



October 22, 2022

**To: Jamie Williams, President
The Wilderness Society**

Issue: Tonto National Forest (TNF) Travel Management Plan (TMP) Road Closures within and adjacent to the Sierra Ancha Wilderness (SAW) in Gila County, Arizona:

- **Cherry Creek Road (Road 203) - 10.05-mile section**
- **Workman Creek Road (Road 487) - two segments**

Problem Statement:

Two historically important travel routes, Roads 203 and 487, utilized for mining, ranching, recreation, hunting, and public safety activities are scheduled for decommissioning. The continued existence and use of these traditional travel routes in Gila County, Arizona were challenged under provisions of the Wilderness Act during the most recent development of the Tonto National Forest Travel Management Plan. This is due to the roads apparent incursion into areas that are purported to be within the congressionally designated Sierra Ancha Wilderness Area. These roads predate the areas congressional designation as a wilderness and in fact predate the Act itself. The US Forest Service (USFS) is faced with an apparent choice of eliminating the roads thus impacting important travel requirements or acting in contravention of the Wilderness Act. This apparent conundrum, however, is predicated on the assumption that the portrayal of the Wilderness boundary is an accurate reflection of the actions of Congress and free from clerically induced inaccuracies in the boundary as portrayed.

Our review of historical information found the boundary on the initial Wild Area map was moved away from Road 203 alignment in the final 1951 official map of the "Wild Area." This same map also depicts the Wild Area boundary outside the Road 487 travel route. The 1965 map of the "Wilderness Area" as reportedly presented to Congress by USFS Region 3, does not show Road 203 continuing north of the Ellison Ranch, a significant distance of a long-established motorized travel route. Further, the depiction of the boundary along Roads 203 and 487 is represented by sweeping lines drawn without regard to the presence of existing roads that were a part of the forest road system. The related legal description is imprecise or ambiguous, ignoring the intent of the cartographer clearly displayed in the 1951 amended and final map of the "Wild Area."

Purpose:

- To develop support for legislative or administrative alternatives to road

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decommissioning that maintain viable public motorized access to Roads 203 and 487 while enabling the USFS to comply with the requirements of the Wilderness Act.

- Evaluate the area of concern, government records and edicts, specific to public motorized access to the SAW and adjacent National Forest System lands.
- Present to the USFS and members of Congress our findings and work towards resolution.

Background:

The Sierra Ancha Wilderness was designated in 1964 as a matter of course by Section 3. (a) of the Wilderness Act (16 U.S.C. 1131(note)), as it was already recognized and mapped as a "Wild" area.

- Sec. 3. (a) All areas within the National Forests classified at least 30 days before the effective date of this Act by the Secretary of Agriculture or the Chief of the Forest Service as "wilderness", "wild", or "canoe" are hereby designated as wilderness areas.

Prior to Congressional designation the area was subject to a long history of protective land use designations. In 1933 the approximate area of the SAW was designated as a Primitive Area under the provision of a rule referred to as "L-20" rules. The L-20 Rules were established in 1929. The L-20 regulations defined three types of areas: Natural Area, Experimental Forest and Range, and Primitive Area. The L-20 section on Primitive Area directed the Forest Service, "to maintain primitive conditions of transportation, subsistence, habitation, and environment to the fullest degree compatible with their highest public use."

In 1939 the L-20 rules were superseded by more specific U-Rules. The U Rules provided for creation of 3 types of areas. Regulation U-1 created Wilderness Areas (over 100,000 acres). Regulation U-2 created Wild Areas (5,000 to 100,000 acres). The U Regulations prohibited mechanized access, timber harvesting and road construction in the wilderness and wild areas. The U-Regulations replaced the term primitive area with wilderness area and wild area and were used by the USFS until the passage of the federal Wilderness Act of 1964.

It is important to note that the Sierra Ancha Primitive Area was redesigned as a U-2 Wild Area in 1951 as authority for establishing or modifying a U-2 designation rested with the Chief of the Forest Service. Such modification occurred with the road later designated as Forest Service Road 203 in 1955 when the Chief authorized improvement of the route to meet the national interests in uranium mineral development.

It is important to note, the wilderness boundary was moved away from the original alignment under the L-20 Primitive Area and later the initial U-2 Wild Area designation that were along Cherry Creek, first when the 1951 Wild Area map amendment was finalized. Later the boundary was moved in part when the area was designated as wilderness in 1964. One plausible explanation for this change in the boundary alignment would be to comply with the requirement of the Wilderness Act that areas designated as wilderness be roadless. The clerical action of drawing the boundary line connecting the points on the map that represent the location of the monuments may well be tied to the clerical error of electing to draw the boundary on a map that did not show the road alignment of Road 203 as it existed prior to wilderness designation. Choosing such a map appears to

be a clerical mistake, as ample versions of maps with accurate representations of the road alignment were in existence at the time of designation.

The wilderness embraces the top and main ridge of the Sierra Ancha Mountains, significantly above Cherry Creek, and primarily west of Road 203 and south and east of Road 487. Precipitous box canyons, high cliffs, and abrupt changes in elevation make the area exceptionally rugged.

- A diversity of vegetation has resulted in the occurrence of eight Arizona "big ten" game animals within a few miles. These are elk, Rocky Mountain bighorn sheep, mule deer, white-tailed deer, black bear, mountain lion, turkey, and javelina.
- Asbestos and uranium, the two major minerals which have been mined in and adjacent to the SAW, occur in the Apache geological group. This group is found throughout the Wilderness and as a result, mining claims blanket much of the area.
- Estimated recreation uses in 1980 was 16,100 Recreation Visitor Days (RVD's) (1985 TNF Forest Plan (FP) Environmental Impact Statement (EIS)). That was 37 years ago. Based on Forest records provided, the TNF TMP does not have a current estimate for RVD's.
- By access from the 10.05 miles of Road 203 slated for closure, there are many historic cultural sites (cliff dwellings) located in rugged narrow canyons that recreationists have enjoyed for decades.
- There are seven active livestock grazing allotments with contiguous boundaries along and within the wilderness boundaries. In addition, there are several parcels of private land inholdings and rural communities near the area.
- Within a 10-mile circumference of the SAW, the Fort Apache Indian Reservation is to the east, the Salome Wilderness to the west, the Sierra Ancha Experimental Forest adjoins the SAW, and less than 7 miles south is the Salt River Canyon Wilderness. This encompasses tens-of-thousands of acres with limited to no public motorized access. The community of Young is 20 minutes north of the SAW and the town of Globe about 65 miles south of Young. Public Road access between communities is very limited, including limited alternate routes for emergencies.

Significant issues identified:

- Motorized public access is a critical factor for social and economic stability as well as efficient county, state, and federally mandated management on public lands, including for wilderness and other adjacent areas with special management. This is important for the public and private lands Roads 203 and 487 access, and particularly for the safety and enjoyment for thousands of recreationists and outdoor enthusiasts; hunters and fishermen; permitted grazing; permitted outfitters and guides; other permitted uses; the many private land inholdings in the area; and nearby communities.
- Also, specific to this area, having very limited public motorized access, it is important to ensure search and rescue and law enforcement professionals can fulfill their obligations to the nearby communities and forest visitors.
- The TNF TMP draft EIS failed to address or take a hard look at many significant issues, including little or no site-specific analysis of potential effects of their proposed actions concerning Roads 203 and 487.
- The known management failures that cause safety threats to the public visiting the nearby Fossil Creek Wild and Scenic River area, could be significantly greater in the SAW area and adjacent public lands if motorized public access on the 10.05 miles of

Road 203 and the two sections of Road 487 are cut off.

Local effort, ongoing:

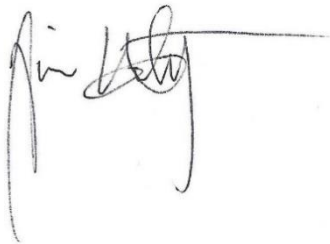
- Since 2007, several individuals, including the Arizona Game and Fish Department expressed concerns regarding adverse impacts to established public motorized access.
- A local volunteer collaborative group met beginning in October 2016, seeking ways to avoid the decommissioning of Roads 203 and 487. During this time, executive assistance to evaluate the wilderness map discrepancies and highlight some of the social and economic issues was provided by Senator Flake and his staff, Chuck Podolak and Buchanan Davis. Senator Flake sent a letter to Region 3 Regional Forester Cal Joyner. Members of the collaborative also sent letters to the Forest and Senator's Flake and McCain, and Congressman Gosar. Congressman Gosar and Penny Pew also provided executive assistance and guidance. Additionally, Arizona State Representative Cook, Ethan Lane and Marci Schlup of the Public Lands Council provided support. The collaborative has also had advisory assistance from the Forest Service, and the Gila County and Arizona State Cattle Growers Associations.
- Review of significant 'substantive' and 'procedural' provisions of the Wilderness Act is ongoing, with a focus on Section 3 and 4.
- Evaluation of congressionally delegated authority for the Secretary of Agriculture and Chief of the USDA Forest Service, specific to managing lands within, adjacent to, and near Wilderness areas is ongoing (i.e., 36CFR251.71-82; 36CFR261.1-18; 36CFR293.3-13; FSH1909.12, 70; and the Wilderness Act). Also review of case law for administrative authority regarding motorized uses/roads and activities.
- Investigation of other designated wilderness areas; modifications, requirements or criteria, and assessment of historical records.
- Evaluation of the TNF TMP analysis of significantly different populations and landscapes in Gila County compared to their four-corner county assessment. Gila County, where the SAW occurs, is one county whose social and economic welfare includes a critical dependence on public motorized access for multiple use across public lands. Gila County was created in 1881. County land ownership includes: US Forest Service owns 56%, Apache Tribe 38%, Individuals, and corporations 2%, other public lands 1%. As reference, land management/ownership in the State of Arizona includes: The Forest Service, National Park Service, Fish and Wildlife Service, Department of Defense, and Bureau of Land Management manage 42.1%; State Trust Lands comprise 12.7%; 27.1% is Tribal land, and only 18.1% is private. These numbers do not include the Bureau of Reclamation or Agriculture Research Service lands. Arizona has 21 National Parks and Monuments.
- Currently there are two draft maps showing suggested options to add acreage to the SAW, to be able to remove the acreage (plus a buffer) that encompasses the sections of concern on Roads 203 and 487 (with the intent to preserve at least the original SAW acreage if necessary).
- Consider and assess the applicability of the John D. Dingell, Jr. Conservation, Management, and Recreation Act to the resolution of this matter.
<https://www.congress.gov/bill/116th-congress/senate-bill/47/text>
<https://www.fws.gov/program/land-acquisition-and-realty/john-dingell-jr-conservation-management-and-recreation-act>
- Ascertain through what avenue can a wilderness boundary correction or adjustment be accomplished to keep established motorized roads open:

- a.) What amount and where can acreage be adjusted to ensure these two roads remain open for public motorized access and maintenance as they have been for decades?
 - b.) Can non-wilderness corridors be created or does acreage need to be removed from the SAW?
 - c.) A 1:1 adjustment of the acreage seems logical. However, the adjustment ratio may not be exactly a 1:1 and the areas chosen to adjust the acreage may have implications.
- In the context of the White House's commitment to creating equitable access to nature, find a solution to keep access open to all citizens with an administrative fix to decades old errors.
<https://www.whitehouse.gov/ceq/news-updates/2022/09/23/fact-sheet-biden-%E2%81%A0harris-administration-advances-commitment-to-create-more-equitable-access-to-parks-and-nature-in-communities/>

On behalf of AZSFWC, the 41 organizations and business supporters (see the following list), as well as many concerned citizens who have volunteered their time on these issues, we appreciate your willingness to review and discuss a possible solution to the equitable access problem being created with the closure of sections along these two long-established access roads to the SAW.

Thank you!

Yours in Conservation,



Jim Unmacht
Executive Director

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**Coalition of Organizations and Businesses Supporting
Tonto NF SAW Access Roads Resolution**

AZ Sportsmen for Wildlife Conservation
Anglers United
AZ Antelope Foundation
AZ Bass Nation
AZ Big Game Super Raffle
AZ Bowhunters Association
AZ Chapter of Back Country Hunters & Anglers
AZ Chapter of National Wild Turkey Federation
AZ Chapter of Safari Club International
AZ Deer Association
AZ Desert Bighorn Sheep Society
AZ Elk Society
AZ Flycasters Club
AZ Houndsmen
AZ Outdoor Adventures
AZ Outdoor Sports
AZ Predator Callers
AZ State Council of Trout Unlimited
AZ Taxidermy Association
Ben Avery Clay Busters
Christian Hunters of America
Conserve and Protect AZ
FirstStrategic, LLC
Gila County Cattlegrowers Association
Kahuna's Kids
Mogollon Sporting Association
Mohave Sportsman Club
Mule Deer Foundation
Outdoor Experience 4 All
Rim Country Custom Rods
SolidMen Hunt Club
Southern AZ Quail Forever
Southwest Wildlife Foundation
Sportsmen's Business Alliance
SRT Outdoors
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Theodore Roosevelt Conservation Partnership
Valley of the Sun Quail Forever
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Yuma Valley Rod and Gun Club
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