



June 21, 2024

Reviewing Official  
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*Submitted Via email:* [objections-southwestern-regional-office@usda.gov](mailto:objections-southwestern-regional-office@usda.gov)

**RE: Objection to Final Environmental Impact Statement (FEIS) and draft Record of Decision (ROD) for the Public Motorized Travel Management Plan (TMP) for the Apache-Sitgreaves National Forests**

Arizona Sportsmen for Wildlife Conservation (AZSFWC) submits the following comments objecting to the findings for this FEIS and draft ROD.

For reference, context and standing, AZSFWC attaches our October 27, 2019 letter outlining six concerns and remedies regarding the Draft Environmental Impact Statement.

**1. Questionable Interpretation of the Travel Management Rule and Inconsistency with Recent Legal Precedent relative to MBGR**

**AZSFWC Proposed Remedy:** the Apache-Sitgreaves National Forests (Forest) must base its NEPA analysis on defensible information, rather than speculation, presenting a consistent, complete, and properly supported assessment of effects of Motorized Big Game Retrieval (MBGR) provisions in the Alternatives. Absent inclusion of new, relevant information on adverse impacts, the Forest must allow MBGR for deer, bear, and elk, as originally proposed in the 2010 TMP DEIS, on a "one-trip-in, one trip-out" basis, within a 1 mile distance of all open roads and motorized trails, as long as this is done in a manner that does not cause unacceptable resource damage.

**Result:** Bear was added; however, deer were excluded.

**Comment:** The explanation offered in Appendix A, Response 5 suggests deer are not subject to the same concerns of elk or bear, ie; not subject to spoilage, and "are often light enough to carry". The August and September deer hunts would negate the spoilage argument, and it's apparent the author has never faced the task of carrying a deer out of the forest.

Referencing our 10/27/19 letter, in the second paragraph on page 2:

AZSFWC asserts that the Forest's approach to MBGR in the RDEIS is inconsistent with the other National Forest plans in Arizona. It is also inconsistent with the

March 2019 U.S. Ninth Circuit Court of Appeals Decision in "WildEarth Guardians v. Provencio" concerning MBGR on the Kaibab National Forest.

**\*\*The Forest must add deer back into the MBGR provisions.**

**2. Flaws in the NEPA Process**

**AZSFWC Proposed Remedy:** the Forest must re-open the Scoping process to facilitate public input and then incorporate that information in a revised DEIS that fully discloses effects of decisions in the 2015 Forest Plan affecting motorized travel, including designation of "Natural Landscapes." The Forest must also consider and prepare Forest Plan Amendments allowing reasonable access for dispersed camping and MBGR within designated "Natural Landscapes."

**Result:** The Forest did not re-open scoping processes and are not allowing MBGR or dispersed camping in "Natural Landscapes". (Appendix A, Response 42)

**Comment:** Reference our 10/27/19 letter, in the fourth paragraph on page 5:

AZSFWC asserts that lack of transparency and disclosure in the NEPA process prevented the public from fully understanding how Forest Plan revision could affect motorized access and willfully or unintentionally discouraged input on those important issues. Moreover, the 2015 Forest Plan also designated large portions of the Forest as "Natural Landscapes," which in turn severely constrained areas subsequently considered for dispersed camping and MBGR in the 2019 TMP RDEIS. However, the 2015 Forest Plan FEIS is mute on this topic, failing to analyze or disclose effects of this Special Designation on motorized access. Collectively, these actions represent arbitrary and capricious decisions by the Forest.

**\*\*The Forest should re-open the scoping processes to fully inform the public on the impact of motorized access with regard to the "Natural Landscapes" designations.**

**3. Deficiencies in the Assessment of Existing Conditions**

**AZSFWC Proposed Remedy:** The Forest must redo its analysis of the Alternatives using baseline data that accurately reflect conditions on the ground, treating all existing roads used by the public (not just system roads) as part of the existing condition. Non-system roads that would be added to the system under one or more Action Alternatives must not be considered as additive effects in the analysis.

**Result:** We could not identify any response to our concerns related to these comments.

**Comment:** Reference our 10/27/19 letter in the first and second paragraphs on page 6:

Comment: the RDEIS indicates that the existing condition for motorized access on the existing road network (Alternative #1 - no action) is 3,421 miles [RDEIS Vol. 1, p. 12] but acknowledges that this is a "snapshot of the best available information" [RDEIS Vol. 1, p. 323]. This baseline for the NEPA analysis drastically

underestimates actual conditions on the ground, including thousands of miles of roads that have been used for decades by the recreating public and are not marked or enforced as "closed" (e.g., the 1987 Forest Plan cites >8,000 miles of constructed roads on the Forest).

AZSFWC understands that this data deficiency has been repeatedly brought to the Forest's attention (including comments submitted on the 2010 TMP DEIS) and that more complete road data are available but were not used in the RDEIS analysis. It also appears that roads "added" to the system under the Proposed Action are existing roads that have been in use for decades and therefore represent part of the existing condition, not new, additive impacts.

**\*\* The Forest must assess the TMP with accurate and complete road data.**

**4. Motorized Access for Dispersed Camping**

**AZSFWC Proposed Remedy:** The Forest must allow dispersed camping on all existing sites identified in the Arizona Game and Fish Department (AGFD) inventory and in 300-ft corridors along all open roads, with the exception of sensitive areas vulnerable to resource damage (e.g., wet meadows).

**Result:** It would appear the Forest has declined more of the AGFD requests than they have granted, as noted in Appendix A, Table 2.

**Comment:** Reference our 10/27/19 letter in the last paragraph on page 7:

AZSFWC also understands that a significant proportion of these existing sites (which reflect only a subset of those actually available in the analysis area) were excluded from the Proposed Action, along with the corridor recommendation. These arbitrary constraints imposed by the Proposed Action will result in a net increase, rather than decrease in resource impacts associated with dispersed camping, by concentrating use in a smaller number of areas. AZSFWC asserts that the Forest failed to incorporate the best available data into this decision, has set the stage for increased resource damage, and failed to deliver reasonable opportunities for dispersed camping to the recreating public.

**\*\*The Forest should reassess the proposed dispersed camping site closures with AGFD.**

**5. Motorized Access for Management of Fish and Wildlife Resources**

**AZSFWC Proposed Remedy:** AZSFWC understands that AGFD will provide the Forest a detailed, site-specific list of access points and routes used to maintain these facilities and infrastructure. For those sites not accessible by system roads open to the public, the Forest must provide AGFD with administrative access.

**Result:** It appears the Forest has granted most of the AGFD's requests as outlined in Appendix A, Table 3.

**\*\*The cooperation between the Forest and AGFD is appreciated, however we ask that you reassess administrative access to the following roads, as they lead to water catchments that may require periodic maintenance.**

- **FR 9890G1ATV:** Unnamed Water Development
- **FR 9484K:** Leads to Capps Catchment
- **FR 170:** Leads to Grapevine Pothole along an existing spur road at 34.52001, -110.75671 to the pothole at 34.51987, -110.75641.
- **FR 504F:** Leads to Wildcat Water Catchment along an existing spur road at 34.60713, -110.74021 to the catchment at 34.57757, -110.73131.
- **FR 95A:** Leads to Long Hollow Water Catchment along an existing spur road at 34.5054, -110.58048 to the catchment at 34.50399, -110.57893.
- **FR 488A:** Leads to Vista Water Catchment along an existing spur road at 34.48056, -110.54745 to the catchment at 34.48043, -110.54857.
- **FR 5:** Leads to a catchment along an existing spur road to the catchment at 34.218281, -109.756837.
- **FR 9712G:** Leads to Blue Ridge Catchment along an existing spur road to the catchment at 34.152748, -109.920196.
- **FR 9711H:** Leads to Twin Knoll Catchment along an existing spur road to the catchment at 34.204333, -109.914401.
- **FR 916:** Leads to Dead Eye Catchment along an existing spur road to the catchment at 34.38885, -110.46668. Or extend the admin use along FR 9886T1.
- **FR 98865:** Leads to Sundown Catchment along an existing spur road to the catchment at 34.42451, -110.45201.
- **FR 9886B:** Leads to Oklahoma Catchment along an existing spur road to the catchment at 34.43548, -110.51920.
- **FR 221:** Leads to Hunt Catchment along an existing spur road to the catchment at 34.36910, -110.23237.
- **FR 919:** Leads to Turkey Hill Catchment along an existing spur road to the catchment at 34.29265, -110.25618.
- **FR 466:** Leads to Park Catchment along an existing spur road to the catchment at 34.53215, -110.40782.
- **FR 9891L:** Leads to the Burton Catchment along an existing spur road at 34.31236, -110.14474.
- **FR 133:** Leads to the Bull Hollow Catchment along an existing spur road at 34.38259, -110.12615.

## **6. Clarity and Consistency of Regulations for the Public**

**AZSFWC Proposed Remedy:** the Forest must provide clear signage designating roads that are open versus closed to the public, allow dispersed camping on all existing sites identified in the AGFD inventory and in 300-ft corridors along all open roads, and allow for deer, bear, and elk on a "one-trip-in, one trip-out" basis, within a 1 mile distance of all open roads and motorized trails, as long as these occur in a manner that does not cause unacceptable resource damage.

**Result:** The Forest has stated there may be some additional signage during implementation, however the primary tool and method of public communication would be with the Motor Vehicle Use Map (MVUM), as outlined in Appendix A, Response 114, and further in Responses 15 and 29.

**Comment:** Reference our 10/27/19 letter in paragraphs five through seven on page 7:

Comment: the Forest has failed to incorporate valuable lessons learned from implementation of TMR on other Arizona forests. The Proposed Action creates a complex, non-intuitive landscape for motorized visitors -- existing, well-traveled roads that are designated open or closed, but may lack appropriate signage; roads with camping corridors on one side, both sides, or no corridor at all; areas where MBGR is allowed and areas where it is not.

This presents an unreasonable burden on the recreating public, particularly those who make a good faith effort to comply. It also creates an unworkable situation for effective law enforcement. According to the RDEIS, Motorized Vehicle Use Maps (MVUM) will be the primary means of communicating new regulations to the public, stating that: "*Having the MVUM as a single source to identify where people are allowed to drive would ease enforcement and improve compliance.*" [RDEIS Vol. 1, p. 318].

AZSFWC strongly disagrees with this notion, MVUM are a useful information source; however, many Forest visitors find them confusing, awkward to use, or have no idea that these maps even exist.

**\*\*The Forest must go beyond reliance on a MVUM to convey to the recreating public which roads are open and which roads are closed. Appropriate signage will be a critical compliment to the MVUM and will ensure the Forest visitors without a MVUM will know where they can drive or not drive. All the more important when factoring in the available law enforcement across the Forest.**

### **Summary**

AZSFWC reiterates that all of our public lands are meant for the public to enjoy, including the Apache-Sitgreaves National Forests. The United States voted in favor of UN General Assembly Resolution 76/300 on July 28, 2022, ensuring the human right to nature (right to a clean, healthy, and sustainable environment as a human right).

The Forest Service's Region 3 guidelines for implementation of the Travel Management Rule note that hunting opportunities are important to the public, and routes for game retrieval are to be identified in close collaboration with the AGFD. This identification includes MBGR up to 1 mile from a designated route for elk AND mule deer.

Further attention is brought to the importance of reasonable MBGR, with the January 12, 2017, Presidential Memorandum from President Obama, calling for diversity and inclusion across public lands to ensure there is no inequity gap. This includes any designation of special management areas, such as the latest formal designation of "Natural Landscapes" limited use of public lands, thereby impacting reasonable access for dispersed camping and MBGR.

It is alarming the Forest has failed to consider all aspects of the value and importance of reasonable MBGR for all big game animals and a broader more dynamic analysis of opportunities for dispersed camping on public lands, considering the fact National Forests

are managed under the mission statement "to sustain the health, diversity, and productivity of the nation's forests and grasslands to meet the needs of present and future generations."

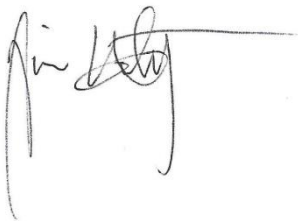
The Forest Service must complete an applicable Travel Management Plan assessment that includes repeatable, comparable, and statistically robust metrics with more careful and deliberate analyses in the decision-making process to fulfill your moral and legal obligations, which you have failed to do, specifically for equitable, realistic, and reasonable access for dispersed camping and MBGR and the value and importance of each.

Specific to the use of a MVUM and the need to provide signage on all routes, the same issues that exist on travel routes also exist for the dispersed camping and MBGR. The Forest must not create an inequity gap by willfully ignoring the need for signage on all routes to fulfill your obligations to meet the needs of all present and future generations. This is not a narrow need of accommodation for information sharing that could be met by simply providing maps at your limited offices or online. Not all people have access to computers, and not all people can connect with limited and not always available Forest employees.

Finally, the Forest must consider the needs of present and future generations (all peoples, their respective cultures, as well as an acknowledgement of diverse human physical characteristics) when evaluating multiple uses of Forest public lands, in correlation with:

- Assessing the purpose and need for reasonable MBGR of all big game species,
- Providing a more robust analysis for public use of public lands for dispersed camping,
- Sound analysis of effects with sufficient public disclosure of the "Natural Landscape" Forest Plan designations relative to outcomes within the Travel Management Plan, and
- Recognize the importance of signage as described above on all travel routes.

This is critical to avoid violation of the Administrative Procedures Act (APA) and non-compliance with the National Environmental Policy Act (NEPA).



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