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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