the following provisions:

1. On insurance policies where the County of Gila is named as an additional insured, the County of Gila shall be an additional insured to the full limits of liability purchased by the Contractor even if those limits of liability are in excess of those required by this Contract.
2. The Contractor's insurance coverage shall be primary insurance and non-contributory with respect to all other available sources.
3. Coverage provided by the Contractor shall not be limited to the liability assumed under the indemnification provisions of this Contract.

C. **NOTICE OF CANCELLATION:** Each insurance policy required by the insurance provisions of this Contract shall provide the required coverage and shall not be suspended, voided, canceled, reduced in coverage or endorsed to lower limits except after thirty (30) days prior written notice has been given to the County. Such notice shall be sent directly to **Gila County Purchasing Department, 1400 E. Ash St., Globe, AZ, 85501** or and shall be sent by certified mail, return receipt requested.

D. **ACCEPTABILITY OF INSURERS:** Insurance is to be placed with insurers duly licensed or approved unlicensed companies in the state of Arizona and with an "A.M. Best" rating of not less than B+ VI. The County in no way warrants that the above-required minimum insurer rating is sufficient to protect the Contractor from potential insurer insolvency.

E. **VERIFICATION OF COVERAGE:** Contractor shall furnish the County with certificates of insurance (ACORD form or equivalent approved by the County) as required by this Contract. The certificates for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf.

All certificates and endorsements are to be received and approved by the County before work commences. Each insurance policy required by this Contract must be in effect at or prior to commencement of work under this Contract and remain in effect for the duration of the project. Failure to maintain the insurance policies as required by this Contract or to provide evidence of renewal is a material breach of contract.

All certificates required by this Contract shall be sent directly to **Gila County Purchasing Department, 1400 E. Ash St., Globe, AZ, 85501** or email to jsgroi@gilacountyaz.gov. The County project/contract number and project description shall be noted on the certificate of insurance. The County reserves the right to require complete, certified copies of all insurance policies required by this Contract at any time.

- F. **SUBCONTRACTORS:** Contractors' certificate(s) shall include all subcontractors as additional insured's under its policies or Contractor shall furnish to the County separate certificates and endorsements for each subcontractor. All coverage's for subcontractors shall be subject to the minimum requirements identified above.
- G. **APPROVAL:** Any modification or variation from the insurance requirements in this Contract shall be made by the County Attorney, whose decision shall be final. Such action will not require a formal Contract amendment, but may be made by administrative action.

ARTICLE 5 – LEGAL ARIZONA WORKERS ACT COMPLIANCE: Contractor hereby warrants that it will at all times during the term of this Contract comply with all federal immigration laws applicable to Contractor's employment of its employees, and with the requirements of A.R.S. § 23-214 (A) (together the "State and Federal Immigration Laws"). Contractor shall further ensure that each subcontractor who performs any work for Contractor under this contract likewise complies with the State and Federal Immigration Laws. County shall have the right at any time to inspect the books and records of Contractor and any subcontractor in order to verify such party's compliance with the State and Federal Immigration Laws.

Any breach of Contractor's or any subcontractor's warranty of compliance with the State and Federal Immigration Laws, or of any other provision of this section, shall be deemed to be a material breach of this Contract subjecting Contractor to penalties up to and including suspension or termination of this Contract. If the breach is by a subcontractor, and the subcontract is suspended or terminated as a result, Contractor shall be required to take such steps as may be necessary to either self-perform the services that would have been provided under the subcontract or retain a replacement subcontractor as soon as possible so as not to delay project completion.

Contractor shall advise each subcontractor of County's rights, and the subcontractor's obligations, under this Article by including a provision in each subcontract substantially in the following form: "Subcontractor hereby warrants that it will at all times during the term of this contract comply with all federal immigration laws applicable to Subcontractor's employees, and with the requirements of A.R.S. § 23-214 (A). Subcontractor further agrees that County may inspect the Subcontractor's books and records to insure that Subcontractor is in compliance with these requirements. Any breach of this paragraph by Subcontractor will be deemed to be a material breach of this contract subjecting Subcontractor to penalties up to and including suspension or termination of this contract."

Any additional costs attributable directly or indirectly to remedial action under this Article shall be the responsibility of Contractor. In the event that remedial action under this Article results in delay to one or more tasks on the critical path of Contractor's approved construction or critical milestones schedule, such period of delay shall be deemed excusable delay for which Contractor shall be entitled to an extension of time, but not costs.

ARTICLE 6 – WARRANTY: Contractor expressly warrants that all goods or services furnished under this agreement shall conform to all specifications and appropriate standards, will be new, and will be free from defects in material or workmanship. Contractor warrants that all such goods or services will conform to any statements made on the containers or labels or advertisements for such goods, or services, and that any goods will be adequately contained, packaged, marked and labeled. Contractor warrants that all goods or services furnished hereunder will be merchantable, and will be safe and appropriate for the purpose for which goods or services of that kind are normally used. If Contractor knows or has reason to know the particular purpose for which County intends to use the goods or services, Contractor warrants that such goods or services will be fit for such particular purpose. Contractor warrants that goods or services furnished will conform in all respects to samples. Inspection, test, acceptance of use of the goods or services furnished hereunder shall not affect the Contractor's obligation under this warranty, and such warranties shall survive inspection, test, acceptance and use. Contractor's warranty shall run to County, its

successors, and assigns. Contractor agrees to replace or correct, at Contractor's sole cost and expense, defects of any goods or services not conforming to the foregoing warranty, or improperly installed, as well as guarantee to the County and to the Owner, against liability, losses or damage to any or all parts of the work arising from said installation during a period of two (2) years from date of completion. All guarantees will inure to the benefit of the County and the Owner, their successors or assigns, including equipment warranties, ordinary wear and tear and unusual abuse or neglect excepted.

In the event of failure of Contractor to correct defects in or replace nonconforming goods or services promptly, County, after reasonable notice to Contractor, may make such corrections or replace such goods and services and charge Contractor for the cost incurred by the County in doing so. Contractor recognizes that County's requirements may require immediate repairs in reworking of defective goods, without notice to the Contractor. In such event, Contractor shall reimburse County for those costs, delays, or other damages which County has incurred.

ARTICLE 7 - LAWS AND ORDINANCES: This agreement shall be enforced under the laws of the State of Arizona. Contractor shall maintain in current status all Federal, State and Local licenses and permits required for the operation of the business conducted by the Contractor. The Contractor shall comply with the applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and applicable federal regulations under the Act.

ARTICLE 8 - CANCELLATION: This agreement is subject to cancellation pursuant to A.R.S. §38-511. If the Agreement is terminated, the county shall be liable only for payment for services rendered and accepted material received by the County before the effective date of termination.

ARTICLE 9 - RELATIONSHIP OF THE PARTIES: Contractor is an independent contractor of the County. Contractor represents that he has or will secure, at his own expense, all personnel required in performing the services under this contract. Such personnel shall not be employees of or have any contractual relationship with the County. All personnel engaged in work under this contract shall be fully qualified and shall be authorized or permitted under State and local law to perform such services. Contractor warrants that he has obtained or will obtain Worker's Compensation Insurance for his employees working on this contract and that any subcontractors will likewise obtain Worker's Compensation Insurance for of their employees working on this contract. It is further agreed by Contractor that he shall obey all state and federal statutes, rules, and regulations which are applicable to provisions of the services called for herein. Neither Contractor nor any employee of the Contractor shall be deemed an officer, employee, or agent of the County.

ARTICLE 10 - NON-APPROPRIATIONS CLAUSE: Contractor acknowledges that the County is a governmental entity, and the contract validity is based upon the availability of public funding under its authority. In the event that public funds are unavailable and not appropriated for the performance of County's obligations under this contract, then this contract shall automatically expire without penalty to County after written notice to Contractor of the unavailability and non-appropriation of public funds. It is expressly agreed that the County shall only activate this non-appropriation provision as an emergency fiscal measure. The County shall not activate this non-appropriation provision for its convenience, to circumvent the requirements of this contract, or to enable the County to contract with another Contractor for the same supplies or services covered under this Addendum.

ARTICLE 11 – ENTIRE CONTRACT CLAUSE: The Contractor and the County have read this Contract and agree to be bound by all of its terms, and further agree that it constitutes the entire contract between the two parties and may only be modified by a written mutual contract signed by the parties. No oral agreement or oral provision outside this Contract shall have any force or effect.

ARTICLE 12 – NON-WAIVER OF ENFORCEABILITY: Failure of the County to enforce, at any time, any of the provisions of this Contract, or to request at any time performance by Contractor of any of the provisions hereof, shall in no way be construed to be a waiver of such provisions, nor in any way affect the validity of this contract or any part thereof, or the right of the County to enforce each and every provision

ARTICLE 13 – GOVERNING LAW: Both parties agree that this Contract shall be governed by the laws of the state of Arizona. The parties further agree that the jurisdiction for any legal disputes arising out of this Contract shall be the Superior Court of the State of Arizona. The parties agree that even if this Contract does not specifically reference any provision required by state or federal law, those state and federally required provisions are incorporated into this Contract by this reference as though they were specifically listed herein.

ARTICLE 14– TERM: The Contract commences on the date it is signed by the County Manager and expires on November 14, 2014.

ARTICLE 15 – PAYMENT/BILLING: Contractor shall be paid an amount, based on actual hours worked, not to exceed \$1,800.00 for completion of the projects as outlined in the Scope of Services.

All invoices shall be submitted to Gila County Accounts Payable, 1400 E. Ash St, Globe, Arizona and include the following information:

- Purchase Order Number
- Contract Number
- Invoice Number
- Service Location
- Vendor Name and Address
- Description of Service

Any alterations to the scope of work resulting in a change in cost must have prior written approval by the County. Any unauthorized work may result in non-payment to the vendor.

Gila County employs a "Net 15" payment term for services meaning the payment will be issued fifteen (15) days from the date the County receives the invoice from the Contractor. Purchase orders sent to the Contractor reflect these terms and conditions.

The Contractor shall have a current I.R.S. W-9 form on file with the County unless not required by law. The County shall not remit payment if the Contractor does not have a current W-9.

IN WITNESS WHEREOF, Service Agreement No. 081414 has been duly executed by the parties hereinabove named, on the date and year first above written.

GILA COUNTY



Don E. McDaniel Jr., County Manager

Date: 8/20/14

SUPERIOR CLEANING EQUIPMENT INC.



Signature

Lon Ann Rickett Controller
Print Name



AMENDMENT NO. 1 to LEASE AGREEMENT 1005.340.DPM/5-2011

The following amendments are hereby incorporated into the agreement for the below project

**GILA COUNTY SHERIFF'S DEPARTMENT
AND
R&M REPEATERS LLC
SITE LEASE
DIAMOND POINT MOUNTAIN RADIO EQUIPMENT**

Effective July 1, 2011, Gila County and R&M Repeaters LLC entered into a Lease Agreement whereby Gila County is leasing the Diamond Point Mountain Site, Payson, AZ.

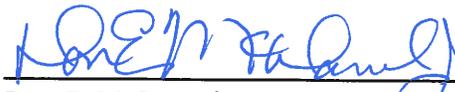
Lease Agreement 1005.340.DPM/5-2011 expires on June 30, 2014. Per Item #5-Term, upon agreement of both parties, the lease may be extended for two (2) additional one (1) year terms.

Amendment No. 1 to Lease Agreement No. 1005.340.DPM/5-2011 will exercise the option to renew the term of **Lease Agreement No. 1005.340.DPM/5-2011** for an additional one (1) year term, from July 1, 2014 to June 30, 2015. Total annual compensation shall not exceed Eight Thousand Five Hundred-Twenty dollars and 84/100's (\$8,520.84).

All other terms, conditions and provisions of the original Lease Agreement shall remain the same and apply during the July 1, 2014 to June 30, 2015 renewal period.

IN WITNESS WHEREOF, two (2) identical counterparts of this amendment, each which shall include original signatures and for all purposes be deemed an original thereof, have been duly executed by the parties hereinabove named, on this 20 day of AUGUST, 2014.

GILA COUNTY



Don E. McDaniel Jr., County Manager

R&M REPEATERS LLC.



Signature

Print Name Christopher F. Salsut



Thomas Reprographics, Inc.

Maintenance Agreement

Bill To

Gila County Engineering
1400 E. Ash Street
Globe, Arizona 85501
Jeannie Sgroi 928-402-8612
dsgroi@gilacountyaz.gov

Location

745 N. Rose Mofford Way
Globe, Arizona 85501

Model #	Serial #	Contract Terms	Rate
Oce Plotwave 300	330200694	Maintenance Agreement provides all Travel, Labor, Parts and Preventive Maintenance visits. Consumable items such as Media, Toner and Developer are not covered.	1,680 / Year
Allowable Usage	24,000 LF/ Year	Client agrees to pay Thomas Reprographics .041 per Sq. ft. for usage in excess of the semi-annual usage factor of 12,000 Sq. feet. The excess copy charge is billed semi-annually in arrears.	
		Special Notes: Photoreceptor coverage <u>YES</u> Beginning Meter to be taken Additional Terms and Conditions on page 2. Coverage period 9/1/2014 – 8/31/2015	

The equipment listed is to be maintained subject to the terms and conditions on the reverse side.

Acceptance

Customer Name GILA COUNTY P.O# _____
 Customer Signature [Signature] Date 8/20/14
DON E. McDANIEL, JR., COUNTY MANAGER
 Service Manager [Signature] Date 8/4/2014

TERMS AND CONDITIONS



AGREEMENT

This Agreement covers the equipment described on the face hereof and does not include any equipment or accessories not listed thereon. During the term of this Agreement, specified on face hereof, Thomas Reprographics will maintain the Equipment in good working order in accordance with the terms and conditions set forth.

This Agreement may not be assigned by Customer. Cancellation requires a 30-day written notice and is subject to penalty as set forth in Paragraph 4.

Specifically excluded from this Agreement is the photoreceptor drum and consumable supplies necessary to test or operate equipment covered through this Agreement unless otherwise specified.

All taxes levied or imposed, now or hereafter, by any government authority shall be timely paid by the Customer.

This Agreement provides service for Equipment at the address specified on the face hereof. Customer agrees to be responsible for all costs associated with relocation initiated by Customer.

In the event any equipment is moved to another location, this agreement is subject to an appropriate adjustment in the annual rate and meter charge where applicable.

INVOICE/PAYMENT

Maintenance Agreement charges are made payable in advance as specified on the face hereof. This Agreement will automatically renew on the annual renewal date shown on the face hereof, unless written notice is received 30 days prior to the annual renewal date at Thomas Reprographics, Inc. 4102 N. 24th Street Phoenix, Arizona 85016.

With respect to Equipment subject to associated usage or overage fees, at the end of each period, Customer agrees to provide meter readings to Thomas Reprographics. If meter readings are not provided promptly to Thomas Reprographics, meter charges may be estimated and invoiced accordingly.

Invoices are payable Net 10th Prox.

FULL SERVICE MAINTENANCE

Service as specified in the face hereof, will be provided by Thomas Reprographics or its designated Authorized Dealer during normal business hours. Service at time other than Thomas Reprographics normal business hours shall be furnished at Customer's request on an "If available" basis at the "After Hours," travel and labor rates.

Customer agrees to provide Thomas Reprographics access to the Equipment to perform the Periodical Maintenance Program as specified by Thomas Reprographics.

Thomas Reprographics has the right to install and or remove developer to maintain good copy quality in performance of their Agreement. Developer will be removed in accordance with applicable Periodic Maintenance programs and will be removed from the Customer's premises unless The Customer specifically requests otherwise.

All parts determined to be irreparable by Thomas Reprographics will be replaced under Thomas Reprographics sole judgment. Replaced parts become the property of Thomas Reprographics.

Thomas Reprographics will install improvements designated by the Manufacturer as "Mandatory retrofit" for the equipment. Equipment upgrades designated as "Optional" by the Manufacturer are not covered by this agreement. Such "Optional" upgrades will be performed at the current prevailing rate.

Customer agrees that Thomas Reprographics will not be required to perform maintenance under this Agreement made necessary due to accident, misuse, abuse, neglect, theft, vandalism electrical power failure, fire, water or other casualty, or to repairs made necessary as a result of service personnel other than Thomas Reprographics or a undesignated authorized dealer, or repeated use of supplies or parts that do not meet the manufactures specifications. Separate charges for repairs or replacement due to the foregoing shall be born by the Customer and performed at Thomas Reprographics prevailing rates.

H Repetitive service resulting from either a failure in replacing or updating recommended supplies which have exceeded their use through damage or normal wear, or the performance of key operator duties as set forth during operator training at time of installation of equipment, will be subject to charge at the current prevailing rates in effect.

I When service work beyond the scope of this Agreement is required. Thomas Reprographics will submit a cost estimate for such service work as authorized by the Customer. A separate invoice will be rendered.

4. BREACH/CANCELLATION

A Thomas Reprographics may cancel this agreement on breach by Customer of any terms and conditions hereon, by written notice to customer ten (10) days in advance.

B In the event of cancellation initiated by Customer, Thomas Reprographics must receive cancellation notice from Customer 30 days in advance.

C Upon termination of this Agreement either by breach or cancellation, Customer shall forfeit all payments made annually in advance plus the linear meter charge for 30 days from the effective date of notice or cancellation. If the specified Agreement on the face hereof is an annual contract with the minimum charge payable monthly in advance, the Customer shall remain liable for the remaining monthly charges until the termination of the contract period as specified on the face hereof plus the linear meter charge for 30 days from the effective date of notice of cancellation.

5. FORCE MAJEURE

A Thomas Reprographics shall not be responsible for failure to render service due to causes beyond its control including, but not limited to: work stoppages, fire, civil disobedience's, riots, rebellions acts of God, and similar occurrences

6. GENERAL PROVISIONS

A Equipment Operators: Customer shall provide specified equipment operators trained to perform key operator duties as set forth during operator training at time of Equipment Installation

B Notices: All notices made pursuant to this Agreement will be effective upon mailing to Thomas Reprographics and the Customer at the addresses on the face hereof.

C Headings: The headings and titles of the agreement are inserted only for convenience and shall not effect the interpretation or construction of any provision.

D Governing Law: The Agreement will be governed by and construed according to the laws of the State of Arizona

7. ENTIRE AGREEMENT

A This Agreement shall become effective only after execution by Customer and Thomas Reprographics in the (place) provided. It is expressly understood that no further form of acceptance, verbal or written, will be valid or binding and that this Agreement shall constitute the entire Agreement between the Customer and Thomas Reprographics with respect to its subject matter, irrespective of inconsistent or additional terms and conditions in Customer's Purchase Orders and any other documents submitted to Thomas Reprographics by Customer or in representations made by Thomas Reprographics, Inc. personnel.

ATTACHMENT "A"

Legal Arizona Workers Act Compliance: Firm hereby warrants that it will at all times during the term of this Contract comply with all federal immigration laws applicable to Firm's employment of its employees, and with the requirements of A.R.S. § 23-214 (A) (together the "State and Federal Immigration Laws"). Firm shall further ensure that each subcontractor who performs any work for Firm under this contract likewise complies with the State and Federal Immigration Laws.

County shall have the right at any time to inspect the books and records of Firm and any subcontractor in order to verify such party's compliance with the State and Federal Immigration Laws.

Any breach of Firm's or any subcontractor's warranty of compliance with the State and Federal Immigration Laws, or of any other provision of this section, shall be deemed to be a material breach of this Contract subjecting Firm to penalties up to and including suspension or termination of this Contract. If the breach is by a subcontractor, and the subcontract is suspended or terminated as a result, Firm shall be required to take such steps as may be necessary to either self-perform the services that would have been provided under the subcontract or retain a replacement subcontractor as soon as possible so as not to delay project completion.

Firm shall advise each subcontractor of County's rights, and the subcontractor's obligations, under this Article by including a provision in each subcontract substantially in the following form: "Subcontractor hereby warrants that it will at all times during the term of this contract comply with all federal immigration laws applicable to Subcontractor's employees, and with the requirements of A.R.S. § 23-214 (A). Subcontractor further agrees that County may inspect the Subcontractor's books and records to insure that Subcontractor is in compliance with these requirements. Any breach of this paragraph by Subcontractor will be deemed to be a material breach of this contract subjecting Subcontractor to penalties up to and including suspension or termination of this contract."

Cancellation: This agreement is subject to cancellation pursuant to A.R.S. §38.511.

THOMAS REPROGRAPHICS

Chris Rincon

Individual Authorized to Sign

CHRIS RINCON

Print Name

SERVICE MANAGER

Title

8/4/14

Date



Price Quotation

Customer **Gila County**
 Address **1400 East Ash Street**
Globe AZ, 85501
 Contact **Jeannie Sgroi**
 Phone# **925-402-8612**

website www.windstreambusiness.com
 Contact Justin Cullen
 Phone 916-673-5053
 Address 90 Blue Ravine Road, Folsom CA 95630
 Quote Date 08/07/14

Bill of Materials

Part #	Qty	Description	Unit Disc. Price	Extended Disc. Price
Radvision Maintenance Renewal - 1 Year				
		56004-00032, Call Center 5x8, Software Update 7 upgrade, HW Repair and Remote Diagnostics		\$ 1,425.00
		56005-00051, Call Center 5x8, Software update & upgrade, HW Repair and Remote Diagnostics		\$ 7,875.00
		56004-00005, Direct Support to end user		\$ 4,450.00
				\$ -
				\$ -
				\$ -
		Total Renewal		\$ 13,750.00
Professional Implementation Services				
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
		Services Total		\$ -
		Solution Totals:		
		Equipment		\$ 13,750.00
		Services		\$ -
		Estimated Shipping		\$ -
		Total Project		\$ 13,750.00

** Your Existing Service period will be extended through 10/21/2015

** Your service and support coverage renewal date will be from 10/22/2014 through 10/21/2015.

** Attachment "A" Agreed Upon Terms and Conditions Apply

** Scopia Elite 5110 Bundle, Serial Numbers 1028080188, 1028080159, 10280802331

** Pathfinder - Basic Package, Serial Number 1082080067

Customer Authorization: DON E. MCDANIEL, JR., COUNTY MANAGER
 Date: 8/20/14

Partner Authorization:
 Date: 8-12-2014

Windstream
 90 Blue Ravine Road
 Folsom, CA 95630

866-233-6878 (Toll Free)
 916-673-5193 (fax)

ATTACHMENT "A"

Gila County Contractor Standard Terms and Conditions Addendum

A. Addendum Applicability

Contractor and Gila County agree that the terms and conditions of this Addendum shall apply to and govern the contractual relationship between Contractor and Gila County and shall supplement any other contract or agreement entered into between the parties. In the event that the terms and conditions in this Addendum conflict with any provision of any other agreement entered into between the Contractor and Gila County (including a superiority provision similar to this provision), the terms and conditions of this Addendum shall control the contractual relationship between the parties and shall supersede any conflicting provisions found in any other contract or agreement. Contractor understands that acceptance of the terms and conditions contained in this Addendum is a condition precedent to entering into a contractual relationship with Gila County.

B. Contract Defined

As used in this Addendum, the term "Contract" shall refer to any written agreement between Gila County and a person, organization, corporation, company or other entity that provides supplies or services to Gila County regardless of the title or other name applied to that written agreement. The term includes by this reference all the terms and conditions of this Addendum.

C. Contractor Defined

As used in this Addendum, the term "Contractor" shall refer to a person, provider, organization, corporation, company or other entity providing supplies or services to Gila County pursuant to a written agreement regardless of the title or other name applied to "Contractor" in that written agreement.

D. Relationship to Parties

Contractor is an independent contractor of the County. Contractor represents that he has or will secure, at his own expense, all personnel required in performing the services under this contract. Such personnel shall not be employees of or have any contractual relationship with the County. All personnel engaged in work under this contract shall be fully qualified and shall be authorized or permitted under State and local law to perform such services. It is further agreed by Contractor that he shall obey all state and federal statutes, rules, and regulations which are applicable to provisions of the services called for herein. Neither Contractor nor any employee of the Contractor shall be deemed an officer, employee, or agent of the County.

E. Non-Appropriations Clause

Contractor acknowledges that the County is a governmental entity, and the contract validity is based upon the availability of public funding under its authority. In the event that public funds are unavailable and not appropriated for the performance of County's obligations under this contract, then this contract shall automatically expire without penalty to County after written notice to Contractor of the unavailability and non-appropriation of public funds. It is expressly agreed that the County shall only activate this non-appropriation provision as an emergency fiscal measure. The County shall not activate this non-appropriation provision for its convenience, to circumvent the requirements of this contract, or to enable the County to contract with another Contractor for the same supplies or services covered under this Addendum.

F. Hold Harmless/Indemnification Clause

Contractor shall indemnify, defend, save and hold harmless the County of Gila and its officers, officials, agents, and employees (hereinafter referred to as "Indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Contractor or any of its owners, officers, directors, agents, employees or subcontractors. This indemnity includes any claim or amount arising out of or recovered under the Workers' Compensation Law or arising out of the failure of such Contractor to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree. It is the specific intention of the parties that the Indemnitee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, be indemnified by Contractor from and against any and all claims. It is agreed that the Contractor will be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable. In

consideration of the award of this contract, the Contractor agrees to waive all rights of subrogation against the County, its officers, officials, agents and employees for losses arising from the work performed by the Contractor for the County.

G. Entire Contract Clause

The Contractor and the County have read this Contract and agree to be bound by all of its terms, and further agree that it constitutes the entire contract between the two parties and may only be modified by a written mutual contract signed by the parties. No oral provision in conflict with this Contract shall have any force or effect.

H. Non-Waiver of Enforceability

Failure of the County to enforce, at any time, any of the provisions of this Contract, or to request at any time performance by Contractor of any of the provisions hereof, shall in no way be construed to be a waiver of such provisions, nor in any way affect the validity of this contract or any part thereof, or the right of the County to enforce each and every provision.

I. Governing Law

Both parties agree that this Contract shall be governed by the laws of the state of Arizona. The parties further agree that the jurisdiction for any legal disputes arising out of this Contract shall be the Superior Court of the State of Arizona. The parties agree that even if this Contract does not specifically reference any provision required by state or federal law, those state and federally required provisions are incorporated into this Contract by this reference as though they were specifically listed herein.

J. Cancellation

Cancellation pursuant to A.R.S. §38-511. This contract is subject to the cancellation provisions of A.R.S. §38-511.

K. Legal Arizona Workers Act Compliance

Contractor hereby warrants that it will at all times during the term of this Contract comply with all federal immigration laws applicable to Contractor's employment of its employees, and with the requirements of A.R.S. § 23-214 (A) (together the "State and Federal Immigration Laws"). Contractor shall further ensure that each subcontractor who performs any work for Contractor under this contract likewise complies with the State and Federal Immigration Laws.

County shall have the right at any time to inspect the books and records of Contractor and any subcontractor in order to verify such party's compliance with the State and Federal Immigration Laws.

Any breach of Contractor's or any subcontractor's warranty of compliance with the State and Federal Immigration Laws, or of any other provision of this section, shall be deemed to be a material breach of this Contract subjecting Contractor to penalties up to and including suspension or termination of this Contract. If the breach is by a subcontractor, and the subcontract is suspended or terminated as a result, Contractor shall be required to take such steps as may be necessary to either self-perform the services that would have been provided under the subcontract or retain a replacement subcontractor as soon as possible so as not to delay project completion.

Contractor shall advise each subcontractor of County's rights, and the subcontractor's obligations, under this Article by including a provision in each subcontract substantially in the following form: "Subcontractor hereby warrants that it will at all times during the term of this contract comply with all federal immigration laws applicable to Subcontractor's employees, and with the requirements of A.R.S. § 23-214 (A). Subcontractor further agrees that County may inspect the Subcontractor's books and records to insure that Subcontractor is in compliance with these requirements. Any breach of this paragraph by Subcontractor will be deemed to be a material breach of this contract subjecting Subcontractor to penalties up to and including suspension or termination of this contract."

Any additional costs attributable directly or indirectly to remedial action under this Article shall be the responsibility of Contractor.

L. Warranty

Contractor expressly warrants that all goods or services furnished under this agreement shall conform to all specifications and appropriate standards, will be new, and will be free from defects in material or workmanship. Contractor warrants that all such goods or services will conform to any statements made on the containers or labels or advertisements for such goods, or services, and that any goods will be adequately contained, packaged, marked and labeled. Contractor warrants that all goods or services furnished hereunder will be merchantable, and will be safe and appropriate for the purpose for which goods or services of that kind are normally used. If Contractor knows or has reason to know the particular purpose for which County intends to use the goods or services, Contractor warrants that such goods or services will be fit for such particular purpose. Contractor warrants that goods or services furnished will conform in all respects to samples. Inspection, test, acceptance of use of the goods or services furnished hereunder shall not affect the Contractor's obligation under this warranty, and such warranties shall survive inspection, test, acceptance and use. Contractor's warranty shall run to County, its successors, and assigns. Contractor agrees to replace or correct, at Contractor's sole cost and expense, defects of any goods or services not conforming to the foregoing warranty, or improperly installed, as well as guarantee to the County and to the Owner, against liability, losses or damage to any or all parts of the work arising from said installation during a period of two (2) years from date of completion. All guarantees will inure to the benefit of the County and the Owner, their successors or assigns, including equipment warranties, ordinary wear and tear and unusual abuse or neglect expected.

In the event of failure of Contractor to correct defects in or replace nonconforming goods or services promptly, County, after reasonable notice to Contractor, may make such corrections or replace such goods and services and charge Contractor for the cost incurred by the County in doing so. Contractor recognizes that County's requirements may require immediate repairs in reworking of defective goods, without notice to the Contractor. In such event, Contractor shall reimburse County for those costs, delays or other damages which County has incurred.



Windstream Communications

Justin Cullen - Account Manager

Print Name and Title

8-12-2014

Date



AMENDMENT NO. 3 to LEASE AGREEMENT

The following amendments are hereby incorporated into the agreement for the below project

GILA COUNTY AND PAYSON PLACE LLC

Amendment No. 3 to the Lease Agreement made this 20TH day of AUGUST, 2014, by and between Payson Place, LLC, an Arizona limited liability company, hereinafter referred to as "Lessor" and Gila County, Arizona, for the benefit of the Gila County Attorney's Office, hereinafter referred to as "Lessee".

RECITALS

WHEREAS, Landlord leased certain Premises to Lessee in Suite 3 on the attached site plan, in Payson Place located at 616 South Beeline Highway, City of Payson, County of Gila, State of Arizona, pursuant to that certain Lease agreement dated September 20, 2011, hereinafter referred to as the "Lease", in which the Premises are more particularly described; and,

WHEREAS, Lessor and Lessee are mutually desirous of amending the terms of the Lease as provided herein below.

NOW, THEREFORE, Lessor and Lessee hereby mutually agree as follows:

1. To renew the lease for a term of one (1) year, beginning on September 1, 2014, and expiring August 31, 2015. The monthly rent for this lease shall be at the existing rental rate of Eight Hundred dollars (\$800.00), plus 2.62% (\$20.96) privilege tax. (Privilege tax is comprised of a 0.5% tax charged by the State of Arizona and 2.12% tax charged by the Town of Payson), for the term of September 1, 2014 to August 31, 2015.
2. Lessee will pay rent of \$4,800.00 plus privilege tax of \$125.76 for six (6) months rent. The Lessor, Payson Place, LLC, 4848 E. Cactus Road, Suite 505, Box 109, Scottsdale, AZ 85254; will send an invoice for each six (6) month period of the term of this lease, as applicable, within thirty (30) days of the due date. In the event this lease is terminated, Lessor will return to Lessee all unexpended prepaid rent.

All other terms and conditions of the Lease Agreement, signed and dated September 20, 2011, unless specifically amended hereby, shall remain in full force and effect through the end of the extended lease term.

TENANT:

Gila County Arizona



Don E. McDaniel, Jr., County Manager

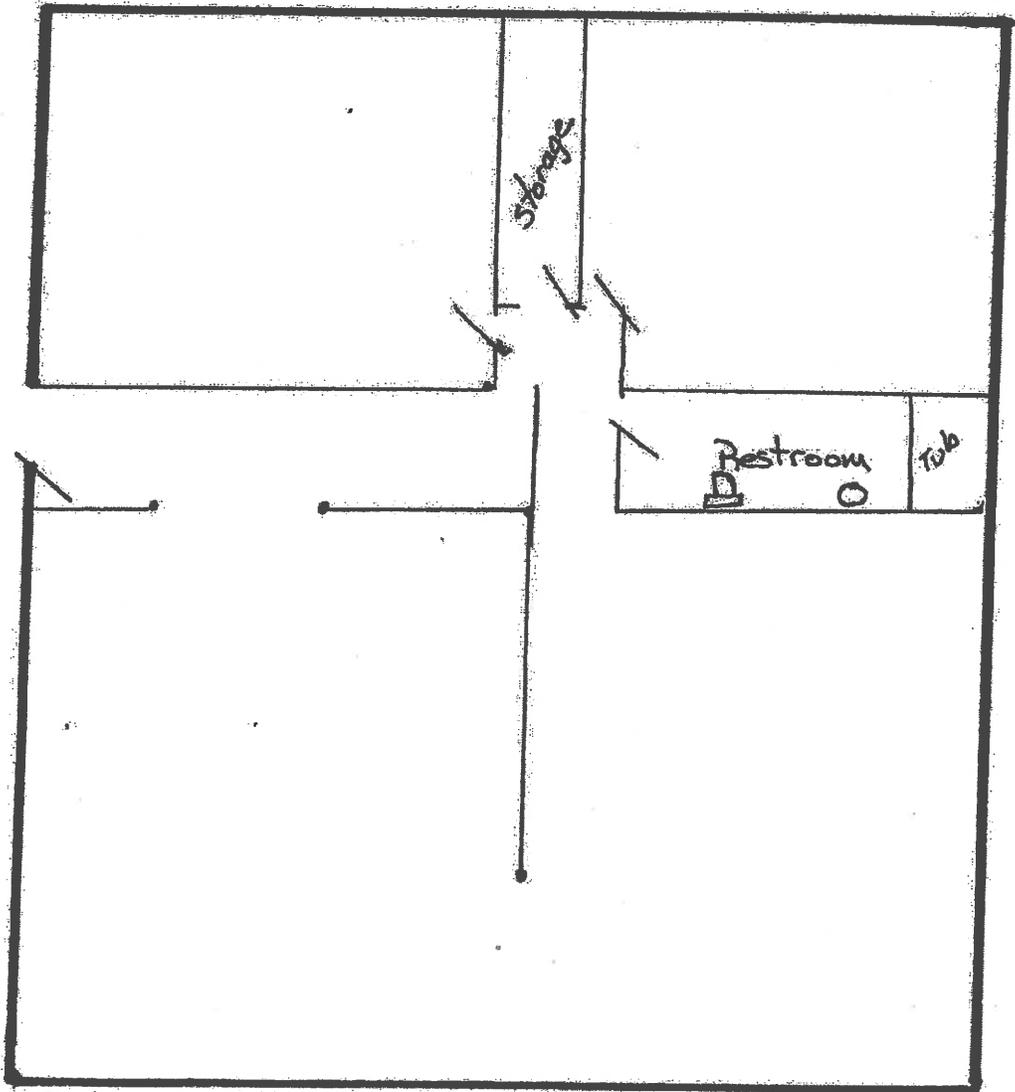
LANDLORD:

Payson Place, LLC



Brent Meszaros, Managing Member

Suite 3



CONTRACT FOR BOOKKEEPING/FEE ACCOUNTING SERVICES

STATE OF NEBRASKA

KNOW ALL MEN BY THESE PRESENTS

THIS AGREEMENT, made this 07-01-2014 by and between the Gila County Housing Authority located in Globe, Arizona, (Hereinafter called the "Authority"), and Quality Accounts, LLC of Columbus, Nebraska, (Hereinafter call the "Service Provider") witness that the parties hereto agree as follows:

Section I

The Authority hereby retains said Service Provider to perform bookkeeping and fee accounting services as are required under the Preliminary Loan and Annual Contributions Contracts made between the Authority and the Department of Housing & Urban Development, and in accordance with procedures prescribed by HUD as contracted by the Authority.

In order to begin this service in an orderly manner, the Authority agrees to furnish to the Service Provider, if the Authority is already operating under the Preliminary Loan Period, Development Period, or Operations Period, an accurate and currently posted set of general and subsidiary ledgers, balanced to the end of the month prior to the beginning of the bookkeeping/fee accounting services under this, and to furnish to the Service Provider the following information during the periods included:

1. Copy of each daily deposit slip and cash rental sheets containing a breakdown of rent, security deposits, and defined miscellaneous income, etc.
2. Voucher copy of each check together with a copy of each invoice paid coded with HUD account definitions.
3. One copy of rental adjustment journal, one copy of rental register summary.
4. One copy of all contracts entered into by the Authority
5. Copy of complete bank statements for all open accounts
6. One copy of approved Development Cost Budget, Operating Budget, Modernization Budgets and revisions thereto.
7. Transcript of insurance register as of the date of the beginning of the bookkeeping/fee accounting service, and one confirmed copy of each subsequent policy and renewals thereof when received from insurer.
8. Fiscal Agent Bank Statement (to be mailed to Service Provider by the Authority at the close of each month).
9. A list of nonexpendable equipment (Depreciation Schedule) which is balanced to the related Development Cost or Property Ledger Account as of the date of the beginning of the accounting services.
10. Copies of all correspondence from HUD to the Service Provider.
11. Copies of all correspondence or reports relating to transactions affecting any of the debt amortization fund accounts with Authority
12. A monthly trial balance of tenants accounts receivable and security deposit accounts showing the account number and balance of each account.
13. A certified statement containing a description of each item of nonexpendable equipment disposed of, the method of disposition and the amount of proceeds from disposition.
14. A certified copy of the annual inventory of nonexpendable equipment.
15. A copy of the Report on Audit as received by HUD.
16. All other documents, correspondence or reports needed and requested by the Service Provider to maintain complete and accurate books of account.

Section II

During the continuance of this contract the Service Provider shall provide the following basic services:

1. Devote the time and attention necessary to ensure the performance of the bookkeeping/fee accounting services for the Authority is done in an accurate and timely manner. Timely manner is defined to 20-30 business days turn-around time for monthly financial reports. The exception being the last month of fiscal year for year-end processing and any other month agreed on in advance by both parties.
2. Perform all operations necessary to maintain the general ledgers and subsidiary ledgers for the Authority; and to prepare, maintain or furnish as applicable financial reports and records. Provide consultation and review of financial documentation as needed prior to Board Meetings.
3. The Service Provider shall furnish to the Authority the following records, documents, and Reports:
 - Prepare Reconciliation of Bank Statement(s)
 - Prepare Trial Balance
 - Prepare Financial Statements for Board Review of Operations, which include the following reports: Balance Sheet; Statement of Revenues and Expenditures (monthly & cumulative); Budget Comparison Statement
 - Prepare General Ledger
 - Prepare Transaction Ledger
 - Maintain Non-expendable Property Records/Depreciation Schedule
 - Maintain Insurance Register
 - Prepare ledgers showing the amounts budgeted and the actual amounts for the fiscal year to date as of the end of each month.
 - Financial reports prescribed for transmittal to HUD as outlined in the fee for service schedule.
 - A reconciliation of the balances of tenant accounts, whenever the summary of transactions with tenants does not agree with the Service Provider's control record.
 - Other data as the Authority may reasonably require from time to time.

Section III

The Authority shall pay the Service Provider from the funds provided in the approved and/or qualified development and operating budgets for such purpose, as fee for the bookkeeping/fee accounting services enumerated in Section II above. The contract is for an annual amount of \$1,500.00 per the breakdown outlined below:

* Section 8 Program – Monthly Service	\$75.00
---------------------------------------	---------

Supplemental services will be provided on a fee per service basis. The fee schedule for Supplemental Services included, but are not limited to the services outlined below:

* Year-End Closing & Audit File Preparation	\$150.00
* Unaudited FASPHA REAC Submission	\$150.00
* HUD Qtrly NRA Balance Reconciliations	\$75.00/Qtr.
* Section 8 Operating Budget	Bid
* Section 8 Operating Budget Revision	Bid
* Audited FASPHA REAC Submission	Bid
* Onsite Training/Consulting or Board Meeting Attendance	Bid
* Vendor 1099 – Maintain and Print at Year-End	Bid
* Payroll, Related Tax Reports, Employee W-2 Processing	Bid

It is understood and agreed upon that, should the Authority fail to furnish to the Service Provider the information on which the maintenance of the Authority's records is predicted within a reasonable time following the date these materials are due, then the Service Provider shall be released of their responsibility under this contract to perform the services listed under Section II above, until such time as the necessary information is furnished to the Service Provider. Reasonable time frame is defined as sufficient time to allow for turn around time noted in Section II and meet Housing Authority's reporting schedule.

The terms of this contract shall be for a period of 24 months beginning 07-01-2014. This contract is subject compliance with Attachment A as well as the cancellation provisions of ARS 38-511. Any such notice shall be effective by Certified Letter – Return Receipt Requested, mailed to the following address:

ADDRESS OF SERVICE PROVIDER:

Sherry L. Karlin
Quality Accounts, LLC
PO Box 1216
Columbus, NE 68602-1216

ADDRESS OF AUTHORITY:

Gila County Housing Authority
5515 S Apache Ave., Ste. 200
Globe, AZ 85501

All books of account and records maintained for the Authority, together with all supporting documents, shall remain the property of the Authority and shall be returned to the Authority after they have served their purpose with the Service Provider, in any event, upon termination of the contract.

All financial reports prepared by the Service Provider are noted as unaudited financial information and the accuracy of the reports are completed according to the best of the Service Provider's knowledge and belief, based upon the information and data furnished by the Authority or which is readily available to the Service Provider.

Section IV

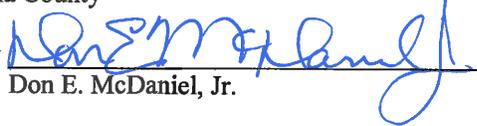
The Service Provider shall promptly notify the Department of Housing & Urban Development concerning any operational and/or financial irregularities which may surface in the performance of routine bookkeeping/fee accounting services.

Independent contractor: The parties intend that the Service Provider will not be considered an employee of the Authority, but will act as independent contractor for Authority at all times.

IN WITNESS WHEREOF, the parties hereto have executed this contract this 1st day of July 2014.

Gila County

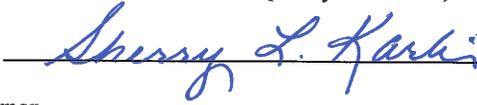
By


Don E. McDaniel, Jr.

Title County Manager

SERVICE PROVIDER: Sherry L. Karlin
Quality Accounts, LLC

By


Owner

ATTACHMENT "A"

Gila County Contractor Standard Terms and Conditions Addendum

A. Addendum Applicability

Contractor and Gila County agree that the terms and conditions of this Addendum shall apply to and govern the contractual relationship between Contractor and Gila County and shall supplement any other contract or agreement entered into between the parties. In the event that the terms and conditions in this Addendum conflict with any provision of any other agreement entered into between the Contractor and Gila County (including a superiority provision similar to this provision), the terms and conditions of this Addendum shall control the contractual relationship between the parties and shall supersede any conflicting provisions found in any other contract or agreement. Contractor understands that acceptance of the terms and conditions contained in this Addendum is a condition precedent to entering into a contractual relationship with Gila County.

B. Contract Defined

As used in this Addendum, the term "Contract" shall refer to any written agreement between Gila County and a person, organization, corporation, company or other entity that provides supplies or services to Gila County regardless of the title or other name applied to that written agreement. The term includes by this reference all the terms and conditions of this Addendum.

C. Contractor Defined

As used in this Addendum, the term "Contractor" shall refer to a person, provider, organization, corporation, company or other entity providing supplies or services to Gila County pursuant to a written agreement regardless of the title or other name applied to "Contractor" in that written agreement.

D. Relationship to Parties

Contractor is an independent contractor of the County. Contractor represents that he has or will secure, at his own expense, all personnel required in performing the services under this contract. Such personnel shall not be employees of or have any contractual relationship with the County. All personnel engaged in work under this contract shall be fully qualified and shall be authorized or permitted under State and local law to perform such services. It is further agreed by Contractor that he shall obey all state and federal statutes, rules, and regulations which are applicable to provisions of the services called for herein. Neither Contractor nor any employee of the Contractor shall be deemed an officer, employee, or agent of the County.

E. Non-Appropriations Clause

Contractor acknowledges that the County is a governmental entity, and the contract validity is based upon the availability of public funding under its authority. In the event that public funds are unavailable and not appropriated for the performance of County's obligations under this contract, then this contract shall automatically expire without penalty to County after written notice to Contractor of the unavailability and non-appropriation of public funds. It is expressly agreed that the County shall only activate this non-appropriation provision as an emergency fiscal measure. The County shall not activate this non-appropriation provision for its convenience, to circumvent the requirements of this contract, or to enable the County to contract with another Contractor for the same supplies or services covered under this Addendum.

F. Hold Harmless/Indemnification Clause

Contractor shall indemnify, defend, save and hold harmless the County of Gila and its officers, officials, agents, and employees (hereinafter referred to as "Indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Contractor or any of its owners, officers, directors, agents, employees or subcontractors. This indemnity includes any claim or amount arising out of or recovered under the Workers' Compensation Law or arising out of the failure of such Contractor to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree.

It is the specific intention of the parties that the Indemnitee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, be indemnified by Contractor from and against any and all claims. It is agreed that the Contractor will be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable. In consideration of the award of this contract, the Contractor agrees to waive all rights of subrogation against the County, its officers, officials, agents and employees for losses arising from the work performed by the Contractor for the County.

G. Entire Contract Clause

The Contractor and the County have read this Contract and agree to be bound by all of its terms, and further agree that it constitutes the entire contract between the two parties and may only be modified by a written mutual contract signed by the parties. No oral provision in conflict with this Contract shall have any force or effect.

H. Non-Waiver of Enforceability

Failure of the County to enforce, at any time, any of the provisions of this Contract, or to request at any time performance by Contractor of any of the provisions hereof, shall in no way be construed to be a waiver of such provisions, nor in any way affect the validity of this contract or any part thereof, or the right of the County to enforce each and every provision.

I. Governing Law

Both parties agree that this Contract shall be governed by the laws of the state of Arizona. The parties further agree that the jurisdiction for any legal disputes arising out of this Contract shall be the Superior Court of the State of Arizona. The parties agree that even if this Contract does not specifically reference any provision required by state or federal law, those state and federally required provisions are incorporated into this Contract by this reference as though they were specifically listed herein.

J. Cancellation

Cancellation pursuant to A.R.S. §38-511. This contract is subject to the cancellation provisions of A.R.S. §38-511.

K. Legal Arizona Workers Act Compliance

Contractor hereby warrants that it will at all times during the term of this Contract comply with all federal immigration laws applicable to Contractor's employment of its employees, and with the requirements of A.R.S. § 23-214 (A) (together the "State and Federal Immigration Laws"). Contractor shall further ensure that each subcontractor who performs any work for Contractor under this contract likewise complies with the State and Federal Immigration Laws.

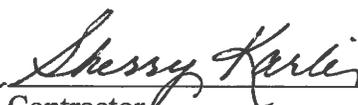
County shall have the right at any time to inspect the books and records of Contractor and any subcontractor in order to verify such party's compliance with the State and Federal Immigration Laws.

Any breach of Contractor's or any subcontractor's warranty of compliance with the State and Federal Immigration Laws, or of any other provision of this section, shall be deemed to be a material breach of this Contract subjecting Contractor to penalties up to and including suspension or termination of this Contract. If the breach is by a subcontractor, and the subcontract is suspended or terminated as a result, Contractor shall be required to take such steps as may be necessary to either self-perform the services that would have been provided under the subcontract or retain a replacement subcontractor as soon as possible so as not to delay project completion.

Contractor shall advise each subcontractor of County's rights, and the subcontractor's obligations, under this Article by including a provision in each subcontract substantially in the following form: "Subcontractor hereby warrants that it will at all times during the term of this contract comply with all federal immigration laws applicable to Subcontractor's employees, and with the requirements of A.R.S. § 23-214 (A). Subcontractor further agrees that County may inspect the Subcontractor's books and records to insure that Subcontractor is in compliance with these requirements. Any breach of this paragraph by Subcontractor will be deemed to be a material breach of this contract subjecting Subcontractor to penalties up to and including suspension or termination of this contract."

Any additional costs attributable directly or indirectly to remedial action under this Article shall be the responsibility of Contractor.

QUALITY ACCOUNTS, LLC:


Contractor

7/23/14
Date



Online Training - License Agreement

This AGREEMENT by and between StateFoodSafety.com™, a division of AboveTraining Inc., (LICENSOR) and the Gila County Health Department (MO), (LICENSEE), is to be effective this 22 day of Aug. 2014.

1. **Term.** The term of this Agreement shall commence on the date hereof and shall continue, unless sooner terminated as provided herein, for a period of one (1) year and thereafter parties have the option to renew this Agreement, in writing, for additional three (3) one-year terms.
2. **Products.** Under the terms and conditions of this agreement, StateFoodSafety.com™ grants LICENSEE a non-transferable, non-exclusive, worldwide license to access and use the products described in Appendices. SFS may modify its existing course program at its discretion, and must notify AGENCY of such modifications. All rights to course content, artwork, source code, users and any other materials reside with SFS and AGENCY may not modify use or enhance any of the licensed material without permission from SFS.
3. **Obligations and Best Efforts.** StateFoodSafety.com™ shall make the technology available to maintain all student training records, process and distribute certificates to passing trainees, and perform all other tasks necessary to support the course. All client information provided by LICENSEE through its training portal is confidential and proprietary to LICENSEE, and will not be misused by StateFoodSafety.com™ for any purpose.
4. **Nonexclusive:** Nothing in this agreement shall be construed to prevent LICENSEE from continuing to offer its own food safety course and certification.
5. **Modification, Enhancement, and Compliance.** StateFoodSafety.com™ will provide access, hosting, and support for the online Safe Food Handling course as approved by the Gila County Health Department.
6. **Work Requirements.** StateFoodSafety.com™ will provide all resources required for course delivery, administration, and support no later than twenty-four (24) business days following the effective date of this agreement including StateFoodSafety.com™ obligations: (a) Customized Internet link to the courses for LICENSEE (b) Courses and tracking system log-in for LICENSEE (c) 7 a.m. to 7 p.m. MST call center/email support for all users plus 24 hour emergency support.
7. **Warranties and Disclaimers.** The services provided under this Agreement are subject to problems inherent in the delivery of products and services over the Internet. Such problems may include failures, interruptions, delays, security, viruses, and other harmful components. StateFoodSafety.com™ is not responsible for any damages resulting from such problems.
8. **Termination.** This Agreement may be terminated by either party with 60 (sixty) days written notice.
9. **Jurisdiction and Venue.** LICENSOR acknowledges that this agreement shall be construed under and in accordance with the laws of Arizona. Jurisdiction and venue of any action under this agreement shall be in the federal or state courts in Gila County, AZ.
10. **Notices.** All notices required or permitted to be given by one party to the other under this Agreement will be sufficient if sent by certified mail, return receipt requested, air express courier, or facsimile to the parties at the following addresses or to such address as designated by a party in writing:
11. **Detailed Agreement.** Details clarifying information about each section of this agreement can be found in Appendices. A ATTACHED.
12. ATTACHMENT "A", BY MENTION MADE A BINDING PART OF THIS AGREEMENT AS SET FORTH HEREIN.

StateFoodSafety.com /AboveTraining, Inc.
507 E. Technology Ave., Bldg. C
Orem, UT 84097
Office : 801.805.6785

Christie H. Lewis, Ph.D.
President, StateFoodSafety.com

Gila County Health Department
~~5515 S. Apache Avenue~~ 1400 E. ASH STREET
Globe, AZ
928.402.8820

Signature

DON E. McDANIEL, JR., COUNTY MANAGER

Print Name and Title

Appendix A

Terms of Agreement:

Overview- The Gila County Health Department offers the online StateFoodSafety.com™ Food Handler Training and the online Manager Training through their website by doing the following:

- a. **Complete the following** – The Gila County Health Department Client Worksheet as provided by StateFoodSafety.com™.
- b. **Website-** The Gila County Health Department will create a link to the agreed upon food safety training, which will transfer users to the StateFoodSafety.com™ Gila County Health Department online store.
 - i. In lieu of set-up fee, the Gila County Health Department will include information about the online food safety training on the Gila County Health Department website, will distribute flyers informing food establishments about the online food safety training, and offer the online option on any automated phone messages pertaining to food safety training. Press release to local paper is also encouraged.
 - ii. StateFoodSafety.com™ will provide the 75-minute, fully audio-visual online food handler course and test in all available languages. (English, Spanish, Mandarin, Korean, Vietnamese, Korean, Tagalog and American Sign Language).
 - iii. StateFoodSafety.com™ will provide the online Manager Food Safety training course in English and Spanish.
- c. **Pricing-**
 - i. StateFoodSafety.com™ online Food Handler course for the Gila County Health Department will be sold for a price of \$20.00. StateFoodSafety.com™ will retain \$10.00 from this purchase price. StateFoodSafety.com will collect a \$10.00 fee on behalf of the health department and remit these fees to the Gila County Health Department monthly. StateFoodSafety.com™ will pay all transaction fees.
 - ii. StateFoodSafety.com™ online Food Manager course will be sold for a price of \$58.00. StateFoodSafety.com™ will retain \$58.00 from the sale of each Food Manager course
- d. **Reporting/Tracking-** Once the individual completes the Food Handler and has passed the online assessment at the specified level of proficiency, the user name, gender, address and birth date will be added to an online report which can be accessed by the health department. User will print a Gila County Health Department Food Handler Certificate, which includes a verification number. Certificates can be verified at www.foodhandlerverification.com.

Agreement Date: _____ Agreement Start Date: _____

Company Name: _____

Contact Name: _____ Title: _____

Office Phone: _____ Mobile Phone: _____

Fax Number: _____ Email Address: _____

Business Address: _____ Mailing Address: _____

Web Address: _____

Signed: Christie H. Luis
For StateFoodSafety.com™

Signed: Don E. McDaniel, Jr.
For Gila County Health Department

Title: President, StateFoodSafety.com

Name: DON E. MCDANIEL, JR.

Title: COUNTY MANAGER

StateFoodSafety.com™/AboveTraining
Accounts Payable Contact Information:

Danny Follett
507 E. Technology Ave, Building C
Orem, UT 84097
Email: dfollett@abovetraining.com
Phone: (801) 385.208.4531
Fax: (801) 494-1748

ATTACHMENT "A"

Gila County Contractor Standard Terms and Conditions Addendum

A. Addendum Applicability

Contractor and Gila County agree that the terms and conditions of this Addendum shall apply to and govern the contractual relationship between Contractor and Gila County and shall supplement any other contract or agreement entered into between the parties. In the event that the terms and conditions in this Addendum conflict with any provision of any other agreement entered into between the Contractor and Gila County (including a superiority provision similar to this provision), the terms and conditions of this Addendum shall control the contractual relationship between the parties and shall supersede any conflicting provisions found in any other contract or agreement. Contractor understands that acceptance of the terms and conditions contained in this Addendum is a condition precedent to entering into a contractual relationship with Gila County.

B. Contract Defined

As used in this Addendum, the term "Contract" shall refer to any written agreement between Gila County and a person, organization, corporation, company or other entity that provides supplies or services to Gila County regardless of the title or other name applied to that written agreement. The term includes by this reference all the terms and conditions of this Addendum.

C. Contractor Defined

As used in this Addendum, the term "Contractor" shall refer to a person, provider, organization, corporation, company or other entity providing supplies or services to Gila County pursuant to a written agreement regardless of the title or other name applied to "Contractor" in that written agreement.

D. Relationship to Parties

Contractor is an independent contractor of the County. Contractor represents that he has or will secure, at his own expense, all personnel required in performing the services under this contract. Such personnel shall not be employees of or have any contractual relationship with the County. All personnel engaged in work under this contract shall be fully qualified and shall be authorized or permitted under State and local law to perform such services. It is further agreed by Contractor that he shall obey all state and federal statutes, rules, and regulations which are applicable to provisions of the services called for herein. Neither Contractor nor any employee of the Contractor shall be deemed an officer, employee, or agent of the County.

E. Non-Appropriations Clause

Contractor acknowledges that the County is a governmental entity, and the contract validity is based upon the availability of public funding under its authority. In the event that public funds are unavailable and not appropriated for the performance of County's obligations under this contract, then this contract shall automatically expire without penalty to County after written notice to Contractor of the unavailability and non-appropriation of public funds. It is expressly agreed that the County shall only activate this non-appropriation provision as an emergency fiscal measure. The County shall not activate this non-appropriation provision for its convenience, to circumvent the requirements of this contract, or to enable the County to contract with another Contractor for the same supplies or services covered under this Addendum.

F. Hold Harmless/Indemnification Clause

Contractor shall indemnify, defend, save and hold harmless the County of Gila and its officers, officials, agents, and employees (hereinafter referred to as "Indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Contractor or any of its owners, officers, directors, agents, employees or subcontractors. This indemnity includes any claim or amount arising out of or recovered under the Workers' Compensation Law or arising out of the failure of such Contractor to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree. It is the specific intention of the parties that the Indemnitee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, be indemnified by Contractor from and against any and all claims. It is agreed that the Contractor will be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable. In

consideration of the award of this contract, the Contractor agrees to waive all rights of subrogation against the County, its officers, officials, agents and employees for losses arising from the work performed by the Contractor for the County.

G. Entire Contract Clause

The Contractor and the County have read this Contract and agree to be bound by all of its terms, and further agree that it constitutes the entire contract between the two parties and may only be modified by a written mutual contract signed by the parties. No oral provision in conflict with this Contract shall have any force or effect.

H. Non-Waiver of Enforceability

Failure of the County to enforce, at any time, any of the provisions of this Contract, or to request at any time performance by Contractor of any of the provisions hereof, shall in no way be construed to be a waiver of such provisions, nor in any way affect the validity of this contract or any part thereof, or the right of the County to enforce each and every provision.

I. Governing Law

Both parties agree that this Contract shall be governed by the laws of the state of Arizona. The parties further agree that the jurisdiction for any legal disputes arising out of this Contract shall be the Superior Court of the State of Arizona. The parties agree that even if this Contract does not specifically reference any provision required by state or federal law, those state and federally required provisions are incorporated into this Contract by this reference as though they were specifically listed herein.

J. Cancellation

Cancellation pursuant to A.R.S. §38-511. This contract is subject to the cancellation provisions of A.R.S. §38-511.

K. Legal Arizona Workers Act Compliance

Contractor hereby warrants that it will at all times during the term of this Contract comply with all federal immigration laws applicable to Contractor's employment of its employees, and with the requirements of A.R.S. § 23-214 (A) (together the "State and Federal Immigration Laws"). Contractor shall further ensure that each subcontractor who performs any work for Contractor under this contract likewise complies with the State and Federal Immigration Laws.

County shall have the right at any time to inspect the books and records of Contractor and any subcontractor in order to verify such party's compliance with the State and Federal Immigration Laws.

Any breach of Contractor's or any subcontractor's warranty of compliance with the State and Federal Immigration Laws, or of any other provision of this section, shall be deemed to be a material breach of this Contract subjecting Contractor to penalties up to and including suspension or termination of this Contract. If the breach is by a subcontractor, and the subcontract is suspended or terminated as a result, Contractor shall be required to take such steps as may be necessary to either self-perform the services that would have been provided under the subcontract or retain a replacement subcontractor as soon as possible so as not to delay project completion.

Contractor shall advise each subcontractor of County's rights, and the subcontractor's obligations, under this Article by including a provision in each subcontract substantially in the following form: "Subcontractor hereby warrants that it will at all times during the term of this contract comply with all federal immigration laws applicable to Subcontractor's employees, and with the requirements of A.R.S. § 23-214 (A). Subcontractor further agrees that County may inspect the Subcontractor's books and records to insure that Subcontractor is in compliance with these requirements. Any breach of this paragraph by Subcontractor will be deemed to be a material breach of this contract subjecting Subcontractor to penalties up to and including suspension or termination of this contract."

Any additional costs attributable directly or indirectly to remedial action under this Article shall be the responsibility of Contractor.

L. Warranty

Contractor expressly warrants that all goods or services furnished under this agreement shall conform to all specifications and appropriate standards, will be new, and will be free from defects in material or workmanship. Contractor warrants that all such goods or services will conform to any statements made on the containers or labels or advertisements for such goods, or services, and that any goods will be adequately contained, packaged, marked and labeled. Contractor warrants that all goods or services furnished hereunder will be merchantable, and will be safe and appropriate for the purpose for which goods or services of that kind are normally used. If Contractor knows or has reason to know the particular purpose for which County intends to use the goods or services, Contractor warrants that such goods or services will be fit for such particular purpose. Contractor warrants that goods or services furnished will conform in all respects to samples. Inspection, test, acceptance of use of the goods or services furnished hereunder shall not affect the Contractor's obligation under this warranty, and such warranties shall survive inspection, test, acceptance and use. Contractor's warranty shall run to County, its successors, and assigns. Contractor agrees to replace or correct, at Contractor's sole cost and expense, defects of any goods or services not conforming to the foregoing warranty, or improperly installed, as well as guarantee to the County and to the Owner, against liability, losses or damage to any or all parts of the work arising from said installation during a period of two (2) years from date of completion. All guarantees will inure to the benefit of the County and the Owner, their successors or assigns, including equipment warranties, ordinary wear and tear and unusual abuse or neglect expected.

In the event of failure of Contractor to correct defects in or replace nonconforming goods or services promptly, County, after reasonable notice to Contractor, may make such corrections or replace such goods and services and charge Contractor for the cost incurred by the County in doing so. Contractor recognizes that County's requirements may require immediate repairs in reworking of defective goods, without notice to the Contractor. In such event, Contractor shall reimburse County for those costs, delays or other damages which County has incurred.

Christie H. Lewis 8.22.14
StateFoodSafety.com Date

CHRISTIE H. LEWIS, Ph.D.
Print Name and Title PRESIDENT, StateFoodSafety.com

Tommie C. Martin, District I
610 E. Highway 260 Payson, AZ. 85547
(928) 474-2029

Michael A. Pastor, District II
1400 E. Ash St. Globe, AZ. 85501
(928) 425-3231 Ext. 8753

John D. Marcanti, District III
1400 E. Ash St. Globe, AZ. 85501
(928) 425-3231 Ext. 8511



GILA COUNTY
www.gilacountyaz.gov

Don E. McDaniel Jr., County Manager
Phone (928) 425-3231 Ext. 8761

Jeff Hassenius, Finance Director
Phone (928) 425-3231 Ext. 8743

1400 E. Ash Street
Globe, AZ 85501

SERVICE AGREEMENT NO. 080514
PORTABLE TOILET SERVICE
BUCKHEAD MESA LANDFILL

THIS AGREEMENT, made and entered into this 26th day of AUGUST, 2014, by and between Gila County, a political subdivision of the State of Arizona hereinafter designated the County, and Quality Pumping LLC, of the City of Payson, State of Arizona, hereinafter designated the Contractor.

WITNESSETH: The Contractor, for and in consideration of the sum to be paid him by the County, in the manner and at the time hereinafter provided, and of the other covenants and agreement's herein contained, hereby agrees, for himself, his heirs, administrators, successors, and assigns as follows:

ARTICLE 1 – SCOPE OF SERVICES: The Contractor shall provide the services and products listed in the Scope of Work below and shall do so in a good, workmanlike and substantial manner and to the satisfaction of the County under the direction of the **Public Works Department** or designee.

All work performed by the Contractor shall be completed to local codes and regulation per Gila County and the State of Arizona and consistent with all Gila County guidelines.

Scope of Work: Refer to attached Attachment "A" to **Service Agreement 080514** by mention made a binding part of this agreement as set forth herein.

Contractor Fee's: Refer to Attachment "A" to **Service Agreement 080514** by mention made a binding part of this agreement as set forth herein. To the extent that the terms and conditions of this Service Agreement conflict with the Terms and Conditions of Attachment "A" to **Service Agreement 080514**, the terms and conditions of this service agreement will prevail and govern the contractual relationship between the parties.

ARTICLE 2 – TERMINATION: The County reserves the right to terminate the Contract, in whole or in part at any time, when in the best interest of the County, without penalty or recourse. Upon receipt of the written notice, the Contractor shall stop all work as directed in the notice. If the contract is terminated, the County shall be liable only for the services rendered under this contract and accepted material received by the County before the effective date of termination.

ARTICLE 3 - INDEMNIFICATION: Contractor shall indemnify, defend, save and hold harmless the County of Gila and its officers, officials, agents, and employees (hereinafter referred to as "Indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Contractor or any of its owners, officers, directors, agents, employees or subcontractors. This indemnity includes any claim or amount arising out of or recovered under the Workers' Compensation Law or arising out of the failure of such contractor to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree. It is the specific intention of the parties that the Indemnitee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, be indemnified by Contractor from and against any and all claims. It is agreed that Contractor will be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable. In consideration of the award of this contract, the Contractor agrees to waive all rights of subrogation against the County, its officers, officials, agents and employees for losses arising from the work performed by the Contractor for the County.

ARTICLE 4 - INSURANCE REQUIREMENTS: Contractor and subcontractors shall procure and maintain until all of their obligations have been discharged, including any warranty periods under this Contract are satisfied, insurance against claims for injury to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Contractor, his agents, representatives, employees or subcontractors.

The insurance requirements herein are minimum requirements for this Contract and in no way limit the indemnity covenants contained in this Contract. The County in no way warrants that the minimum limits contained herein are sufficient to protect the Contractor from liabilities that might arise out of the performance of the work under this contract by the Contractor, his agents, representatives, employees or subcontractors and Contractor is free to purchase additional insurance as may be determined necessary.

A. MINIMUM SCOPE AND LIMITS OF INSURANCE: Contractor shall provide coverage with limits of liability not less than those stated below.

1. Commercial General Liability - Occurrence Form

Policy shall include bodily injury, property damage and broad form contractual liability coverage.

- General Aggregate \$2,000,000
- Products - Completed Operations Aggregate \$1,000,000
- Personal and Advertising Injury \$1,000,000
- Each Occurrence \$1,000,000

a. The policy shall be endorsed to include the following additional insured language: "The County of Gila shall be named as an additional insured with respect to liability arising out of the activities performed by, or on behalf of the Contractor".

2. Worker's Compensation and Employers' Liability

Workers' Compensation	Statutory
Employers' Liability	
Each Accident	\$100,000
Disease - Each Employee	\$100,000
Disease - Policy Limit	\$500,000

a. Policy shall contain a waiver of subrogation against the County of Gila.

3. Professional Liability (Errors and Omissions Liability)

Each Claim	\$1,000,000
Annual Aggregate	\$2,000,000

- a. In the event that the professional liability insurance required by this Contract is written on a claims-made basis, Contractor warrants that any retroactive date under the policy shall precede the effective date of this Contract; and that either continuous coverage will be maintained or an extended discovery period will be exercised for a period of two (2) years beginning at the time work under this Contract is completed.

B. ADDITIONAL INSURANCE REQUIREMENTS: The policies shall include, or be endorsed to include, the following provisions:

1. On insurance policies where the County of Gila is named as an additional insured, the County of Gila shall be an additional insured to the full limits of liability purchased by the Contractor even if those limits of liability are in excess of those required by this Contract.
2. The Contractor's insurance coverage shall be primary insurance and non-contributory with respect to all other available sources.
3. Coverage provided by the Contractor shall not be limited to the liability assumed under the indemnification provisions of this Contract.

C. NOTICE OF CANCELLATION: Each insurance policy required by the insurance provisions of this Contract shall provide the required coverage and shall not be suspended, voided, canceled, reduced in coverage or endorsed to lower limits except after thirty (30) days prior written notice has been given to the County. Such notice shall be sent directly to **Gila County Purchasing Department, 1400 E. Ash St, Globe, AZ, 85501** or and shall be sent by certified mail, return receipt requested.

D. ACCEPTABILITY OF INSURERS: Insurance is to be placed with insurers duly licensed or approved unlicensed companies in the state of Arizona and with an "A.M. Best" rating of not less than B+ VI. The County in no way warrants that the above-required minimum insurer rating is sufficient to protect the Contractor from potential insurer insolvency.

E. VERIFICATION OF COVERAGE: Contractor shall furnish the County with certificates of insurance (ACORD form or equivalent approved by the County) as required by this Contract. The certificates for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf.

All certificates and endorsements are to be received and approved by the County before work commences. Each insurance policy required by this Contract must be in effect at or prior to commencement of work under this Contract and remain in effect for the duration of the project. Failure to maintain the insurance policies as required by this Contract or to provide evidence of renewal is a material breach of contract.

All certificates required by this Contract shall be sent directly to **Gila County Purchasing Department, 1400 E. Ash St, Globe, AZ, 85501** or email to jsgroi@gilacountyaz.gov. The County project/contract number and project description shall be noted on the certificate of insurance. The County reserves the right to require complete, certified copies of all insurance policies required by this Contract at any time.

- F. **SUBCONTRACTORS:** Contractors' certificate(s) shall include all subcontractors as additional insured's under its policies or Contractor shall furnish to the County separate certificates and endorsements for each subcontractor. All coverage's for subcontractors shall be subject to the minimum requirements identified above.
- G. **APPROVAL:** Any modification or variation from the insurance requirements in this Contract shall be made by the County Attorney, whose decision shall be final. Such action will not require a formal Contract amendment, but may be made by administrative action.

ARTICLE 5 - LEGAL ARIZONA WORKERS ACT COMPLIANCE: Contractor hereby warrants that it will at all times during the term of this Contract comply with all federal immigration laws applicable to Contractor's employment of its employees, and with the requirements of A.R.S. § 23-214 (A) (together the "State and Federal Immigration Laws"). Contractor shall further ensure that each subcontractor who performs any work for Contractor under this contract likewise complies with the State and Federal Immigration Laws. County shall have the right at any time to inspect the books and records of Contractor and any subcontractor in order to verify such party's compliance with the State and Federal Immigration Laws.

Any breach of Contractor's or any subcontractor's warranty of compliance with the State and Federal Immigration Laws, or of any other provision of this section, shall be deemed to be a material breach of this Contract subjecting Contractor to penalties up to and including suspension or termination of this Contract. If the breach is by a subcontractor, and the subcontract is suspended or terminated as a result, Contractor shall be required to take such steps as may be necessary to either self-perform the services that would have been provided under the subcontract or retain a replacement subcontractor as soon as possible so as not to delay project completion.

Contractor shall advise each subcontractor of County's rights, and the subcontractor's obligations, under this Article by including a provision in each subcontract substantially in the following form: "Subcontractor hereby warrants that it will at all times during the term of this contract comply with all federal immigration laws applicable to Subcontractor's employees, and with the requirements of A.R.S. § 23-214 (A). Subcontractor further agrees that County may inspect the Subcontractor's books and records to insure that Subcontractor is in compliance with these requirements. Any breach of this paragraph by Subcontractor will be deemed to be a material breach of this contract subjecting Subcontractor to penalties up to and including suspension or termination of this contract."

Any additional costs attributable directly or indirectly to remedial action under this Article shall be the responsibility of Contractor. In the event that remedial action under this Article results in delay to one or more tasks on the critical path of Contractor's approved construction or critical milestones schedule, such period of delay shall be deemed excusable delay for which Contractor shall be entitled to an extension of time, but not costs.

ARTICLE 6 - WARRANTY: Contractor expressly warrants that all goods or services furnished under this agreement shall conform to all specifications and appropriate standards, will be new, and will be free from defects in material or workmanship. Contractor warrants that all such goods or services will conform to any statements made on the containers or labels or advertisements for such goods, or services, and that any goods will be adequately contained, packaged, marked and labeled. Contractor warrants that all goods or services furnished hereunder will be merchantable, and will be safe and appropriate for the purpose for which goods or services of that kind are normally used. If Contractor knows or has reason to know the particular purpose for which County intends to use the goods or services, Contractor warrants that such goods or services will be fit for such particular purpose. Contractor warrants that goods or services furnished will conform in all respects to samples. Inspection, test, acceptance of use of the goods or services furnished hereunder shall not affect the Contractor's obligation under this warranty, and such warranties shall survive inspection, test, acceptance and use. Contractor's warranty shall run to County, its

successors, and assigns. Contractor agrees to replace or correct, at Contractor's sole cost and expense, defects of any goods or services not conforming to the foregoing warranty, or improperly installed, as well as guarantee to the County and to the Owner, against liability, losses or damage to any or all parts of the work arising from said installation during a period of two (2) years from date of completion. All guarantees will inure to the benefit of the County and the Owner, their successors or assigns, including equipment warranties, ordinary wear and tear and unusual abuse or neglect excepted.

In the event of failure of Contractor to correct defects in or replace nonconforming goods or services promptly, County, after reasonable notice to Contractor, may make such corrections or replace such goods and services and charge Contractor for the cost incurred by the County in doing so. Contractor recognizes that County's requirements may require immediate repairs in reworking of defective goods, without notice to the Contractor. In such event, Contractor shall reimburse County for those costs, delays, or other damages which County has incurred.

ARTICLE 7 – LAWS AND ORDINANCES: This agreement shall be enforced under the laws of the State of Arizona. Contractor shall maintain in current status all Federal, State and Local licenses and permits required for the operation of the business conducted by the Contractor. The Contractor shall comply with the applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and applicable federal regulations under the Act.

ARTICLE 8 – CANCELLATION: This agreement is subject to cancellation pursuant to A.R.S. §38-511. If the Agreement is terminated, the county shall be liable only for payment for services rendered and accepted material received by the County before the effective date of termination.

ARTICLE 9 – RELATIONSHIP OF THE PARTIES: Contractor is an independent contractor of the County. Contractor represents that he has or will secure, at his own expense, all personnel required in performing the services under this contract. Such personnel shall not be employees of or have any contractual relationship with the County. All personnel engaged in work under this contract shall be fully qualified and shall be authorized or permitted under State and local law to perform such services. Contractor warrants that he has obtained or will obtain Worker's Compensation Insurance for his employees working on this contract and that any subcontractors will likewise obtain Worker's Compensation Insurance for of their employees working on this contract. It is further agreed by Contractor that he shall obey all state and federal statutes, rules, and regulations which are applicable to provisions of the services called for herein. Neither Contractor nor any employee of the Contractor shall be deemed an officer, employee, or agent of the County.

ARTICLE 10 – NON-APPROPRIATIONS CLAUSE: Contractor acknowledges that the County is a governmental entity, and the contract validity is based upon the availability of public funding under its authority. In the event that public funds are unavailable and not appropriated for the performance of County's obligations under this contract, then this contract shall automatically expire without penalty to County after written notice to Contractor of the unavailability and non-appropriation of public funds. It is expressly agreed that the County shall only activate this non-appropriation provision as an emergency fiscal measure. The County shall not activate this non-appropriation provision for its convenience, to circumvent the requirements of this contract, or to enable the County to contract with another Contractor for the same supplies or services covered under this Addendum.

ARTICLE 11 – ENTIRE CONTRACT CLAUSE: The Contractor and the County have read this Contract and agree to be bound by all of its terms, and further agree that it constitutes the entire contract between the two parties and may only be modified by a written mutual contract signed by the parties. No oral agreement or oral provision outside this Contract shall have any force or effect.

ARTICLE 12 – NON-WAIVER OF ENFORCEABILITY: Failure of the County to enforce, at any time, any of the provisions of this Contract, or to request at any time performance by Contractor of any of the provisions hereof, shall in no way be construed to be a waiver of such provisions, nor in any way affect the validity of this contract or any part thereof, or the right of the County to enforce each and every provision

ARTICLE 13 – GOVERNING LAW: Both parties agree that this Contract shall be governed by the laws of the state of Arizona. The parties further agree that the jurisdiction for any legal disputes arising out of this Contract shall be the Superior Court of the State of Arizona. The parties agree that even if this Contract does not specifically reference any provision required by state or federal law, those state and federally required provisions are incorporated into this Contract by this reference as though they were specifically listed herein.

ARTICLE 14– TERM: The Contract commences on the date it is signed by the County Manager and remains in effect for a period of one year from that date, unless terminated earlier pursuant to this contract. The County shall have the option to renew the contract for two (2) additional one (1) year periods upon agreement of both parties.

ARTICLE 15 – PAYMENT/BILLING: Contractor shall be paid an amount not to exceed \$2,040.00 for rental and service and shall be paid an amount not to exceed \$250.00 for callout service, if callout service is required, for a total contract amount of \$2,290.00 for completion of the projects as outlined in the Scope of Services.

All invoices shall be submitted to Gila County Accounts Payable, 1400 E. Ash St, Globe, Arizona and include the following information:

- Purchase Order Number
- Contract Number
- Invoice Number
- Service Location
- Vendor Name and Address
- Description of Service

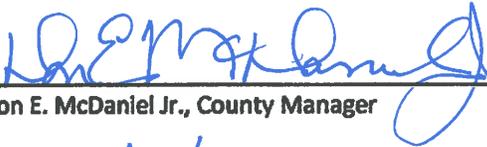
Any alterations to the scope of work resulting in a change in cost must have prior written approval by the County. Any unauthorized work may result in non-payment to the vendor.

Gila County employs a "Net 15" payment term for services meaning the payment will be issued fifteen (15) days from the date the County receives the invoice from the Contractor. Purchase orders sent to the Contractor reflect these terms and conditions.

The Contractor shall have a current I.R.S. W-9 form on file with the County unless not required by law. The County shall not remit payment if the Contractor does not have a current W-9.

IN WITNESS WHEREOF, Service Agreement No. 080514 has been duly executed by the parties hereinabove named, on the date and year first above written.

GILA COUNTY



Don E. McDaniel Jr., County Manager

Date: 8/26/14

QUALITY PUMPING LLC



Signature

Chancy Brown

Print Name

Yes we would be very interested in servicing 2 porta jons for you for the Buckhead Landfill. Our rates would be \$85.00 ea. and servicing would be done 1 X week (Monday). If additional service is needed it is \$25.00 per unit service. Please let me know if this is a good rate for you and Thank you.

Chancy Brown
QUALITY PUMPING

49821 N. Highway 188
Payson, AZ 85541

P: (928) 479-2351
F: (928) 479-2390
qualitypumping@yahoo.com

Tommie C. Martin, District I
610 E. Highway 260, Payson, AZ. 85547
(928) 474-2029

Michael A. Pastor, District II
1400 E. Ash St. Globe, AZ. 85501
(928) 425-3231 Ext. 8753

John D. Marcanti, District III
1400 E. Ash St. Globe, AZ. 85501
(928) 425-3231 Ext. 8753



Don E. McDaniel, Jr., County Manager
Phone (928) 425-3231

Jeff Hessenius, Finance Director
Phone (928) 425-3231 Ext. 8743

FAX (928) 425-0319
TTY: 7-1-1

GILA COUNTY

www.gilacountyaz.gov

PROFESSIONAL SERVICES CONTRACT NO. 082514

OAK CREEK BRIDGE DESIGN

THIS AGREEMENT, made and entered into this 26TH day of AUGUST, 2014, by and between Gila County, a political subdivision of the State of Arizona, hereinafter designated the **COUNTY**, and Kimley-Horn and Associates, Inc. of the City of Phoenix, County of Maricopa, State of Arizona, hereinafter designated the **ENGINEER**.

WITNESSETH: That the **Engineer**, for and in consideration of the sum to be paid him by the **County**, in the manner and at the time hereinafter provided, and of the other covenants and agreements herein contained, hereby agrees, for himself, his heirs, administrators, successors, and assigns as follows:

ARTICLE I – SCOPE OF SERVICES: The Oak Creek Bridge is a part of the Tonto Creek Bridge Design Project. The plans and specifications, as prepared by Kimley-Horn, are complete and have been approved, and the Environmental Assessment has been approved. Recently, the Central Arizona Governments Transportation Improvement Program, issued a call for projects.

Professional Services Contract No. 082514 is being issued to Kimley-Horn to update the current designs, plans, estimates, previously prepared by Kimley-Horn under Gila County Professional Services Contract No. SS71803D - New Bridge over Tonto Creek, as well as to break out the work at Oak Creek Bridge into Phase I of the project. The attached *Scope of Work* and *Derivation of Cost Proposal Summary*, dated **August 25, 2014**, is by mention made a binding part of this Contract to the same extent as if set forth herein in full.

Phases I

PHASE I - Scope of Services includes the following tasks:

- 110 – Work Description
- 130 – Schedule
- 400 – Upgrade Construction Documents for Phase I - Oak Creek Bridge & Phase II - Tonto Creek Bridge
- 420 – Right-of-Way Clearance
- 430 – Utility Clearance
- 460 – Roadway
- 470 – Structural
- 480 – Drainage
- 490 – Traffic
- 500 – Visual/Landscape Architecture
- 510 – Submittals
- 600 – Contract Administration

ARTICLE II – INDEMNIFICATION CLAUSE: Engineer shall indemnify, defend, save and hold harmless the County of Gila and its officers, officials, agents, and employees (hereinafter referred to as “Indemnitee”) from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys’ fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as “Claims”) for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property to the extent caused, or alleged to be caused, in whole or in part, by the negligent or willful wrongful acts or omissions of Engineer or any of its owners, officers, directors, agents, employees or subcontractors. This indemnity includes any claim or amount arising out of or recovered under the Workers’ Compensation Law or arising out of the failure of such Engineer to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree. It is the specific intention of the parties that the Indemnitee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, be indemnified by Engineer from and against any and all claims arising from its services under this Contract. It is agreed that the Engineer will be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable and that Engineer shall defend the claims that appear to fall within the scope of the indemnification, even though Engineer is subsequently found not liable under this Indemnification. In consideration of the award of this contract, the Engineer agrees to waive all rights of subrogation against the County, its officers, officials, agents and employees for losses arising from the work performed by the Engineer for the County.

ARTICLE III - INSURANCE REQUIREMENTS: Engineer and subcontractors shall procure and maintain until all of their obligations have been discharged, including any warranty periods under this Contract are satisfied, insurance against claims for injury to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Engineer, his agents, representatives, employees or subcontractors.

The insurance requirements herein are minimum requirements for this Contract and in no way limit the indemnity covenants contained in this Contract. The County in no way warrants that the minimum limits contained herein are sufficient to protect the Engineer from liabilities that might arise out of the performance of the work under this contract by the Engineer, his agents, representatives, employees or subcontractors and Engineer is free to purchase additional insurance as may be determined necessary.

A. **MINIMUM SCOPE AND LIMITS OF INSURANCE:** Engineer shall provide coverage with limits of liability not less than those stated below.

1. **Commercial General Liability – Occurrence Form**

Policy shall include bodily injury, property damage and broad form contractual liability coverage.

▪ General Aggregate	\$2,000,000
▪ Products – Completed Operations Aggregate	\$1,000,000
▪ Personal and Advertising Injury	\$1,000,000
▪ Each Occurrence	\$1,000,000

a. The policy shall be endorsed to include the following additional insured language: "**The County of Gila shall be named as an additional insured with respect to liability arising out of the activities performed by, or on behalf of the Engineer**".

2. **Worker's Compensation and Employers' Liability**

Workers' Compensation	Statutory
Employers' Liability	
Each Accident	\$100,000
Disease – Each Employee	\$100,000
Disease – Policy Limit	\$500,000

a. Policy shall contain a **waiver of subrogation** against the County of Gila.

3. **Professional Liability (Errors and Omissions Liability)**

Each Claim	\$1,000,000
Annual Aggregate	\$2,000,000

a. In the event that the professional liability insurance required by this Contract is written on a claims-made basis, Engineer warrants that any retroactive date under the policy shall precede the effective date of this Contract; and that either continuous coverage will be maintained or an extended discovery period will be exercised for a period of two (2) years beginning at the time work under this Contract is completed.

- B. **ADDITIONAL INSURANCE REQUIREMENTS:** The policies shall include, or be endorsed to include, the following provisions:
1. On insurance policies where the County of Gila is named as an additional insured, the County of Gila shall be an additional insured to the full limits of liability purchased by the Engineer even if those limits of liability are in excess of those required by this Contract.
 2. The Engineer's insurance coverage shall be primary insurance and non-contributory with respect to all other available sources.
 3. Coverage provided by the Engineer shall not be limited to the liability assumed under the indemnification provisions of this Contract.
- C. **NOTICE OF CANCELLATION:** Each insurance policy required by the insurance provisions of this Contract shall provide the required coverage and shall not be suspended, voided, canceled, reduced in coverage or endorsed to lower limits except after thirty (30) days prior written notice has been given to the County. Such notice shall be sent directly to Jeannie Sgroi, 1400 E. Ash St., Globe, AZ 85501 and shall be sent by certified mail, return receipt requested.
- D. **ACCEPTABILITY OF INSURERS:** Insurance is to be placed with insurers duly licensed or approved unlicensed companies in the state of Arizona and with an "A.M. Best" rating of not less than B+ VI. The County in no way warrants that the above-required minimum insurer rating is sufficient to protect the Engineer from potential insurer insolvency.
- E. **VERIFICATION OF COVERAGE:** Engineer shall furnish the County with certificates of insurance (ACORD form or equivalent approved by the County) as required by this Contract. The certificates for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf.
- All certificates and endorsements are to be received and approved by the County before work commences. Each insurance policy required by this Contract must be in effect at or prior to commencement of work under this Contract and remain in effect for the duration of the project. Failure to maintain the insurance policies as required by this Contract or to provide evidence of renewal is a material breach of contract.
- All certificates required by this Contract shall be sent directly to Jeannie Sgroi, 1400 E. Ash St., Globe, AZ 85501. The County project/contract number and project description shall be noted on the certificate of insurance. The County reserves the right to require complete, certified copies of all insurance policies required by this Contract at any time.
- F. **SUBCONTRACTORS:** Engineers' certificate(s) shall include all subcontractors as additional insured's under its policies or Engineer shall furnish to the County separate certificates and endorsements for each subcontractor. All coverage's for subcontractors shall be subject to the minimum requirements identified above.

G. **APPROVAL:** Any modification or variation from the insurance requirements in this Contract shall be made by the County Attorney, whose decision shall be final. Such action will not require a formal Contract amendment, but may be made by administrative action.

ARTICLE IV – LEGAL ARIZONA WORKERS ACT COMPLIANCE: Engineer hereby warrants that it will at all times during the term of this Contract comply with all federal immigration laws applicable to Engineer’s employment of its employees, and with the requirements of A.R.S. § 23-214 (A) (together the “State and Federal Immigration Laws”). Engineer shall further ensure that each subcontractor who performs any work for Engineer under this contract likewise complies with the State and Federal Immigration Laws.

County shall have the right at any time to inspect the books and records of Engineer and any subcontractor in order to verify such party’s compliance with the State and Federal Immigration Laws.

Any breach of Engineer’s or any subcontractor’s warranty of compliance with the State and Federal Immigration Laws, or of any other provision of this section, shall be deemed to be a material breach of this Contract subjecting Engineer to penalties up to and including suspension or termination of this Contract. If the breach is by a subcontractor, and the subcontract is suspended or terminated as a result, Engineer shall be required to take such steps as may be necessary to either self-perform the services that would have been provided under the subcontract or retain a replacement subcontractor, as soon as possible so as not to delay project completion.

Engineer shall advise each subcontractor of County’s rights, and the subcontractor’s obligations, under this Article by including a provision in each subcontract substantially in the following form:

“Subcontractor hereby warrants that it will at all times during the term of this contract comply with all federal immigration laws applicable to Subcontractor’s employees, and with the requirements of A.R.S. § 23-214 (A). Subcontractor further agrees that County may inspect the Subcontractor’s books and records to insure that Subcontractor is in compliance with these requirements. Any breach of this paragraph by Subcontractor will be deemed to be a material breach of this contract subjecting Subcontractor to penalties up to and including suspension or termination of this contract.”

Any additional costs attributable directly or indirectly to remedial action under this Article shall be the responsibility of Engineer. In the event that remedial action under this Article results in delay to one or more tasks on the critical path of Engineer’s approved construction or critical milestones schedule, such period of delay shall be deemed excusable delay for which Engineer shall be entitled to an extension of time, but not costs.

ARTICLE V – SCHEDULE & FEES: The schedule for Phase I is ninety (90) calendar days from Engineer receipt of County provided Notice to Proceed. See attached Derivation of Cost Proposal Summary for estimated staff hour’s breakdown.

DERIVATION OF COST PROPOSAL SUMMARY

(Figures Rounded to the Nearest \$1)

ESTIMATED DIRECT LABOR

<u>CLASSIFICATION</u>	<u>PERSON HOURS</u>	<u>BILLING RATE/HOUR</u>	<u>TOTAL</u>
Project Principal	0	\$ 220.00	\$ 0.00
Project Manager	29	\$ 198.00	\$ 5,742
Senior Project Engineer	0	\$ 192.00	\$ 0.00
Project Engineer	23	\$ 155.00	\$ 3,565
Engineer	3	\$ 135.00	\$ 405
Analyst	0	\$ 105.00	\$ 0.00
Senior NEPA Planner	0	\$ 165.00	\$ 0.00
NEPA Planner	0	\$ 125.00	\$ 0.00
Designer	0	\$ 128.00	\$ 0.00
Administrative	9	\$ 95.00	\$ 855
Clerical	0	\$ 65.00	\$ 0.00
<u>Estimated Labor Cost</u>			\$ 10,567

ESTIMATED DIRECT EXPENSES (No Markup)

Total Estimated Expenses \$ 576.80

ESTIMATED OUTSIDE SERVICES AND

CONSULTANTS

Total Estimated Outside Services & Consultants \$ 0.00

TOTAL ESTIMATED COST TO CONSULTANT \$ 11,143.80

Allocation Expense @ 4% of Labor \$ 423.00

TOTAL ESTIMATED LUMP SUM FEE \$ 11,566.80

Contract Time 90 Calendar Days

ARTICLE VI – LAWS AND ORDINANCES: This agreement shall be enforced under the laws of the State of Arizona. Engineer shall maintain in current status all Federal, State and Local licenses and permits required for the operation of the business conducted by the Engineer. The Engineer shall comply with the applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and applicable federal regulations under the Act.

ARTICLE VII – TERM: This contract commences on the date it is signed by the County Manager and remains in effect for a period of one year from that date, unless terminated earlier pursuant to this contract. The County shall have the option to renew the contract for two (2) additional one (1) year periods upon agreement of both parties.

ARTICLE VIII – CANCELLATION: This agreement is subject to cancellation pursuant to **A.R.S. § 38-511**. If the Agreement is terminated, the county shall be liable only for payment for services rendered and accepted material received by the County before the effective date of termination. The Engineer shall be considered in default of this contract and such default will be considered as cause to terminate the contract for any of the following reasons if the Engineer:

- a. Fails to perform the work under the contract within the time specified in the “Notice to Proceed”;
or
- b. Fails to perform the work or fails to provide sufficient workers, equipment or data to assure completion of work in accordance with the terms of the contract; or
- c. Performs the work unsuitably or neglects or refuses to follow the Scope of Work; or
- d. Discontinues the prosecution of the work; or
- e. Fails to resume work which as been discontinued within a reasonable time after notice to do so;
or
- f. Becomes insolvent or is declared bankrupt, or commits any act of bankruptcy or insolvency; or
- g. Makes assignment for the benefit of creditors.
- h. If it is found that gratuities were offered or given by the Engineer or any agent or representative of the Engineer, to any officer or employee of the County.

ARTICLE IX – PAYMENT: The Scope of Services as outlined above will be performed on a lump sum basis with a not-to-exceed without written authorization budget of **\$11,566.80**.

Compensation shall follow guidelines for **A.R.S. §34-221**. Each invoice must include itemized task and dollar figure for each task completed. Each invoice must show a signature by the county representative confirming services rendered and authorizing payment.

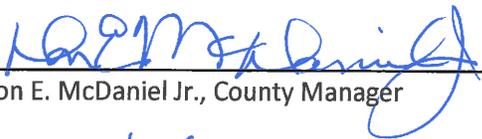
IN WITNESS WHEREOF, two (2) identical counterparts of this contract, each which shall include original signatures and for all purposes be deemed an original thereof, have been duly executed by the parties hereinabove named, on the date and year first above written.

In return for the performance of the Contract by the **Engineer** the **County** agrees to pay the amount of not more than \$ 11,566.80 including all applicable taxes through a payment schedule as described in the Contract documents and as may be modified and executed by change orders.

**PROFESSIONAL CONSULTING SERVICES CONTRACT NO. 082514
OAK CREEK BRIDGE DESIGN**

GILA COUNTY

KIMLEY-HORN AND ASSOCIATES, INC.



Don E. McDaniel Jr., County Manager



Signature

Date: 8/26/14

DAVID J LEISTIKO

Print Name



AMENDMENT NO. 1

The following amendments are hereby incorporated into the contract documents for the below stated project:

LABORATORY TESTING SERVICES

CENTER FOR DISEASE DETECTION, LLC

Effective February 1, 2014, Gila County and Center for Disease Detection, LLC entered into a contract whereby Center for Disease Detection, LLC agreed to provide Laboratory Testing Services for the Gila County Health Department. This agreement is effective from February 1, 2014 until January 31, 2015.

Due to budget reductions, at this time, the Health Department finds it necessary to decrease the dollar amount of the contract by Seven Hundred-Nineteen dollars and 25/100's (\$719.25).

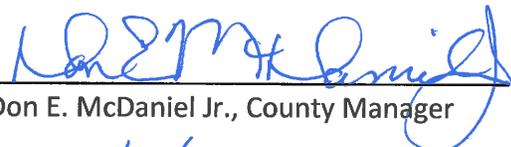
Amendment No. 1 is being issued to decrease the dollar amount by Seven Hundred-Nineteen dollars and 25/100's (719.25) for a new total contract amount not to exceed Two Thousand Eighty dollars and 75/100's (\$2,080.75).

Contractor will continue to bill for services pursuant to Per Page 3, Pricing of the original contract, but in no event shall charges for the February 1, 2014 to January 31, 2015 exceed \$2,080.75 without prior written agreement of the County.

All other terms and conditions of the original agreement shall remain in full force and affect during the term of the contract.

IN WITNESS WHEREOF, two (2) identical counterparts of this amendment, each which shall include original signatures and for all purposes be deemed an original thereof, have been duly executed by the parties hereinabove named, on this 26 day of AUGUST, 2014.

GILA COUNTY



Don E. McDaniel Jr., County Manager

Date: 8/26/14

CENTER FOR DISEASE DETECTION, LLC



Signature

Michael E. Kossman
Print Name



AMENDMENT NO. 5 to SERVICE AGREEMENT NO. 032913

The following amendments are hereby incorporated into the Service Agreement documents for the below stated project:

SERVICE AGREEMENT 032913

URRD/PGC EMERGENCY REPAIR/REPLACE

EARTHQUEST PLUMBING, INC.

Effective April 03, 2013, Gila County and Earthquest Plumbing, Inc. entered into a Service Agreement whereby Earthquest Plumbing, Inc. agreed to provide labor and materials, as needed, for emergency repairs to sewer and water utilities, when requested by Community Services-Housing Manager or designee.

Amendment No. 1 to Service Agreement No. 032913, was executed on August 1, 2013 to increase the original contract amount from Three Thousand Five Hundred dollars (\$3,500.00), by Two Thousand, One Hundred Fifty-Eight dollars and 80/100's (\$2,158.80), for a new contract total of Five Thousand Six Hundred Fifty-Eight and 80/100's (\$5,658.80).

Amendment No. 2 to Service Agreement No. 032913, was executed on March 26, 2014 extending the term of the Service Agreement for one (1) additional year from April 3, 2014 to April 2, 2015 with a not to exceed Three Thousand, Three Hundred dollars and no/100's dollars (\$3,300.00).

Amendment No. 3 to Service Agreement No. 032913 was executed on May 14, 2014 to increase the contract amount by an additional Seven Thousand dollars and no/100's (\$7,000.00) for a new contract total of Ten Thousand, Three Hundred and no/100's (\$10,300.00).

Amendment No. 4 to Service Agreement No. 032913 was executed on July 30, 2014 to increase the contract amount by an additional Six Thousand Seven Hundred dollars and no/100's (\$6,700.00) for a new contract amount of Seventeen Thousand dollars and no/100's (\$17,000.00).

Community Services would like to increase the contract amount by an additional Nine Thousand Four Hundred Twelve dollars and 86/100's (\$9,412.86).

Amendment No. 5 to Service Agreement No. 032913 will increase the contract amount by an additional Nine Thousand Four Hundred Twelve dollars and 86/100's (\$9,412.86) for a new contract amount of Twenty-Six Thousand Four Hundred Twelve dollars and 86/100's (\$26,412.86).

The contractor will continue to bill for services pursuant to Attachment "A" to Service Agreement 032913 of the original Service Agreement, but in no event shall charges for the April 03, 2014 to April 2, 2015 term exceed Twenty-Six Thousand Four Hundred Twelve dollars and 86/100's (\$26,412.86).

All other terms, conditions and provisions of the original contract, including previously executed Amendments, shall remain the same and apply during the April 3, 2014 to April 2, 2015 renewal period.

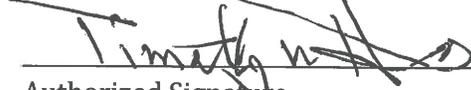
IN WITNESS WHEREOF, two (2) identical counterparts of this amendment, each which shall include original signatures and for all purposes be deemed an original thereof, have been duly executed by the parties hereinabove named, on this 27 day of AUGUST, 2014.

GILA COUNTY



Don E. McDaniel, Jr. County Manager

EARTHQUEST PLUMBING, INC.



Authorized Signature



Print Name