



November 6, 2017

via email: tontoplan@fs.fed.us

Tonto National Forest
Tonto Plan Revision
2324 E. McDowell Road
Phoenix, Arizona 85006

Re: Tonto National Forest's Wild & Scenic Rivers Eligibility Study

Arizona Sportsmen for Wildlife Conservation (AZSFWC) is a 501c-3 organization dedicated to wildlife conservation, habitat work, youth recruitment and retention, as well as educating sportsmen and women on issues important to their outdoors passions. We have 35 member organizations and 7 affiliate members representing well over 10,000 individuals that reach across the spectrum of wildlife conservation, hunting, angling and shooting groups, youth orientated groups and outdoor recreation groups and businesses from all across Arizona.

We are strong proponents of sustainable multi-use on our Federal lands and waters including those within the Tonto National Forest (TNF).

- Access to the land and waters are some of those critical components that we need to ensure remain in place, because all too frequently by dictum, rule or by some administrative declaration, access becomes restricted.
- As we commented before in your Wilderness Recommendation Process there are too many attributes that subtly could allow implementation or imposition upon us the very thing that eliminates access for the public. This same premise holds true for your Wild and Scenic Rivers Eligibility Study (WSRES).
- We are also concerned about the need to maintain access for the Arizona Game and Fish Department (Department), for both administrative purposes as well as active wildlife management. Too often in the past wilderness designations and now potentially wild and scenic river designations, have been an impediment to their statutory responsibilities, and this has been true on the Tonto National Forest lands in the past.

The Multiple-Use Sustained-Yield Act of 1960 and the Federal Land and Policy Management Act of 1976 (FLPMA) prohibit federal land management agencies from affecting the State's jurisdiction and responsibilities, and managers of public lands are mandated to provide multiple-use recreational opportunities on public lands to both present and future generations. We believe conversion of public lands to a special use status is a breach of the FLPMA mandate.

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Most sportsmen and women support public land use that provides Arizona's public and resources with a net benefit, but do not support the conversion of public lands or waters from multiple-use to a special use designation that will result in a net loss of wildlife resources, wildlife related recreational opportunities and wildlife dependent economic benefit. Multiple-use is lost forever once any land is designated as wilderness, or any riparian area is deemed a "wild and scenic" river. Therefore, consider the loss of wildlife resources, related recreational opportunities and lost economic benefits.

TNF must adequately establish a purpose and need for special land use allocations and designations as required by Council for Environmental Quality regulations, the National Environmental Policy Act (NEPA), and Forest Service guidelines.

Federal lands comprise 42% of Arizona's lands, of which more than 43% have special land use designations, with significant restrictions relating to the public's ability to recreate and the Department's ability to fulfill its trust responsibilities for wildlife management. Arizona currently has 4.5 million acres of designated wilderness and an additional 5.8 million acres of land carrying special land use designations. These include; National Monuments, Parks, Wildlife Refuges, Conservation Areas, Areas of Critical Environmental Concern, Wild and Scenic Rivers, and Wilderness Characteristic Areas.

Special land use designations, such as wild and scenic rivers can impede access to our public lands, diminish recreational opportunities and have an adverse effect on the management of wildlife and the effectiveness and efficiency of conservation efforts on behalf of those wildlife resources. The latter occurs with extensive and widespread project delays, elevated costs, increased man-hours and legal challenges.

Please refer to our AZSFWC Resolution on Special Land Use Designations from March 2, 2015.

http://www.arizonasportsmenforwildlifeconservation.org/AZSFWC_Resolution_on_Special_Land_Use_Designations_Updated.pdf

We appreciate the opportunity to offer comments on the Draft WSRES report. Land management planning is one of the most important functions of local governments. Ensuring that federal plans are consistent with local plans and *all* other land management edicts is imperative to our communities and State, particularly in areas with significant amounts of National Forest System (NFS) lands.

As you move forward in this process, we request that you constantly recognize the planning rule is designed to not only ensure that plans address the restrictions within the Wild and Scenic Rivers Act (WSRA), but the rule also requires the Agency provide a sustainable flow of benefits, services, and uses of NFS lands that provide jobs and contribute to the economic and social sustainability of communities.

As mandated within the provisions of NEPA, please make sure you carefully consider relevant existing information including neighboring land management plans, local knowledge and needs, outdoor recreation assessments, Department wildlife management obligations and responsibilities as well as local law enforcement and the citizens and residents in the study area.

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With a focus on identifying free-flowing streams and rivers, the components of the Region of Comparison (scenery, geology, recreation, wildlife, fisheries, cultural resources, plants and other natural features), and the evaluation of possible Outstanding Remarkable Values, (ORV) within the Region of Comparison, we ask that you take a closer look at all of the following.

We appreciate the assessment and study of the 350 named streams on the Tonto National Forest using the State of Arizona boundary for comparative analysis, in particular because this was not done in the 1993 study. Your subsequent reduction in the number of streams left for assessment from 350 to 20 as listed in Table 4 of your October 2017 draft report is important as you have recognized there are already many edicts in place to ensure 'best management practices' have been implemented for most of the streams studied.

However, that brings up a significant concern because of the mandates found in the provisions of NEPA and other related laws, regulations, and policies that require the agency to consider all levels of effects. Your statement, *"Potential classifications were based on the situation existing at the time of the study. The ID Team did not take expected future development, or other changes along the river corridor, into consideration."*

With this disclosure, please consider the requirements to take a closer look at your rationale for determinations. This is critical since the management direction for the eligible segments will be provided in the Revised Tonto National Forest Plan. Also, because these segments will be managed to protect the outstandingly remarkable values for which they are eligible and to retain their classification identified.

In deference to Congress' authority to designate wilderness areas, as well as wild and scenic rivers, we would appreciate written clarification for the public regarding steps outside the Plan Revision. Your conclusions and decisions made in the course of your study may impact members of Congress as well as future agency administrators. We urge you to be not only reasonable, but judicious in the decisions you make.

For the streams you have selected to classify as eligible for the "Wild" designation, please consider the limitations for future management of those areas, particularly because of the significant levels of recreational enjoyment in the Sierra Ancha Mountains and Wilderness area, and the Salt River and Verde River recreation areas.

Further, for the streams deemed eligible for each of the three layers of WSRA designations, please consider that significant changes on the landscape may cause potential and realized harms or negative impacts to the land, local communities or wildlife from restriction limitations.

Considering how each stream may "fit" within one of the ORV determinations, it is important to recognize the qualitative, personal, and emotional elements that are inherent in this type of study. As National Forest resource analysts this should cause you to consider the critical importance of all aspects of land management across these areas.

As currently defined, an ORV or unique feature could be recognized across most areas of National Forests in varying degrees. There are numerous laws, regulations, and policies

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already in place that direct how these lands are managed. Consider whether it is necessary to place another layer of restrictions that may likely pull you into the courtroom, trapped in misplaced litigation causing another distraction away from actual land management. Substantial evidence of this is found in case law records.

To ensure your determination conclusions can remain valid specific to potential or cumulative effects, please determine whether your rationale and decision may cause harm or negative impact to the affected landscape, wildlife, or communities. Specifically consider:

- Based on known forest projects, established management, and project proposals have you assessed if there may be a change in your criteria evaluation specific to these factors?
- Is there potential for right-of-way requirements to change and have you established a process to address this?
- Are there potential impacts to established activities such as: specific established stream or river management, established school or recreation activities, outdoor business interests, police and fire protection, fish management, hunting and angling, and others?
- Consider the direct impacts and the indirect impacts that may result to affect these established activities if access is lost due to uncontrolled erosion or damage to roadways from eligible streams or rivers no longer actively managed.
- Would there be any changes in travel patterns and accessibility to historical established routes, or trails used by domestic livestock or recreationists?
- Do your eligibility determinations affect the elderly, handicapped, non-drivers, minority and ethnic groups, or the economically disadvantaged?
- Are there economic impacts on the local economy, such as planned or proposed development, tax revenues and public expenditures, and retail sales?
- Is there potential for change in local land use or transportation plans (City, County or State)?
- Could there be affects to cultural resources from unmanaged flows, flooding, or lack of stream management, such as on the condition of National Register-listed or potentially eligible sites within the designated area of eligible streams or rivers?
- Could there be changes in the effects on fish and wildlife resources (e.g., Flooding, loss of habitat, poisoning from ash flows after fires, and excessive sedimentation)?
- Specific to connected water bodies (i.e., lakes, ponds, or tributaries), could your eligibility determinations cause effects on water bodies?
- Consider the restrictions on the ability to affect rehab projects. Therefore, heavy ash flows, intense flash floods, debris dams from burnt fallen trees, debris flows, etc., may harm surrounding or connected lakes, ponds, or tributaries as well as nearby private lands through erosion.
- Specific to outcomes from your eligibility determinations have local flood hazard ordinances been considered?
- Have you considered potential outcomes to nearby private drinking or potable water quality in the event of unmanaged impacts from flooding?

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- Would changes due to eligibility determinations and the resulting restricted management affect the potential discharge of storm water into Waters of the U.S.?
- Would your eligibility determinations cause changes or the status of permits and authorizations, such as Grazing Permits; Special Use Permits, etc?
- Would there be changes in Environmental Commitments or Mitigation Measures?

As you move forward to your Suitability analysis and recommendations, consider the following factors specific to whether a “No Action Alternative” would cause harm or impacts to resources. Based on other National Forest assessments, with No Segments Suitable and Recommended, there would be:

- a. No direct effects on vegetation ORVs.
- b. It is unlikely that not recommending inclusion in the WSRA system would affect populations or habitat for sensitive species in the short term, as management and protection of sensitive species must be considered when implementing projects regardless of the outcome of the WSRA designations.
- c. There would be no impact on any existing populations of sensitive plant species or indirect effect to the habitat of these species given the protection measures in place at the current level for livestock grazing.
- d. No Impacts expected on aquatic or semi-aquatic sensitive species or their habitats.
- e. No significant limitations to management direction for visual resources, and would enable a variety of management activities to occur in the stream or river corridors.
- f. Recreation Opportunity Spectrum (ROS) classes would likely be maintained in the stream or river corridors with the existing forest plan direction.
- g. It is unlikely that a determination of unsuitable and not recommending certain creeks or rivers for inclusion in the National system would affect water quality in the short term, as protection of water quality is required by State and Federal agencies regardless of the outcome of the WSRA study.
- h. Long-term impacts to water quality are not expected due to the application of best management practices required to protect water quality.
- i. A No Action Alternative may beneficially affect fisheries ORVs (e.g., fish barriers, long-term benefits to aquatic species).
- j. Protection and/or management from the Endangered Species Act (ESA), the forest plan, Arizona’s State Wildlife Action Plan, and project specific biological opinions (BOs) from the USFWS (which currently allow some level of incidental take) would continue. Standards and guidelines within the forest plan require retainment of specific species habitat across the forest and seek to preserve instream flows where such species are present in specific management areas (e.g., riparian).
- k. Management of ESA designated critical habitat where present would continue at current levels.
- l. There would be no changes to outstandingly remarkable heritage values.
- m. Activities associated would not cause any new effects to cultural resources located in the stream or river corridors.
- n. Since the protection of resources would continue to be managed by existing laws and regulations, no new effects are anticipated. The Federal regulations

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such as NHPA, EO 11953 and forest plan objectives provide protection of ORVs.

- o. Private landownership and uses would be unaffected by continued management of NFS lands under the direction of the forest plan. The private lands would continue to be regulated through County zoning. The low level of permissible rural development in counties across most of the forest, current conditions and trends in the Counties, and present landowner stewardship are likely to protect river and riparian values into the foreseeable future.
- p. Issuance of special use permits would be guided by direction in the forest plan and all current law, regulation, and policy guiding the authorization of special uses on NFS lands.
- q. Road and trail construction or reconstruction, area closures, or changes in vehicle types or seasons of use on NFS land would continue to be guided by direction in the forest plan.
- r. Protection of river values would continue to be managed by the standards provided in the forest plan
- s. There would be no changes to mineral development.
- t. Fire management activities would be guided by direction in the forest plan. Prescribed fire and thinning may continue to be used to restore ecosystems.
- u. There is greater flexibility to propose or support water resources projects and some other projects such as road construction or improvements on Federal lands.
- v. It is unlikely that future activities on Federal lands might degrade recreational opportunities and, therefore, affect any jobs reliant on these opportunities.
- w. No direct or indirect effects to private land use or ownership are projected for a No Action alternative. In the future, private lands are likely to remain at a low level of development, based on current conditions and trends. Existing water rights are unaffected. River related values would continue to receive protection on Federal lands as dictated by existing authorities, recognizing those authorities (e.g., forest plan) can change over time.

Conversely, with a No suitability recommendations or designations, the following “could” happen:

- 1) Indirect effects changing vegetation diversity
- 2) Effects to water quality if new projects were implemented
- 3) Short-term impacts to water quality
- 4) Future development of mining claims
- 5) Cattle drift into riparian areas

Significant effects are unlikely, if the TNF continues in their decades long approved and successful management practices under existing authorities. This includes being subject to Forest Service requirements for management actions that could influence vegetation diversity, and management actions proposed would be subject to site-specific NEPA analysis, as well as other laws, regulations, policies, and plans.

The Ranger Districts have fencing in place to protect some streams and river corridors. In addition to fencing, there are some natural barriers along riparian corridors that prevent livestock grazing or other multiple use activities from occurring within the stream or river corridors. Livestock is constantly monitored through compliance checks by the District

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range staff and permittees. Protections offered under the forest plan including any project design features incorporated into proposed projects will provide protection for sensitive plant species. Current levels of protection from the plan will continue.

So with the above statements analyzed in your Suitability Analysis, a logical conclusion would be that there is no true need for WSRA designations!

Therefore, consider why the TNF chooses to propose WSRA designations?

What is not working in established Forest and local government management that would lead the TNF to propose any WSRA designations?

Why would we now need to have yet another special designation added to these 20 riparian areas which would likely diminish recreational and operational opportunities for "all" to benefit from or enjoy?

Thank you.

A handwritten signature in black ink, appearing to read "Jim Unmacht", with a long horizontal line extending to the right from the top of the signature.

Jim Unmacht
Executive Director