



NEWS RELEASE

Arizona House of Representatives
Representative Mark Finchem (R-11)
1700 West Washington • Phoenix, Arizona • 85007-2844

Tuesday, October 29, 2019
FOR IMMEDIATE RELEASE

Rep. Finchem Sends Letter to U.S. Forest Service Regarding Road Closures on the Apache-Sitgreaves National Forests

STATE CAPITOL, PHOENIX – Representative Mark Finchem (R-11) this week submitted comments to the United States Forest Service (USFS) regarding significant road closures on the Apache-Sitgreaves National Forests.

The USFS has proposed a [Motorized Travel Management Plan](#) that will prevent the public from using public lands. Under current federal law, Arizona county governments have land use plans that include roads, trails and access rights-of-way.

“It seems odd indeed that the Arizona Wildlife Fund objected to [HB 2056](#) last session, which would have ensured public access to public lands within the boundaries of Arizona, based on the presumption that federal agencies would keep such areas open to the public,” said Representative Finchem.

“This is not the first time that federal agencies have attempted to limit access to public lands. Several years ago, the USFS attempted to place gates across rights-of-way that are protected by Revised Statute 2477. That effort was halted, and I expect this attempt to do the same thing will also be stopped. Federal authorities can’t have it both ways - they can’t claim that they hold ‘public lands’ for the use of the public, while at the same time, preventing the public from enjoying the lands that they own corporately.”

Full text of the letter can be found below:

October 28, 2019

*U.S. Department of Agriculture
Apache-Sitgreaves National Forests*

*Attention: Travel Management Plan Comment
P.O. Box 640
Springerville, AZ 85938*

*Reference: EIS No. 20190205
Revised Draft Environmental Impact Statement
Apache-Sitgreaves National Forests Public Motorized Travel Management Plan #22692*

*Mr. Steve Best, Forest Supervisor
Mr. Robert Gump, Acting Deputy Forest Supervisor*

The following comments are being submitted to aid in the preparation of a Revised Draft Environmental Impact Statement (Revised DEIS) for Apache-Sitgreaves National Forests Public Motorized Travel Management Plan (AS-TMP). These comments are not intended to be an exhaustive legal review but rather a layman's assessment that captures the easily identified and obvious places where the Agency has failed to listen to a large segment of the public and to avoid compliance with a segment of the law and regulations that doesn't fit the current narrative concerning the management of National Forest System lands. These comments are being offered to ensure the Agency provides a full and fair discussion of significant environmental impacts, including social and economic impacts to the local population, and to inform decision makers and the public of the lack of reasonable analysis and alternatives which would avoid or minimize adverse impacts and/or enhance the quality of the human environment.

Furthermore, these comments do not completely cover all the information generated and used by the Agency in preparation of the Revised DEIS because the period for reviewing the large volume of information has been extremely limited. Instead, these comments have been generated based on information provided by the local people who live and work in the communities surrounding the Apache-Sitgreaves National Forest who are concerned with the future management of our forests.

1) 36 CFR 212.53 states that "the responsible official shall coordinate with appropriate Federal, State, county and other local governmental entities and tribal governments with designating National Forest System roads, National Forest System trails, and areas on National Forest System lands pursuant to this subpart". However, this mandate has not occurred.

2) Arizona law defines coordination as the process by which the federal and state governments seeks in good faith to reach consistency between federal or state regulation, rule, plan or policy and the county law, regulation, plan or policy that is less restrictive than the federal or state regulation, rule, plan or policy. If the federal government fails to coordinate in good faith with the county, the county shall hold public hearings, consider the evidence and vote on whether to authorize litigation to enforce the county's coordination rights (A.R.S. § 11-269.09). I urge the Agency to appropriately coordinate with the affected counties, Apache, Coconino, Greenlee and Navajo, on this project.

3) The maps of pre-existing conditions of the transportation networks were not accurately or completely displayed in the Revised DEIS for the AS-TMP. These maps are critically important

for the public to fully understand the impact of the proposed plan as mandated by the National Environmental Protection Act (NEPA) and should be clearly displayed and utilized in all planning, public meeting and analysis work.

- 4) The GIS and map offerings available on the project website are not in a format easily utilized and understood by the public at large. These maps should be made available in a format commonly accessible by the public such as .pdf or .jpeg.*
- 5) The failure to include the Specialist Report and other supporting documentation on the project website, at public meeting meetings and in the announcement literature for the Revised DEIS destroys public trust and lacks transparency.*
- 6) The Revised DEIS does not indicate the entity or entities that will bear the burden of enforcement of the AS-TMP, if approved.*
- 7) The Revised DEIS process lacks a comprehensive social analysis of what activities users engage in on these federal managed lands and the social economic impacts of proposed alternatives.*
- 8) There should be no mileage limit on big game retrieval, firewood gathering and harvesting, and many other activities outlined in the Revised DEIS. There is no data provided to indicate there will be resource damage or nonconformance with mandates to support the mileage limitation. Thus, a decision to limit distance without local government and public input skirts proper NEPA planning processes.*
- 9) Not only was there an inadequate number and frequency of public meetings, the content and format was very limited. For example, the meetings did not begin with a presentation of the project nor did the Agency clearly provide guidance or instruction to the public on how to submit proposals to recommend trails, road networks, uses and other items for proper engagement in the planning process.*

The Apache-Sitgreaves National Forest plays an invaluable role in our State as a tourist destination with hundreds of thousands of users annually. The proposed AS-TMP would prohibit public use of over 50% of the Forest's road system. These restrictions have the potential to devastate the region's economy which is largely dependent on tourists and seasonal residents. Furthermore, the AS-TMP would severely limit the ability of rural counties to properly utilize the Forest road system to serve their citizens.

For these reasons, I stand in vehement opposition to the proposed AS-TMP and urge the Agency to reject these onerous and unnecessary restrictions on the public's use of its Forests."

Respectfully submitted,

*State Representative Mark Finchem, Legislative District 11
Chairman, House Federal Relations Committee
Member, House Energy, Natural Resources and Water Committee*

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