

Chapter 1. Purpose of and Need for Action

Structure of this Document

The Gila National Forest (the forest) has prepared this draft environmental impact statement (DEIS) to analyze different ways of implementing the Travel Management Rule. This report describes the forest's proposed alternatives and their environmental effects. The analysis complies with the National Environmental Policy Act (NEPA) and other relevant Federal laws and regulations. The document consists of the following:

- **Chapter 1. Purpose of and Need for Action:** Chapter 1 briefly describes this project's background, its purpose and need, and our initial proposal for achieving the purpose and need. It then describes how we informed the public of the proposal and how they responded.
- **Chapter 2. Alternatives, including the Proposed Action:** This chapter describes the proposed action and alternatives—including no action—in detail. These alternatives were developed based on significant issues raised by the public and other agencies. The chapter ends with a summary of the environmental consequences for each alternative. This chapter provides the most complete picture of the project and its effects.
- **Chapter 3. Affected Environment and Environmental Consequences:** This chapter describes the environmental effects of each alternative in detail.
- **Chapter 4. Consultation and Coordination:** This chapter contains a list of preparers and the agencies we consulted with during its development. It also contains a list of agencies, organizations and persons to whom copies of the DEIS were sent.
- **Glossary**
- **References**
- **Index**

In addition to this document, there are six separate documents of maps. These documents are by alternative and each contains an index and 18 maps displaying how each alternative affects use.

The project record is located at the Gila National Forest Supervisor's Office, 3005 E. Camino del Bosque, Silver City, New Mexico 88061. Documents are available pursuant to the provisions of the Freedom of Information Act (FOIA).

Background

To address concerns about unmanaged off-highway vehicle (OHV) use, the Forest Service published final travel management regulations for use of motor vehicles on National Forest System lands on November 9, 2005. The new regulations amended Title 36 of the Code of Federal Regulations, parts 212, 251, 261, and removed part 295. These regulations together are referred to as the Travel Management Rule throughout this document.

The Travel Management Rule (36 CFR 212.50 (a)) requires that each national forest and grassland "provide for a system of National Forest System (NFS) roads, NFS trails, and areas on NFS lands that are designated for motor vehicle use. After these roads, trails, and areas are designated, motor vehicle use, including the class of vehicle and time of year, not in accordance with these designations, is prohibited. Motor vehicle use off designated roads and trails and

outside designated areas is prohibited by 36 CFR 261.13.” Therefore, the Gila National Forest is presenting this proposal to meet the Travel Management Rule requirements.

The designated roads, trails, and areas will be published on a motor vehicle use map, which will be available to the public free of charge. In designating routes, the responsible official may include in the designation the limited use of motor vehicles within a specific distance of certain designated routes, and if appropriate, within a specified time period, solely for the purposes of dispersed camping or retrieval of a downed big game animal by an individual who has legally taken the animal (36 CFR 212.51(b)). Designations will be reviewed annually and updates made to the motor vehicle use map as needed.

Exemptions from these designations include: (1) aircraft, (2) watercraft, (3) over-snow vehicles, (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 specifically authorized under a written authorization issued under Federal law or regulation (36 CFR 212.51).

Motor vehicle use that is specifically authorized under a written authorization may include activities such as livestock operations, mining, logging, firewood collection, forest products, private land access, and maintenance of pipeline and utility corridors (36 CFR 212.51(a)(8) and 261.13(h)). Written authorizations allow for continued multiple-use management on the forest in a manner that does not result in unnecessary resource impacts, and that meets the intent and purpose of the Travel Management Rule.

Motor vehicles will continue to be a legitimate and appropriate way for people to enjoy the Gila National Forest, and motor vehicle access opportunities are important for many reasons. The Gila National Forest will continue to provide motor vehicle access to National Forest System lands for activities like camping, fishing, hunting, hiking, mountain biking, wildlife viewing, horseback riding, and driving for pleasure on designated roads and trails.

Location

The analysis area is the Gila National Forest, located in southwestern New Mexico as shown in figure 3. The Gila National Forest has over 3.3 million acres of public land within its boundary with approximately 126,000 acres of other ownership, including private and National Park Service lands.

Existing Transportation System

In general terms, the existing direction includes the National Forest System roads, trails and areas currently managed for motor vehicle use, plus the restrictions, prohibitions and closures on motor vehicle use existing on a unit (Southwestern Region Travel Management Rule Guidelines, June 2008). This direction describes the existing system as that shown in the INFRA databases.

It is helpful to display the forest’s current motorized system, because this project proposes to change it. The forest supervisor will use the effects analyses and public comments to decide what changes to make to the existing direction regarding motorized travel.

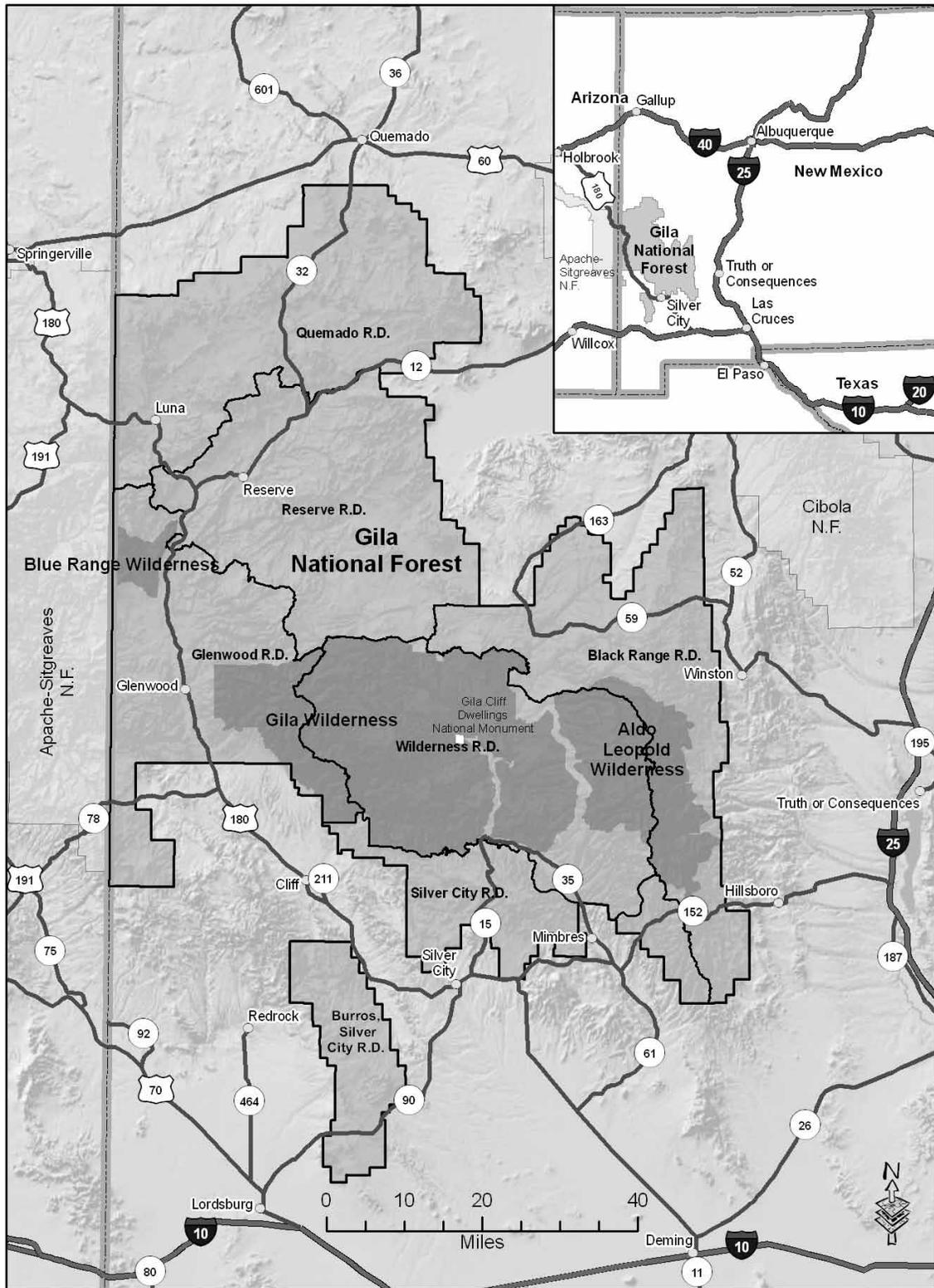


Figure 3. Location of Gila National Forest

Numerous sources depict the Gila National Forest's motorized system, including the forest visitor map, forest plan, closure orders, and databases. Some of these sources are inconsistent. For instance, the forest visitor map does not display all of the roads and motorized trails shown in the INFRA database. Other non-Forest Service publications exist and may not include Forest Service maps and information, further confusing the situation.

Since 2006, the database for roads and motorized trails (INFRA) has been updated using information received from the public, field verification, and database corrections. Several iterations of existing direction maps have been produced since 2006. These are all in the project record. The most recent is included in the map packet. This is the map depicting alternative B (no action) and summarized in table 1.

Cross-Country Travel

The Gila National Forest has approximately 3.3 million acres of National Forest System lands within its boundary. This acreage figure excludes land held privately, and includes all the acres of public land managed by the Gila National Forest.

Approximately 2.4 million acres are available for motorized cross-country travel. Even though these acres permit motorized cross-country travel, it may not be possible to drive on all of them due to slope, terrain, or thick vegetation.

The Gila National Forest does not currently have limits on places where people can drive to go camping in the forest outside of wilderness research natural areas (RNA) including proposed RNAs, and other areas restricted to motor vehicle use as shown on the forest visitor map. The forest's current direction allows people to drive and camp where off-road driving is allowed. Therefore, no special corridors are designated for motorized access to dispersed camping.

Under current direction, people can drive to retrieve downed game where off-road driving is allowed, on approximately 2.4 million acres. They can also scout for game by driving off roads except during the hunting season. More specifically, under New Mexico State Law, "It is illegal to drive a motor-driven vehicle off established roads or two-track roads in a hunting, trapping, or angling area if the vehicle bears a person licensed to hunt, trap, or fish for species on which season is open in that area" (New Mexico Department of Game and Fish 2010).

Purpose of and Need for Action

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 Gila National Forest (36 CFR 212.50). On the Gila National Forest:

- There is a need to comply with 36 CFR 212.51(a), which requires the forest to designate a system of roads, trails, and areas for vehicle use by vehicle class and, if appropriate, by time of year.
- There is a need to manage motorized vehicle use on National Forest System lands on the Gila National Forest in accordance with the provisions of the Travel Management Rule and 36 CFR parts 212, 251, and 261.

- There is a need to comply with 36 CFR 261.13, which requires the forest to prohibit motor vehicle use off the system of designated roads, trails, and areas (close the forest to motorized cross-country travel).
- There is a need to amend the forest plan to comply with the Travel Management Rule.

Previous Decisions

The Travel Management Rule allows the responsible official to 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 on NFS lands for motor vehicle use (36 CFR 212.50(b)). Therefore, the existing miles of designated road system that are not being closed or changed are not included in the proposed action; only the changes to the transportation system are included. The motor vehicle use map will include the resulting road system, those roads where motorized dispersed camping would be allowed within a specific distance, and areas open to motor vehicle use. The nonsystem roads (i.e., decommissioned, unauthorized, etc.) will not be shown on the motor vehicle use map and may not be used for motorized travel.

Modified Proposed Action, Briefly Described

The proposed action for managing motorized vehicle travel was published on September 11, 2009. The proposed action has been modified. Alternative F is the modified proposed action. In it, we proposed adding approximately 7 miles to the open road system; adding approximately 166 miles to the motorized trail system; designating over 1,447 miles for motorized dispersed camping; allowing motorized big game retrieval up to ½ mile from open roads; and designating approximately 36 acres as areas open to motorized activity. The forest would be closed to cross-country motorized use. This proposal was based on analysis done in the “Travel Analysis Process” (USDA Forest Service 2010).

Decision Framework

The forest supervisor is the responsible official for this decision, which will apply only to NFS roads, trails and lands within the Gila National Forest. The forest supervisor will decide:

- Whether to select the modified proposed action or another alternative as described, or as modified in the final decision;
- What changes to make to the designated system of roads, trails, and areas;
- Whether to designate the limited use of motor vehicles within a specified distance of certain routes solely for the purposes of motorized dispersed camping or retrieval of a downed big game animal by an individual who has legally taken that animal;
- Which amendments to include in the final decision.

Public Involvement

Scoping

This project has been listed on the forest's schedule of proposed actions since April 2008.

Prior to scoping the proposed action, from 2006 to 2007, Gila National Forest ranger districts held 46 public meetings and open houses across the forest to introduce the Travel Management Rule and the forest travel management process to over 900 participants. In the fall of 2008, another 18 workshops were held and attended by more than 800 people. The workshops generated more than 2,000 public comments. These forums also provided an opportunity for the public to review maps and provide input. Over 380 individuals, including landowners, range permittees, outfitters, and guides were contacted, and we met with local motorized user groups, conservations groups, various local organized groups, Federal and State agencies, and local county officials.

Information from all of the public involvement meetings and comments were used to develop the proposed action. The forest supervisor published the proposed action on September 11, 2009. Publishing the proposed action marked the start of the scoping comment period, during which we asked the public for comments on the proposal. We mailed the proposed action to approximately 4,000 people and held 10 open houses. In response, we received almost 16,000 letters and emails. The content of the letters and emails formed the basis of the alternatives and environmental analysis.

Tribal Consultation

The Gila National Forest recognizes that certain tribes and chapters have cultural and geographical ties and knowledge about the lands now managed by the forest. Tribal members sometimes visit the Gila National Forest to gather traditional resources, hold ceremonies, and visit special locations. For these reasons, tribes share an interest in the management and protection of natural and cultural resources, including effects from motorized vehicle use.

The Gila National Forest is committed to, and has conducted tribal consultation and NEPA scoping during the travel management process. These are carried out at the government-to-government level under current laws, regulations and policies. This process is separate from other public scoping, due to the unique relationship between the U.S. Government and sovereign federally recognized tribes. It ensures that interested tribes are given the opportunity to participate in the planning process as required in NEPA and elsewhere. Prior to the Travel Management Rule in 2005, specific projects involving road access, obliteration, and maintenance were addressed with tribes on a case-by-case basis, as identified in the forest's quarterly schedule of proposed actions or other NEPA scoping.

The Gila National Forest does not manage and is not located adjacent to any tribal lands (trust, reserved, or allotted), nor are there any treaty rights. Instead, tribes with an interest in the forest are those having cultural affiliation with prehistoric occupants of National Forest System lands (USDA-FS Southwestern Region 1996, pp. 119-121), those who historically occupied lands now comprising the Gila National Forest (prior to establishment of the forest in 1905), or both.

The following 11 tribes or chapters were consulted regarding travel management:

- Pueblo of Acoma
- Alamo Navajo Chapter
- Ft. Sill Apache Tribe
- The Hopi Tribe
- Pueblo of Laguna
- Mescalero Apache
- The Navajo Nation
- Ramah Navajo Chapter
- San Carlos Apache
- Ysleta Del Sur Pueblo
- Pueblo of Zuni

Letters and face-to-face meetings at tribal offices were the primary methods of consultation. Tribes were provided with Travel Management Rule materials. These occurred in 2007 and 2008, as well as during the scoping period in 2009. Although all tribes on this list were contacted, not all were available or expressed an interest in consulting with the Gila National Forest on travel management at the time. Additional government-to-government tribal consultation continues in 2010.

Comments

We received over 16,000 emails and letters commenting on the proposed action during scoping. Of these, approximately 15,000 were “form letters,” and the other 1,000 were from individuals, organizations, and agencies. The project record contains all correspondence and the process used for evaluating comments.

The forest’s travel management interdisciplinary team (team) reviewed the general comments for significant issues about the effects of the proposed action. A significant issue is used to focus the analysis and develop alternatives to the proposed action.

We recognize that all comments provided by the public are important, however, some do not meet the definition of an issue or significant issue for a variety of reasons. The Council on Environmental Quality’s NEPA regulations direct interdisciplinary teams to “...identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review (40 CFR 1506.3)...” For example, a comment might suggest we analyze threatened species, which we are required to do by law.

The comments were reviewed and sorted into two categories: general comments (forestwide) and road- or site-specific comments. The road- or site-specific comments were considered by staff on the ranger districts to see whether suggestions could be incorporated into an alternative. Some suggestions were incorporated into one or more alternatives. The comments not categorized as an issue or incorporated into an alternative fell into one of the following categories:

- Already part of the proposed action;
- Addressed through implementation of standards, guidelines, or best management practices in the forest plan;
- Already decided by law, regulation, or policy;
- Beyond the scope of the project; or
- Conjectural or not supported by scientific evidence.

General Concerns

Many comments provided expressed concern about activities that are common on the forest that usually involve the use of a vehicle. These concerns are generally outside of the scope of the Travel Management Rule or addressed through existing law, regulation, and policy. These concerns include:

Aging and disabled populations—There is no legal requirement to allow people with disabilities to use motor vehicles on roads or trails, and 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 designation decisions and would fundamentally alter the nature of the Forest Service’s travel management program (29 U.S.C. 794; 7 CFR 15e.103).

Firewood gathering—Upon implementation of the Travel Management Rule, the use of motorized vehicles off of the designated road system (i.e., cross-country) for the purpose of gathering firewood (dead down, live, or green tree) would be allowed in designated firewood areas, and described within the permit. Dead and down firewood gathering may occur along any designated open road, however, vehicle use would be limited to roadside parking.

Other forest product gathering such as piñon nuts—Personal use forest product gathering will continue, however, motor vehicle access will be limited to roadside parking.

Closing roads will make it difficult to get project work done—Project work will continue. If roads are needed, but are not designated, the opening or construction of the needed roads will be considered in the appropriate NEPA analysis at the time.

Enforcement—The motor vehicle use map is the source for determining what routes are open for vehicle use. It is the public’s responsibility to obtain that map and stay on the designated routes. We will continue to work with partners such as State Police, sheriff departments, New Mexico Department of Game and Fish, and others to assist in enforcement.

Outreach, education, and time are fundamental for implementing change. Getting the proper message to the various audiences results in “buy in,” which in turn, motivates the users to help spread the word. “Peer pressure” or fellow users spreading the word can also help in better compliance, but it takes time.

Decommissioning of routes to be closed—Decommissioning of routes may be considered in the future. These will be considered on a case-by-case basis with appropriate NEPA analysis at the time.

Access to private property—The Gila National Forest will continue to provide access to private inholdings, as required by the Alaska National Interest Lands Conservation Act (P. L. 96-487, Title XIII; 94 Stat. 2457; 16 U.S.C 3210).

Issues

The forest supervisor approved the significant issues used to develop the alternatives. The significant issues follow.

Motorized Routes

The proposed changes to motorized routes, specifically the type, extent, level of use and location of motorized routes, may lead to resource, recreation, social, and economic effects.

This issue includes the following concerns:

- Increasing motorized routes and road densities may adversely affect watershed, fisheries, wildlife, air quality, invasive plant and animal species, sensitive plants, and cultural resources.
- Decreased motorized routes may adversely affect motorized access to the forest, leading to fewer motorized recreational opportunities.
- Motorized routes may lead to conflicts with nonmotorized users or, conversely, the concentration of motorized use.
- The type, extent, and location of motorized routes could have social and economic effects by impacting tourism, traditional uses, and other recreational pursuits, both motorized and nonmotorized.

Motorized Dispersed Camping

The proposed change to motorized dispersed camping to limit it to proposed designated corridors and areas may lead to resource, recreation, social, and economic effects.

This issue includes the following concerns:

- Motorized dispersed camping corridors may adversely affect watershed, fisheries, wildlife, air quality, invasive plant and animal species, sensitive plants, and cultural resources.
- Limiting motorized dispersed camping corridors may result in reduced motorized recreation opportunities.

Motorized Big Game Retrieval

The proposed change to motorized big game retrieval may lead to resource, recreation, social, and economic effects.

This issue includes the following concerns:

- Allowing motorized big game retrieval off designated roads and motorized trails may have adverse effects to watershed, fisheries, wildlife, air quality, invasive plant and animal species, sensitive plants, and cultural resources.
- Restricting motorized big game retrieval may have adverse effects on the tourism and related employment of local communities.

- Motorized big game retrieval should be restricted to the same corridors as motorized dispersed camping to reduce creation of additional routes and potential habitat degradation.

Areas

The proposed change to designated areas specifically for OHV activities may lead to resource, recreation, social, and economic effects.

This issue includes the following concerns:

- Designating areas may adversely affect watershed, fisheries, wildlife, sensitive plants, invasive plant and animal species, and air quality.
- Designating areas may lead to uncontrolled OHV activity within the area, leading to conflicts with other users.

Important Notes

The Decision Will Change Where People Can Drive in the Forest

Currently, the Gila National Forest is open to motorized use unless marked “restricted to motor vehicle use.” The Travel Management Rule switches that around: the forest is closed to motorized use unless specifically designated for motor vehicle use as displayed on the motor vehicle use map. Driving off of designated routes will no longer be allowed unless it is in a designated area or fixed-distance corridor solely for the purposes of motorized dispersed camping or motorized big game retrieval. Use of motor vehicles on roads, trails, and areas not shown on the motor vehicle use map would be illegal and subject to a fine.

The First Motor Vehicle Use Map

The first motor vehicle use map may not have all the roads, trails, and areas shown in the record of decision for two reasons. First, the cultural resource survey and clearance for routes and areas requiring review under Section 106 of the National Historic Preservation Act may not be finished at the time the decision is made. Second, the cultural resource survey and clearance may determine that some proposed routes and areas would cause adverse effects. In such cases, we would close the route or area to vehicles, and the routes and areas would not be shown on the map at all, or until an acceptable strategy for mitigating the adverse effects was developed as required by Section 106.

It could take the Forest Service up to 3 years to phase in all the cultural resource surveys and clearances needed to implement the decision. Until then, not all the routes and areas depicted in the record of decision would be on the motor vehicle use map.

Subsequent Motor Vehicle Use Maps

We emphasize that the motor vehicle use map will be published annually, even if there are no changes to the system. If a road, trail, or area is not included in the first map, it may be included in subsequent maps, as long as the proper environmental analysis and surveys are completed. The annual publication of the motor vehicle use map means the public can continue to work with forest staff to add or remove roads, trails, and areas as appropriate.

What Happens Next

The interdisciplinary team will read and consider the comments received on this draft environmental impact statement. Based on comments received, the team may make changes to their analysis or modify alternatives as needed. For example, if a comment points out key facts—such as landownership, presence of wildlife species, mapping errors, or relevant scientific evidence not considered—that were not considered in the analysis, the team could modify its analysis. Comments that “vote” for an alternative, or form letters that repeat the same comments, do not carry any more weight than a comment submitted only once.

We will publish these changes in a final environmental impact statement (FEIS). The forest supervisor will make a decision that is documented in a record of decision (ROD). The FEIS and the ROD will be published at the same time. The ROD marks the beginning of the 45-day appeal period; the decision cannot be implemented until any appeals are resolved.

