

Lands Update
For the Arizona Game and Fish Commission
January 4, 2012
Phoenix, Arizona

U.S. FOREST SERVICE LAND AND TRAVEL MANAGEMENT PLANNING

General Planning Status – Please see attached work sheet.

Apache-Sitgreaves National Forest

The Proposed Plan and Draft Environmental Impact Statement are currently receiving final formatting edits. It is anticipated that these documents will be published and available for review in January 2013.

Coconino National Forest

The Forest continues internal development of its Revised Land and Resource Management Plan (LRMP). Release of the Draft Environmental Impact Statement (EIS) is expected in early 2013.

The Forest is in the implementation phase of its Travel Management Plan (TMP).

Coronado National Forest

The Forest's LRMP internal working draft continues to be in internal review. The Forest will not release the working draft to the Department due to the Department's inability to prevent the plan from being released under a public records request. The Department has asked the Forest to provide areas of the draft plan which may be of concern to the Department and to allow our staff the opportunity to provide expertise, constituency concerns, and/or jurisdictional input on those areas to ensure a more effective public review process. The Department has asked the Forest to flag any sections of the plan that touch on the following issues: camping, ability to collect firewood and restrictions on campfires, firearms use, hunting, wildlife watching or calling, special use permits regarding group size, wildlife guiding activities, changes to road use not covered in travel management, desired future conditions that fail to consider the Department's wildlife management objectives, restrictions on the Department's ability to manage wildlife (access to water catchments etc), public access to the Forest, need to identify Rights of Way acquisitions, habitat connectivity between forest blocks, any potential usurpation of state authority over wildlife management, planning contrary to: 1) the AFWA MOU regarding Wilderness, 2) Executive Order 13443 regarding hunting, 3) the Multiple-Use Sustained-Yield Act of 1960, or 4) the Federal Land and Policy Management Act of 1976 regarding the state's jurisdiction and responsibilities, any actions that impact hunting, fishing, or non-federal jurisdiction for wildlife species including game and nongame animals, wildlife habitat goals, objectives, and desired conditions..

The Draft LRMP EIS and plan is expected to be available for public input in late fall of 2013.

The scoping phase for the Travel Management Plan has finished and the Forest is reviewing all comments submitted during scoping. The Department submitted comment letters on all five ranger districts. The Department also participated on the Collaborative Alternative Team (CAT) which finished in October. The Department sent an additional letter to the Forest Supervisor

emphasizing the need to address access issues on the Forest in the current planning process. Currently the Forest has some roads identified as preferred access routes where the ROW is not owned by the Forest. In our letter, the Department urged the Supervisor to ensure legal access is addressed at the same time resource issues are addressed.

The Forest will issue a Draft TMP EIS for each District. The projected date for the issuance of Draft TMP EIS's is early 2013.

Kaibab National Forest

The Forest continues to work toward release of a Final EIS for its Land and Resource Management Plan (LRMP). Preliminary indications are for a release in early 2013.

The North Kaibab Ranger District released its Record of Decision for their TMP, and the Department subsequently appealed the Forest's Decision (see attached appeal). The appeal addressed two main issues: 1) the omission of motorized deer retrieval, and 2) the inadequate provision of dispersed camping in the pinyon-juniper habitats.

The Department received a 'final administrative determination' from the Deputy Regional Forester which denied our appeal on the TMP. As it stands, MBGR will be allowed for bison and elk, 1 mile from designated system roads (except where prohibited). Motorized dispersed camping will be allowed 300 feet from either side of 99 miles of specified roads and 100 feet from either side of 104 miles.

Prescott National Forest

Final EIS and Land and Resource Management Plan (LRMP) Review

In May of 2011, the Department compiled and submitted comments on behalf of Region's 2, 3 and 6 regarding Draft IV of the Forest's LRMP.

In August of 2012, a Notice of Availability was published in the Federal Register by the EPA, initiating a 90 day public review and comment period for the Draft Environmental Impact Statement (DEIS) and the Draft LRMP.

In November of 2012, the Department submitted comments on the Prescott National Forest Draft EIS/Draft LRMP. The Department had concerns with special land use designations in proposed wilderness areas and how this would affect our ability to manage wildlife.

U.S. FOREST SERVICE - General

Apache-Sitgreaves National Forests (A-S)

Show Low South Land Exchange

The Department provided written comment on the Draft Environmental Impact Statement (DEIS) for the Show Low South Land Exchange. The DEIS disclosed the effects of a proposal to exchange 1,028 acres of National Forest System (federal) lands in the Apache-Sitgreaves National Forests (A-S) and Coconino National Forest (CNF) in exchange for 1,558 acres of lands currently held in private ownership within the A-S, CNF, and Prescott National Forest. The Department previously provided comment to the A-S, expressing support for the land exchange

in a scoping report response letter dated May 27, 2009. The current comment letter restated the Department's support based on the overall benefit to wildlife resources and wildlife recreational opportunities associated with the exchange.

Coconino National Forest

Aspen Monitoring on the San Francisco Peaks

The Department continues to work with the Coconino National Forest to address declines in aspen recruitment in the San Francisco Peaks area. The Flagstaff District and the Forest Health Protection Program are monitoring aspen recruitment in the 2010 Schultz Fire perimeter, in the Hart Prairie Forest Restoration Project area where various aspen treatments are taking place, and in areas with and without livestock grazing. Aspen treatments include conifer removal, fencing, felling and leaving pines to create natural fences (jackstrawing), burning, and planting of young aspen (out-planting).

The Department recently met with Flagstaff District staff to review aspen monitoring metrics, in an effort to reach agreement on what level of aspen recruitment indicates successful recovery. Based on a recent, comprehensive synthesis of aspen restoration guidelines from Utah State University, the general consensus is that greater than 500 aspen stems at least 6 feet in height are needed for successful recruitment into mature size classes. The Department will continue to work with the Forest to arrive at a shared understanding of aspen regeneration targets, both within aspen clones, and across the landscape.

On the Hart Prairie Project area, Forest monitoring results from 2011 and 2012 indicate browsing by both domestic livestock and elk and deer. The average number of aspen per acre 0-2 ft in height was 50 in the allotment grazed by domestic livestock and 97 in the ungrazed allotment. Browse damage within grazed and ungrazed monitoring plots was nearly 100%, measured as the percentage of aspen plants within the plot showing evidence of browse damage. The average number of aspen per acre between 2-7 feet (indicating successful recruitment) is 0, due in large part to the browse suppression on aspen in the 0-2 feet size class. By comparison, the first jackstrawing unit completed in 2010 now contains an average of 333 aspen per acre 0-2 ft in height with lower evidence of browse damage. Monitoring is expected to continue into 2013 and beyond, depending largely on Forest funding and capacity.

Forest monitoring within the Schultz Fire perimeter (ungrazed by livestock) suggests aspen are resprouting in great number. Prior to the fire, aspen stems per acre in the 1.1-2' height category were 0, after the fire those stems proliferated to 9,849 stems per acre in 2011 and 8,805 stems per acre in 2012. Roughly 50 stems per acre in the 4.1-5' height category were present in 2012, indicating some successful recruitment into mature size classes. Ungulate browse of young aspen in 2011 was measured at 95%, however this number dropped to 65% in 2012. Heaviest browse was evident on plots further from roads and human activity, indicating ungulate use is highest in the more remote aspen areas. Monitoring is expected to continue into 2013 and beyond, again depending on Forest funding and capacity.

In 2012, the Flagstaff District conducted 2,364 acres of aspen treatment at a cost of \$415,100. During the next fiscal year, the Forest has roughly 1300 acres of additional aspen restoration treatments (~1000 acres) and fence maintenance (~300 acres) planned on the District, all occurring either within the Hart Prairie Project area or within the Schultz Fire perimeter.

As the Forest continues to implement comprehensive aspen restoration on a large scale, the Department is managing elk to relieve browse pressure on young aspen. Implementation of focused elk hunts in the Peaks Sub-Unit of Game Management Unit 7E began in 2011 with 180 cow tags offered between September 23 and October 20. In 2012 these were increased to 300 cow and 90 bull tags offered between September 28 and October 28; however, the bull tags were changed to “any elk” to allow hunters the flexibility to take a cow or a bull. Levels in 2013 will remain the same as 2012. Hunt success in the Peaks Sub-Unit in 2011 was 48%. Success for the 2012 hunts is not yet available. A comprehensive, multi-disciplinary, stakeholder-involved approach to habitat and wildlife management in this area, and other areas where similar issues exist, will be key to success.

Fossil Creek Comprehensive River Management Plan (CRMP)

The Coconino National Forest continues to develop their Environmental Assessment for the Fossil Creek CRMP, a plan which is a requirement of any Wild and Scenic River designation. The Department is a Cooperating Agency on this project, working directly with the Forest’s Interdisciplinary Team to provide the best available science as well as Department recommendations. The Department is currently working with the Forest to review draft EA documents prior to release to the Fossil Creek Stakeholders Group (of which the Department participates in an advisory capacity), and prior to the release to the general public.

Coronado National Forest

Proposed Rosemont Copper Project

The Department met with the Forest on November 30 to discuss the Department’s role in Endangered Species Act (ESA) Section 7 consultation and National Environmental Policy Act (NEPA) mitigation. At the meeting the Forest invited the Department to participate in the Section 7 consultation with the U.S. Fish and Wildlife Service and committed to include mitigation in the Record of Decision (ROD) for which the Department has come to an agreement with Rosemont Copper. The Department has not met with Rosemont to discuss potential mitigation measures since meeting with the Coronado. Such measures would be incorporated into the Plan of Operations for the Rosemont Copper Project.

Kaibab National Forest

Juan Tank Allotment

The Department is working with the Kaibab National Forest, University of Arizona Cooperative Extension, and the Natural Resources Conservation Service on a coordinated plan for the Juan Tank allotment in GMU 8. Issues to be addressed include wetland restoration, holding an invasion of Japanese brome in check and increasing cool season grasses and forbs on the allotment.

Tonto National Forest

Kerr/Goldfields and Stewart Mountain Communication Sites

The Tonto has just released the scoping notice for the development of an EA on a proposed action to establish a communications site at the Kerr/Goldfield Admin Site and add a 45 foot, free standing microwave tower at the existing Stewart Mountain Communications Site. The purpose of the project is to improve cellular communication and internet service in the area of the Lower Salt River Recreation Area and to the Admin Sites. The Department has had

preliminary coordination with the forest and will be providing comments in early January. The concern that will be addressed in the response is mainly the potential timing of the disturbance due to breeding bald eagles and ground disturbance to desert tortoise.

Red Creek

The Forest has scoped a proposal to improve ecological conditions and to authorize continued livestock grazing on the Red Creek, Six Bar and Skeleton Ridge allotments (Allotments), Cave Creek Ranger District. The Department provided preliminary comments and recommendations for preparation of an Environmental Assessment. Primary interests are opportunities to develop water and infrastructure improvement projects that benefit wildlife and livestock, management of the Verde River Wild & Scenic and other riparian systems, opportunities to include native fish stocking actions, opportunities to address resource impacts from the Cave Creek Complex wildfire and considerations for Special Status Species and Arizona's Species of Greatest Conservation Need (SWAP).

SR6

The Forest continues to develop an EIS to analyze management strategies that maintain and improve ecological conditions on six grazing allotments along the Salt River corridor, between Roosevelt Lake and the Fort Apache Indian Reservation. Draft Specialist Reports were released to permittees this fall. The Habitat Optimization Alt. 4 has been drafted. The DEIS is nearly complete and anticipated release is in January for 45 day review period. AGFD has requested copies of the Specialist Reports.

BUREAU OF LAND MANAGEMENT (BLM)

Hassayampa FO

The draft EIS/draft RMP amendment has been prepared to provide analysis for the potential impacts of granting a right-of-way to the Arizona Public Service (APS) for the purpose of constructing and operating a 500/230kV overhead transmission line from the Morgan Substation to the planned Sun Valley Substation. The location for the proposed project includes BLM managed lands, Arizona State Trust lands and private lands in northern Maricopa County. Under the preferred alternative, the BLM would approve a 200-foot wide ROW within the existing designated utility corridor northeast of the Sun Valley Substation. The corridor would be either single use (north of SR74) or multiple use (south of SR74). DEIS/DRMP amendment is currently out for public comment. The Department has been involved with the project since the certification process was undertaken for the original corridor through the Corporation Commission in 2007. The Department is currently reviewing the DEIS for submission of comments within the February timeline. The Department has previously expressed concern for areas to the north of SR74 and will be evaluating the analysis within the DEIS/DRMP amendment along with measures to minimize impacts to those areas to inform the response necessary.

Kingman Field Office

Cooperative Wildlife Water Catchment Repairs

The Department has been cooperating with BLM to repair Aubrey Peak Catchment #1 in GMU 16A. Aubrey Peak is located on BLM lands within a designated wilderness area. Motorized vehicles and mechanical equipment are not permitted.

A minimum tool analysis was completed and BLM approval given for hand packing everything to the site for repairs. At the beginning of December, the Department and BLM worked together carrying in hand tools, equipment and materials; repairing the leaking storage tank, realigning pipeline and straightening the drinking trough.

Madrean Archipelago Rapid Ecoregional Assessment (MAREA)

The BLM has initiated the Madrean Archipelago Rapid Ecoregional Assessment (MAREA) for the Sky Island region located in Arizona (within Region V) and New Mexico. The MAREA is intended to identify, assemble, synthesize, and integrate existing information about the native species, aquatic and terrestrial resources, and environmental change agents to provide information that will help BLM land managers in the ecoregion understand resource status and the potential for change of this status from a broad landscape viewpoint. This information will be used by the BLM to assist with its land management responsibilities, including Resource Management Plans (RMP's), developing best management practices (BMP's), authorizing uses, and establishing conservation and restoration priorities.

The BLM has contracted oversight of the development of the REA to NatureServe. NatureServe's biological subcontractor is The Sky Island Alliance. The Department has assigned staff from Headquarters and Region V to assist in development of the REA to ensure that Department interests are incorporated into the REA. Department Management will be kept abreast via scheduled webinars from the REA teams. The AMT chose pronghorn antelope, grassland ecosystems, and perennial streams as conservation elements to focus on for the first phase of planning.

Yuma Field Office

The Department met with BLM to discuss the Draft Environmental Assessment (EA) for the La Posa Travel Management Plan. The Department is reviewing the draft and preparing comments. The goal is to have the Draft EA out to the public by February 2013.

NATIONAL PARK

Petrified Forest National Park (PFNP)

The Department recently scheduled its annual coordination meeting with the PFNP. The meeting will be held at the Pinetop Regional Office on February 6, 2013.

GENERAL UPDATES

Coconino County

The Commission entered into a 10-year Memorandum of Understanding with Coconino County in October 2012 to cooperatively manage Rogers Lake Natural Area. We expect to complete a Supplemental Agreement in January for the development of a Management Plan and monitoring program for the 2249-acre Natural Area.

Pima County

The U.S. Fish and Wildlife Service (FWS) released Pima County's draft Environmental Impact Statement for the draft Multi-Species Conservation Plan for Pima County. The goal of the plan is to balance protection of native plant and animal species and habitats with urban growth and development. FWS is accepting public comment on both documents until March 15, 2013. The Service is conducting a public meeting on February 21.

The Pima County Office of Sustainability and Conservation is also hosting an open house in each supervisorial district to provide information about the benefits of the Multi-Species Conservation Plan and the permit the County is seeking under the Endangered Species Act.

Wildlife Areas

Black River Properties

The portion of perimeter fence burned in the Wallow Fire has been replaced. The contractor was paid and the Arizona Department of Administration (ADOA) has reimbursed the Department for that expense. The replacement of the P.S. Cabin is on schedule, and should be completed by the end of summer 2013. ADOA has been very cooperative in the process, has approved a solid log structure with recommended features, and has extended the claim deadline. The replacement cabin will have running water, bathroom, septic system, electric light capabilities and attached storage shed.

Grasslands Wildlife Area

The storage shed lost in the November 2010 Turkey fire has been replaced with a metal sided 20 foot by 50 foot shed. The Department has inspected and approved payment to the contractor. ADOA will soon be billed for reimbursement per the approved claim.

Natural Resource Conservation Service (NRCS)

Hopi Three Canyon Ranches recently completed over 7,500 acres of grassland restoration work, on its Clear Creek Ranch, designed to connect the grassland areas south of Winslow to previous grassland restoration work in the Anderson Mesa area. The work is part of a coordinated planning effort between the Hopi Tribe, Game & Fish, USDA- Natural Resources Conservation Service, and Arizona State Land Department. Funding for the work was provided by the Tribe, NRCS, and the Department. The Hopi Tribe has expressed interest in additional grassland restoration work that will provide even more connectivity of I-40 corridor grasslands with the Anderson Mesa area on its Clear Creek and Hart Ranches. They are also interested in seeding to enhance wildlife habitat.

The Department is currently working with NRCS on a range inventory of Babbitt Ranches' Cataract, Espee, and CO Bar ranches. Information gained from the inventory will be used to

make recommendations on grazing management and wildlife habitat improvement activities. This coordinated planning activity supplements the ongoing grassland restoration work being implemented on the CO Bar ranch.

The Department is assisting ranchers on the Arizona Strip to develop dependable wildlife water in conjunction with planned or existing livestock water sources. Currently four projects are under construction or planned.

Hidden Cove Lake

On December 6, the Department met with representatives from the City of Holbrook (City) to discuss in-depth the potential to establish a sport fishery at Hidden Cove Lake, part of the city effluent water system, as well as to enhance other wildlife-related recreation opportunities, such as wildlife viewing.

The City had met a few days earlier with the regional ADEQ representative regarding the effluent quality at the lake. The city's current reclaimed water use permit is rated at Class B+. It would need to be raised to Class A for establishment of sport fishery, allowing for human contact with water. Steps to achieve Class A include upgrading sanitation plant with secondary filtration system, chemical feeder, and turbidity monitor. In the near future, the City will report back on what it will take financially and time to accomplish these steps to raise the rating.

Additional discussion at this meeting focused on the physical characteristics of the lake; the water supply and delivery; the lake ecology and quality; public use, access, facilities and amenities; fish species suitability and approval; and potential internal and external funding sources to accomplish needed improvements and general work.

The Department and the City have agreed to meeting monthly to define and continue action items and review progress. The next meeting is scheduled for January 15 at 9:30 at the Holbrook city council chambers.

Show Low Lake Tail Water

From mid-June to mid-September 2012, The Department stocked 4,700 catchable rainbow trout in the tail water below Show Low Lake. This new fishery provided 8,400 hours of angling use, proving more successful than stocking trout in Show Low Lake. More anglers rated their fishing experience fair or better (62% in the tail water versus 23% in the lake), anglers had three times the catch rate (0.61 trout per hour in the tail water versus 0.19 in the lake), and there was a better return to creel (76% of trout stocked were harvested in the tail water versus 23% in the lake).

Based on these results the Department plans to continue stocking the tail water below Show Low Lake. The Department will be meeting with partners (the City of Show Low, Recreation Resource Management and the US Forest Service) this January to decide whether to increase or maintain current stocking numbers in the Show Low Lake tail water.

RENEWABLE ENERGY DEVELOPMENT

Sasabe Lateral Natural Gas Pipeline (El Paso Natural Gas/Kinder Morgan) (El Paso)

The Department continues to participate in the planning for the Sasabe Lateral pipeline which will export domestically produced natural gas to Mexico. A recent study by the Department of Energy suggests exportation of liquefied natural gas will increase gas prices within the U.S. as well as increase hydraulic fracturing to access gas resource on public lands. Both the pipelines and fracking activities have potential to impact wildlife and habitat. Local ranchers in the project location, which runs from Sasabe to near Tucson, with one alternative crossing the Buenos Aires National Wildlife Refuge, have expressed concern about increased border traffic along the project corridor.

The Department is finalizing an MOU with the Federal Energy Regulatory Commission (FERC) which is the lead agency on the EIS and is charged with overseeing preparation of the EIS for the project. The FERC Commission will determine whether to issue a certificate of public convenience and necessity, and a presidential permit for the project. In addition to consideration of environmental information presented in the EIS, the Commission also considers such non-environmental factors as engineering, markets, and rates in making its decision to approve or deny El Paso's request for a certificate and presidential permit. Neither the President, nor Congress, reviews the FERC's decision. If approved, El Paso would begin construction in the first quarter of 2014 with projected in-service at the end of September 2014.

WIND

Boquillas Wind Energy Project

The Department participated in two meetings organized by the Navajo Tribal Utility Authority at which they presented their new partner and solicited agency feedback on their draft Eagle Conservation Plan drawn up by WEST, Inc. who is conducting their biological studies. NTUA's new partner, EDF Renewable Energy from San Ramon, California, has renewable projects in 25 states which in the western U.S. are concentrated in California. The Department and USFWS discussed their review of the draft ECP at the second meeting in December, during which FWS indicated that the draft required greater discussion of adaptive management measures such as potential turbine shutdown before any approval or permits would be considered. A follow-up meeting including the Department and the Service to discuss a revised ECP has been tentatively scheduled for January.

Dolan Springs Wind Energy Project

The proponent of the Dolan Springs Wind project, Iberdrola Renewables, had an introduction meeting in Kingman in November 2012. The meeting covered the intent and pre-application overview of the proposed project. Agencies in attendance included the BLM, FWS, AZGFD, Western, Mohave County, Hualapai Tribe, Fort Mohave Indian Tribe, USFWS and the NPS. Agency concerns included eagle nesting areas, foraging areas for bats, open mines, wildlife migration, and historical cultural issues.

Project Summary

- Up to 300 MW of generation
- Up to 150 wind turbine generators
- Approximately 47,000 acres of land in Mohave County, AZ
- Met campaign – 5 towers installed
- Interconnection request to Western Area Power Administration

BP Wind Energy has made a request to allow for a wider temporary road bed to accommodate collector lines. BP clarified that roads within the turbine corridors would not need to be wider, but they are limited on how many collector lines can be buried in a single trench. As more MW are pooled and the collector lines approach the substations, multiple trenches would be needed, which would result in a wider area of temporary disturbance. The EIS text description should explain that roads connecting the turbine corridor will be limited to 56-foot-wide temporary roads, where possible, but could expand to 75-foot-widths where necessary. These revisions were sent to the BLM for a one-day review period so revisions could be reviewed before being incorporated into Chapter 2 of the final EIS. Based on these changes the preferred alternative is currently under review, and will be incorporated into the document text prior to solicitor review.

To keep the Final EIS on schedule for a release date to the public in late December 2012, BLM and Reclamation agreed to a five-day agency review time for the EIS sections. The Department of Interior will have a solicitor review when the entire document is completed. The BLM recommended electronic filing of the Final EIS for the EPA to be completed at least 10 days prior to the EPA publication date in the Federal Register.

The ROD will be jointly filed by the BLM and Bureau of Reclamation. Western is currently preparing a separate ROD. Currently the ROD is scheduled for February 2013, but the changes being made to the final EIS may slightly change this release deadline.

TRANSMISSION LINES

SunZia Transmission Line Project

The Bureau of Land Management continues to work on the Final Environmental Impact Statement for the SunZia Transmission Line Project. The preferred alternative for the project includes a route segment through the San Pedro River Valley. The project proponent's preferred route, as well as one potentially favored by the Department of Defense, includes a route that fragments the unfragmented habitat between the Aravaipa and Galiuro Wildernesses. The Department is concerned that any route through this area would impact bighorn sheep and other species, and may have cumulative effects that include the potential for other infrastructure to co-locate along this route. Proposed infrastructure under consideration for this area includes the Interstate 10 bypass, a project which the Commission voted to unanimously oppose via resolution during project development.

SunZia NEPA Process Timeline:

<u>May 25, 2012</u>	Release of the DEIS
<u>Mid June</u>	Cooperator Meeting – Discuss comments that have not been resolved/incorporated & discuss upcoming public meetings
<u>Late June/July</u>	Public Meetings
<u>Mid August</u>	Conference Call with Cooperators – Opportunity for additional conversation & discussion with Cooperators
<u>August 22, 2012</u>	End of 90 day comment period
<u>Early 2013</u>	Projected release of final EIS

TRANSPORTATION

Camelback Parkway

The Department is participating in the technical review committee for the Camelback Parkway feasibility study. The proposed parkway is approximately 15 miles long and two miles wide, centered on the Camelback Parkway alignment. The study area extends one-half mile west of Tonopah Parkway (411th Avenue) and one-half mile east of Sun Valley Parkway, and is bounded by Bethany Home Road to the north and Indian School Road to the south. The Study Area includes a portion of Buckeye's Planning Area, and currently includes unincorporated areas of Maricopa County and Buckeye. The Department will continue to participate in the technical review committee and provide environmental overview for the study regarding connectivity, permeability, fragmentation, and sensitive species.

North/South Corridor Study

The purpose of this project is to provide a connection between US 60 and I-10 through identifying and evaluating various proposed routes. The study also has now included the reinitiation of the SR24 study area that crosses the North/South study area (from east to west). The studies will be combining efforts to determine the alternatives to be carried forward for the tier 1 EIS analysis. The Department has reviewed and provided comments on the draft alternatives selection report that will help to inform those alternatives being carried forward into the Draft Design Concept Report and DEIS. The Department remains consistent in support of those alternative routes west of the CAP canal, along existing infrastructure and minimizing potential impacts to environmental resources. We continue to provide information to assist in the development of analysis process as it moves forward.

Sonoran Valley Parkway (SVPP)

The Bureau of Land Management (BLM) invited the Department to become a formal Cooperating Agency for the project's Environmental Impact Statement (EIS). This parkway will be aligned north/south through Rainbow Valley, between the Sierra Estrella Mountains and the Sonoran Desert National Monument in southwest Maricopa County. Previously reported BLM, AGFD, City of Goodyear and project consultants met on Nov. 15, 2012 to follow-up on Department comments to Chapter 1 & 2 of the project EIS. Since then, all cooperating agency comments on Chap. 1 & 2 have been addressed. Comments and resolutions will be circulated in January to Cooperating Agencies and consultants are developing Chapters 3 & 4 of the ADEIS. Consultants plan to submit ADEIS to BLM late January. Complete ADEIS will be submitted to cooperators in mid-February.

SR 303

The ADOT Loop 303 Feasibility Study Team is continuing to develop and evaluate the alternative corridors for Loop 303 expansion to create a north/south link between I-10 and the future proposed Hassayampa Freeway. SR 303 is proposed to run through Rainbow Valley just west of the Sierra Estrella Mountains in western Maricopa County. Based upon coordination with the Bureau of Land Management and the Federal Highway Administration, additional research, coordination, and analysis needs to be conducted regarding cultural resources in the study area including the proposed Rainbow Valley Road and Cotton Lane corridors. This additional evaluation will begin in early 2013 and, upon its conclusion, a final report will be prepared. The final decision regarding the preferred alternative will be deferred for approximately one year, the results will be documented in a Planning and Environmental Linkages document. This document will be approved by the agencies involved and will be used in the future as input into an Environmental Clearance for the preferred alternative.

Town of Buckeye

The Department is working with Town of Buckeye Planning Department (Town) to develop a workshop presentation to the Town Council in January 2013 on Wildlife Habitat Linkages: Planning and Conservation. The goal is to increase Town awareness and develop collaboration to incorporate wildlife habitat management goals for linkages and wildlife in general, into the Town's land use planning. The Town is interested in information on linkage planning and design, wildlife movement research associated with the White Tank Mountains, and ideas on what development guidelines or ordinances other communities in Arizona are using to achieve conservation of linkages. The Department has submitted a presentation to Buckeye planning staff for review.

Maricopa Association of Governments (MAG)

The Department presented the Maricopa linkage assessment to the Population Technical committee and the Planners Stakeholder Group workshop this past December. Purpose of the workshop was to provide a forum to learn about the Department's linkage planning and to share efforts at the local level to implement the program through public planning. The Department provided some outreach materials for planners to learn about linkages planning and design. This is assisting the Department, not only outreach, but also insight into the various processes and scales our tools should be incorporated, in addition to prioritization and identifying needs for future refinement efforts. The Department has been asked to present to the Transportation and Engineering Committees scheduled early next year.

Maricopa County Parkway Corridor Feasibility Studies

The Department continues to participate on several Technical Advisory Committees for Corridor Feasibility Studies on future development of several west valley parkways. The Maricopa County Dept. of Transportation (MCDOT) is conducting the studies to identify the location and final alignments for the 6-8 lane parkways. All of the parkways are located west of Surprise, south of SR 74 and north of the Gila River. They include the Deer Valley, Dove, Camelback, Greenway, Northern, Yuma and Wild Rose parkways. Several parkway studies have been completed and final alignments chosen for Turner, Hidden Waters North, and Hidden Waters parkways. In all cases the Department's primary concerns have involved minimizing impacts to Special Status Species and SGCN, preserving access routes to public lands for outdoor

recreation, minimizing impacts to important riparian and wash habitats, and preserving critical wildlife linkages identified in western Maricopa county that benefit game species and other wildlife. Once the Corridor Feasibility studies are completed next steps include adoption of parkway alignment by municipalities, ROW preservation, preparation of the Design Concept Report for project programming, appropriation of funding for design, ROW acquisition and construction, and coordination with stakeholders. It will be critical for the Department to participate in the design concept phases of planning to ensure identified wildlife mitigations are incorporated into final designs. Design concept planning may be some time out in the future and dependent on urban growth and development rates in the valley.

Maricopa County Parks and Recreation Department (MCPRD)

The Department met with Park Planner for the White Tanks Regional Park (WTRP) to discuss linkage goals and designs for the White Tank Mountains and future plans for the update of the WTRP Master Plan update. The existing plan was written in 1964. The management themes for the WTRP are education and nature (2009 Parks and Recreation Strategic Master Plan). There is interest in working with the Department to incorporate a 20+ year vision of biological resources and their management needs into an updated Master Plan for WTRP. Planning process timelines are to kick off a Stakeholder Advisory Group early 2013, followed by public meetings and a draft plan released summer 2013 and a final plan to the MCPRD Parks Commission by December 2013.

Pinal Partnership Open Space and Trails Committee

The Department remains in the discussions for implementation of the master plan and participates on the subcommittee for drainage protection. The subcommittee met recently with the County planner and Flood Control coordinator for further discussion on data needs and process to move forward with the County to identify important drainage features (for wildlife and flood control interest) through development of criteria, compilation of data and modeling exercise to produce the results. The results could then be used as another layer with wildlife linkages and open spaces to help inform where protection/acquisition could be focused, along with potential for guiding future development and development of ordinances.

Forest	Status	Next Step	Projected Next Step Completion
<p>Apache Sitgreaves</p> <p>Issues:</p>	<p>Draft Environmental Impact Statement (EIS) for TMP & LRMP released Oct. 2010. Wallow Fire required reassessment. Proposed Plan And Draft EIS to be published Jan, 2013</p> <p>MBGR in preferred Alt B of previous TMP draft allows 1mile from road for elk, mule deer & bear. 658 miles of corridors for dispersed camping 300 ft off established roads.</p>	<p>Public comments and review.</p>	<p>Final EIS (LRMP) End of 2013 TMP start after LRMP complete, draft out early 2014. (separate decisions)</p>
<p>Coconino</p> <p>Issues:</p>	<p>TMP signed Sept 2011, MBGR appeal denied; Draft EIS(LRMP) ready. Motor Vehicle Use Maps (MVUM's) available</p> <p>Dispersed camping 300 ft from designated roads, else 30 ft. MBGR for elk only, 1 mile from roads except GMUs 5A & 5B.</p>	<p>Draft EIS (LRMP) Out for review in December</p>	<p>Decision anticipated 7/2013</p>
<p>Coronado</p> <p>Issues:</p>	<p>Internal review of LRMP ongoing TMP in Process in all Districts.</p> <p>Motor Vehicle Use maps show access through roads that have locked gates. Maps not enforceable.</p>	<p>Draft EIS out for comment TMP Working Draft</p>	<p>Fall 2013 Final TMP end of 2013, early 2014 Decisions by district</p>

Forest	Status	Next Step	Projected Next Step Completion
<p>Kaibab</p> <p>Issues:</p>	<p>Comment period on Draft EIS (LRMP) complete. AGFD appeal on North Kaibab TMP declined. Tusayan & Williams TMP in implementation. MVUM's available. North Kaibab TMP completed 9/17/12</p> <p>Tusayan & Williams TMP: MBGR 1 mile from road for elk in designated areas. Dispersed camping in camping corridors, or 30 feet from road. North Kaibab MBGR 1 mile off designated roads for elk and bison, dispersed camping 300 feet off 99 miles of designated roads and 100 feet off 104 miles of</p>	<p>Review comments \ revise EIS (LRMP)</p> <p>Monitoring for Tusayan & Williams, Implementation for North Kaibab.</p>	<p>LRMP Decision Feb 2013</p> <p>Ongoing Monitoring for Tusayan and Williams. North Kaibab implementation to begin 1/2013.</p>
<p>Prescott</p> <p>Issues:</p>	<p>Draft EIS LRMP in Federal Register 8/24/2012. Public input ended Nov 28, 2012.</p> <p>Current draft advocates MBGR: Elk within 1 mile of designated open road. Dispersed camping 300' from centerline of designated roads.</p>	<p>Review and Development of final EIS (LRMP).</p>	<p>Final EIS (LRMP) anticipated Summer 2013. Will not do new TMP. Rely on 2009 updated/amended TMP</p>
<p>Tonto</p> <p>Issues:</p>	<p>TMP EA Jan 2012: LRMP began 2006. Negotiating to reinstate due to rule change. MBGR: currently Payson and PV districts allow bear, elk and mule deer. Other districts currently do not allow cross country. Alternative 2 allows elk and bear, 200 yds from road in all districts..</p>	<p>Reinitiate and prepare for public comment</p>	<p>4-6 years to completion of LRMP. TMP implementation 6/20/13</p>



United States
Department of
Agriculture

Forest
Service

Southwestern Region
Regional Office

333 Broadway SE
Albuquerque, NM 87102
FAX (505) 842-3800
V/TTY (505) 842-3292

File Code: 1570/2350

Date: December 1, 1570

Mr. Larry Voyles
Director
Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, AZ 85086-5000

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Dear Mr. Voyles:

This is my decision on the appeal (#13-03-00-0007-A215) you filed on behalf of the Arizona Game and Fish Department regarding the Decision Notice (DN), Environmental Assessment (EA), and Finding of No Significant Impact (FONSI) signed by Forest Supervisor Mike Williams for the North Kaibab Ranger District Travel Management Project on the Kaibab National Forest.

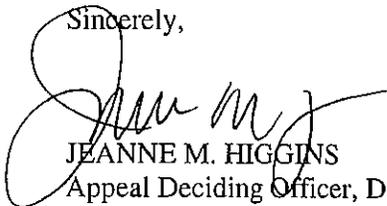
My review of your appeal was conducted pursuant to, and in accordance with, 36 CFR 215.18. My review focused on the project documentation and the issues raised in your appeal. I specifically incorporate in this decision the project record, the references and citations in the project record transmittal documentation, as well as the Appeal Reviewing Officer (ARO) analysis and documentation.

After considering your issues and the project documentation, the ARO recommends the Forest Supervisor's decision be affirmed. A copy of the recommendation and the technical review of your appeal contentions are enclosed.

Based upon a review of the project documentation provided, I find the issues were adequately considered. I agree with the ARO analysis and conclusions in regard to your appeal issues. I find the Forest Supervisor made a reasoned decision and has complied with all laws, regulations, and policy. After careful consideration of the above factors, I affirm Forest Supervisor's decision to implement the North Kaibab Ranger District Travel Management Project.

This decision constitutes the final administrative determination of the Department of Agriculture [36 CFR 215.18(c)]. A copy of this letter will be posted on the national appeals web page at <http://www.fs.fed.us/appeals>.

Sincerely,



JEANNE M. HIGGINS
Appeal Deciding Officer, Deputy Regional Forester

Enclosures (2)

cc: Mike R Williams





United States
Department of
Agriculture

Forest
Service

Coronado National Forest
Supervisor's Office

300 W. Congress
Tucson, Arizona 85701
Phone (520) 388-8300
FAX (520) 388-8305
Deaf & Hearing Impaired 711

File Code: 1570/2350

Date: December 14, 2012

Route To:

Subject: Appeal Recommendation, #13-03-00-0005/0006/0007/0008-A215, North Kaibab
Ranger District Travel Management, Kaibab NF

To: Deputy Regional Forester, Jeanne Higgins

This is my recommendation on the disposition of the appeals filed regarding the Decision Notice/Finding of No Significant Impact (DN/FONSI) and Environmental Assessment (EA) for the North Kaibab Ranger District (NKRD) Travel Management Project on the Kaibab National Forest.

BACKGROUND

Implementation of the Selected Alternative (Alternative 2) will do the following:

- Designate a road system on the NKRD with approximately 1,476 miles of roads open to motor vehicle use by the public.
 - Amend the Forest Plan to prohibit motorized travel off of designated routes on the NKRD, except as identified on the motorized vehicle use map (MVUM).
- Close 376 miles of system roads to motorized use.
 - Eliminate vehicular traffic on 337 miles to all traffic, including administrative use.
 - Change the use and restrict 39 miles, of the 376 miles of open roads being closed, to administrative use only (i.e., for use by permit and the Forest Service to monitor and carry out day-to-day resource management activities, as needed).
- Add approximately 16 miles of short spur roads to the designated system. These routes are user created routes and have historically provided access to the Forest for a variety of recreational activities including motorized dispersed camping.
- Allow the limited use of motor vehicles within one mile of all designated system roads (except where prohibited) to retrieve a downed bison or elk by an individual who has legally taken that animal:
 - Legally harvested elk or bison may be retrieved during the appropriate season as designated by the AZGFD, and for 24 hours following each season.
 - Only one vehicle (one trip in and one trip out) would be allowed for Motorized Big Game Retrieval (MBGR) per harvested animal (i.e., bison or elk).
 - Hunters will be required to use the most direct and least ground disturbing route in and out of the area to accomplish the retrieval.
 - MGBR would not be allowed in any existing off-road travel restricted area, or when conditions are such that travel would cause negative resource impacts.



- Designate corridors of 300 feet from either side of 99 miles of specified roads for the sole purpose of motorized dispersed camping.
- Designate corridors of 100 feet from either side of 104 miles of specified roads for the sole purpose of motorized dispersed camping.

The Selected Alternative would result in a designated road system on the NKRD with approximately 1,476 miles of roads open to motor vehicle use by the public, including the newly added 16 miles of short road segments. Thirty-nine miles of road (not included in the total miles mentioned above) will be restricted to administrative use only and closed to the public except by permit, allowing limited use for administrative purposes such as permittee access and continued administration of range permits and timber sale contracts.

Forest Supervisor Mike Williams published the legal notice of his decision on September 20, 2012. The Forest Supervisor is identified as the Responsible Official, whose decision is subject to administrative review under the 36 CFR 215 appeal regulations. Four appeals were filed as follows:

- Appeal #13-03-00-0005-A215 filed by Valerie Schoppmann on October 30, 2012.
- Appeal #13-03-00-0006-A215 filed by Harvey Schoppmann on November 1, 2012.
- Appeal #13-03-00-0007-A215 filed Larry Voyles on behalf of the Arizona Game and Fish Department on November 2, 2012.
- Appeal #13-03-00-0008-A215 filed by Cyndi Tuell on behalf of the Center for Biological Diversity, Grand Canyon Chapter of the Sierra Club, and the Grand Canyon Wildlands Council on November 6, 2012.

Pursuant to 36 CFR 215.17, an attempt was made to seek informal resolution of the appeals. The record indicates that informal resolution was not reached.

Review and Findings

As provided for under 36 CFR 215.19(c), I am consolidating the four appeals into one recommendation. My review was conducted in accordance with 36 CFR 215.19 to ensure that the analysis and decision are in compliance with applicable laws, regulations, policies, and orders. The appeal records, including the appellant's issues and requests for relief have been thoroughly reviewed. Although I may not have listed each specific issue, I have considered all the issues raised in the appeals and believe they are adequately addressed in the attached technical review and findings documents. Having reviewed the EA, DN/FONSI, and the project record file, as required by 36 CFR 215.19(b), I conclude the following:

- 1) The decision clearly describes the actions to be taken in sufficient detail that the reader can easily understand what will occur as a result of the decision.
- 2) The selected alternative should accomplish the purpose and need established. The purpose and need stated in the EA reflect consistency with direction in the Forest Plan for the Kaibab National Forest.

- 3) The decision is consistent with policy, direction, and supporting evidence. The record contains documentation regarding resource conditions and the Responsible Official's decision documents are based on the record and reflect a reasonable conclusion.
- 4) The record reflects that the Responsible Official provided ample opportunity for public participation during the analysis and decision making process. The Responsible Official's efforts enabled interested publics the opportunity to comment and be involved in the site-specific proposal.

After considering the claims made by the appellant and reviewing the record, I found that the Responsible Official conducted a proper and public NEPA process that resulted in a decision that is consistent with the Kaibab National Forest Plan. I found no violations of law, regulations, or Forest Service policy.

Recommendation

I recommend that the Responsible Official's decisions relating to this appeal be affirmed with respect to all of the appellant's contentions.

/s/ Jim Upchurch
JIM UPCHURCH
Forest Supervisor

Enclosures (4)

cc: Margaret Van Gilder

Review and Findings

Arizona Game and Fish Department, Larry Voyles

Appeal #13-03-00-0007-A215

North Kaibab Ranger District Travel Management Project

Kaibab National Forest

Overview: The appellants allege violations of the National Environmental Policy Act (NEPA). They believe that the lack of motorized dispersed camping corridors and/or adequate campsites in the pinyon-juniper portion of the North Kaibab Ranger District (NKR D) frustrates the Arizona Game and Fish Department's (AZGFD) wildlife population management and wildlife recreation objectives.

ISSUE 1: The Forest Service failed to adequately consider the Department's concerns related to effective management of mule deer populations and hunter needs.

Contention 1a: The appellants contend that the Environmental Assessment (EA) does not evaluate or discuss the consequences of the Department's inability to meet mule deer harvest goals in Game Management Units (GMU) 12AW and 12AE in light of limited hunter access on the pinyon-juniper portion of the NKR D and the environmental effects on natural resources (overexploitation of forage with unsustainable increase in mule deer populations). The appellants contend that the decision will deprive hunters selected for permits in the pinyon-juniper portion of the NKR D a quality hunt experience and could adversely impact local communities. They argue that the EA does not include a discussion of possible conflicts between the proposed action and the deer herd and habitat management objectives of the Department for the NKR D. The appellants also argue that in its analysis of resource impacts caused by motorized dispersed camping, the NKR D has failed to consider an important aspect of the problem, which is the impact of an uncontrolled deer herd [Appeal, pp. 4-10].

Response: The appellants contend that their mule deer management concerns were not considered and that the effects of not permitting retrieval of mule deer were not analyzed. The initial proposed action did not contain motorized big game retrieval (MBGR) for mule deer [PR 183]. The Forest Service met with the appellants and discussed MBGR for mule deer [PR 196]. MBGR for mule deer was identified as an issue and an alternative was designed to address the issue [PR 287, p. 17]. Effects of MBGR were analyzed for each resource (Recreation, Soils and Watershed, Rare Plants, Invasive Species, Wildlife, Cultural, Range, Fire and Fuels, and Vegetation) for each alternative [PR 287, pp. 26-105]. The Forest Service responded to the appellants' comments regarding mule deer management and MBGR [PR 292, pp. 145-147]. The rationale for not selecting the alternative allowing for mule deer retrieval is explained in the DN/FONSI [PR 295, p. 15].

In its comment letter to the preliminary EA, AGFD stated the following regarding dispersed camping:

“The Department supports control of dispersed camping. The AGFD also agrees there has been increasing habitat damage related to vehicular dispersed camping on the KNF and there is a need to regulate the distance a vehicle should be allowed to pull off a road. Currently, visitors camping on the KNF are using larger RVs such as campers, motor-homes and trailers which are continually moving campsites further from the main roads.

After reviewing the proposed designate routes for the purpose of dispersed camping, the AGFD wants to ensure that there are sufficient sites for the maximum number of hunter camps that could be permitted in a single hunt. The Department would like to offer our assistance in designating additional camp site locations” [PR 294, p. 175].

In its response to AZ Game and Fish comments regarding dispersed camping, the NKRDR stated the following:

“...The proposed corridors and additional spur routes were evaluated with peak hunting season in mind. Should monitoring indicate that additional camping opportunities are necessary, we will consider any future changes or proposals under a separate environmental analysis” [PR 292, p. 147].

The NKRDR identified areas and roads that historically serve as access to dispersed campsites and incorporated them into the proposed action [PR 287, p. 13]. The NKRDR was careful and thorough in evaluating potential corridors and spur routes for dispersed camping or big game retrieval; any areas of resource concern were either eliminated or would be mitigated through implementation [PR 295, p. 18; PR 287, pp. 56-61, 67, 73, 76, 89-90]. The NKRDR limited motorized dispersed camping opportunities in the pinyon-juniper portion of the District due to cultural resource concerns [PR 287, p. 89]. The 16 miles of short spur roads, along with the dispersed camping corridors, is expected to accommodate existing motorized recreation needs with little change from the current use [PR 287, p. 112]. The decision designates corridors of 300 feet from either side of 99 miles of specified roads specifically for dispersed camping, corridors of 100 feet from either side of 104 miles of road, and permits vehicles to park up to 30 feet on any open road (unless otherwise identified). It is important to note that the decision designates **corridors** (emphasis added) where motorized dispersed camping is permitted. The decision does not designate campsites within these corridors [PR 287, p. 17].

Finding: The responsible official adequately considered the AZGFD concerns related to motorized dispersed camping and big game retrieval in Game Management Units (GMU) 12AW and 12AE. The effects of including and excluding mule deer retrieval were analyzed and disclosed, and the rationale for the decision to exclude mule deer retrieval was supported by the analysis documented in the project record.

Contention 1b: The appellants contend that that restriction of motorized dispersed campsites in the pinyon-juniper to only those specified and limited locations that have been surveyed for heritage resource objects is arbitrary and capricious to the extent that many other potential campsites may be eligible for dispersed camping but for the lack of heritage resource surveys, and the decision includes no provision for including new camping sites as heritage resource inventories progress [Appeal, p. 10].

Response: Limiting motorized dispersed campsites to locations that have been surveyed for cultural resources is not arbitrary and capricious, but rather it is in keeping with federal law. Motorized dispersed camping is an undertaking that has the potential to affect cultural resources. Therefore, compliance with Section 106 of the National Historic Preservation Act (NHPA) is required to ensure cultural resources are considered early in the planning process, and that cultural resource impacts are avoided by the undertaking or the adverse effects are minimized through mitigation. The NKRD followed the process agreed to in the Southwestern Region Programmatic Agreement (PA) between the Forest Service, Arizona State Historic Preservation Office (SHPO), New Mexico SHPO, Texas SHPO, Oklahoma SHPO, and the Advisory Council on Historic Preservation, for meeting its Section 106 responsibilities [EA, PR 287, p. 88; also see reference to the PA in PR 309, p. 4]. The “Standard Consultation Protocol for Travel Management Route Designation” developed under Stipulation IV.A.4 of the PA describes the process the forests will follow in meeting their Section 106 responsibilities specifically for Travel Management Route Designation [PR 62]. The protocol clearly states that non-system routes or spurs and their associated features to access dispersed camp sites or areas, the dispersed camp sites and areas themselves, fixed-distance corridors that will be designated for dispersed camping and areas open to cross-country motorized travel are all subject to Section 106 compliance [PR 62, p. 3]. The project record indicates that the NKRD identified user generated spur routes, campsites or campfire rings along the major routes in the pinyon juniper zone and conducted surveys to determine whether cultural resources would be affected [PR 308, pp. 1-2]. The pinyon juniper zone has a high density of archaeological sites [PR 309, p. 4] and the potential to affect cultural resources in this area is high. Those locations that had cultural resource conflicts were dropped from designation [PR 308, pp. 1-2]. The Section 106 compliance report included motorized dispersed camping areas, and SHPO signed off on the report concurring with the determination of No Adverse Effect [PR 274, pp. 1-2] completing the Section 106 process. While other areas that have not yet been surveyed for cultural resources may be potential campsites, they too would need to be surveyed for cultural resources prior to designation in compliance with Section 106 of NHPA, and potential effects would need to be identified, and measures taken to avoid or reduce adverse effects. The appellant’s claim that there are no provisions for including new camping sites as heritage resource inventories progress is incorrect. The travel management protocol provides for phased cultural resource surveys over several years, so areas may be surveyed for cultural resources after the decision notice is signed [PR 62, p. 6]. Also, the motorized vehicle use map (MVUM) can be revised annually.

Finding: The decision complies with federal law and therefore is not arbitrary and capricious. The NKRD identified routes, corridors and camping locations and then they were surveyed for cultural resources in compliance with NHPA and the Region’s PA and potential adverse effects were avoided by dropping the areas from designation.

ISSUE 2: The EA lacks credible data regarding impacts of motorized big game retrieval by licensed hunters and overestimates the impacts to resources.

Contention 2a: The appellants contend that the decision to restrict MBGR to elk and bison, excluding mule deer, is not based on any objective data or studies which document that MBGR of mule deer by hunters in the NKRD has in fact resulted in damage to soils, plants, or heritage resources. They argue that general statements about the possible effects of MBGR of mule deer

on habitat or heritage resources does not constitute a “hard look” of the environmental consequences absent justification regarding why more definitive information cannot be provided [Appeal, pp. 10-15].

Response: The Travel Management Rule provides that the Responsible Official *may* allow the limited use of motor vehicles within a specified distance of certain designated routes, and if appropriate, within specified time periods solely for the purposes of...“retrieval of a downed big game animal by an individual who has legally taken that animal” [PR 46, p. 68289]. This exemption is *optional* and at the discretion of the Responsible Official. The NKRDR chose not to include MBGR for mule deer in its initial proposed action [PR 183]. Since this matter was then brought up as an issue during scoping, the NKRDR crafted an alternative (Alternative 4) to incorporate this use [PR 287, p. 17].

The NKRDR contends that the more vehicle trips made for game retrieval the higher the likelihood for resource impacts. It estimates that 90% of hunters used motorized cross county travel to retrieve their game in the sample year 2009. During that year, 38 bison, 0 elk, and 1,020 deer were harvested. Based on these numbers, 34 trips would be made for bison, 0 for elk, and 918 for deer [PR 287, p. 10]. These numbers were used to measure the magnitude of impacts from MBGR for different types of game.

In its effects analysis, the NKRDR shows that the amount or frequency and timing of vehicle passes influences the effects to soils [PR 287, pp. 57, 59], sensitive plants [PR 287, pp. 67-68], recreation and scenery [PR 287, pp. 41, 43-44], and cultural resources [PR 287, pp. 96-97].

Given that the allowance for MBGR is an optional designation according to the 2005 TMR and not a truly predominant part of the decision to be made, the NKRDR provided an equally weighted analysis according to 40 CFR 1500.0 to ‘concentrate on the issues that are truly significant to the action in question’. Given that, the NKRDR did not go into extensive detail about the expected effects from mule deer MBGR. The NKRDR is aware that it must ‘rigorously explore and objectively evaluate all reasonable alternatives’ [40 CFR 1502.14]. The NKRDR asserts that the number of trips is much greater for deer and places traveled may be more sensitive than the retrieval for elk and bison. The likelihood that damage to resources may occur is much higher with deer retrieval than for elk and bison [PR 287, pp. 74, 90]. The NKRDR provided the information for this analysis that was available to them, namely, the AZGFD harvest numbers and personal observation. Based on this information, the NKRDR made an assumption that 90% of hunters would retrieve their game with motor vehicles and applied it evenly to elk, deer, and bison [PR 287, pp. 10, 74]. Beyond this information (which is the basis for this contention by AZGFD), AZGFD has not provided the Forest Service any other data to use in its analysis.

Finding: The NKRDR has done its due diligence by using the best available science and by not using exhaustive resources on this issue because it is not ‘truly significant to the action in question’.

Contention 2b: The appellants contend that restricted MBGR will impact the Department’s lead reduction efforts in Condor Country. They argue that the analysis did not disclose potential impacts on strides made in condor conservation [Appeal, pp. 13-14].

Response: The effects of lead ingestion on condors, and the lead reduction efforts of the Arizona Game and Fish Department, are discussed in the Biological Evaluation (BE) [PR 275, pp. 8-9], the Wildlife Specialist Report [PR 280, pp. 12-13] and in the EA [PR 287, pp. 76-77]. In addition, the Forest Service responded to the appellant's concern on this issue [PR 292, pp. 145-147].

Finding: The effects of lead ingestion and the impacts of lead reduction efforts were disclosed in the EA and supporting documents.

Forest Service
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rque, NM 87102

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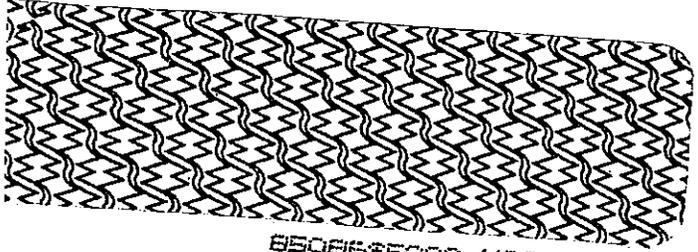
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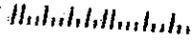
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