

**TOWN OF TUSAYAN ROADWAY AND UTILITY EASEMENTS SPECIAL USE  
PERMIT APPLICATION  
PUBLIC SCOPING REPORT**

**Prepared for:** Kaibab National Forest  
**Prepared by:** WestLand Resources, Inc.  
**Date:** February 8, 2016  
**Project No.:** 1767.02

---

**TABLE OF CONTENTS**

1.	INTRODUCTION .....	3
1.1.	Project Description .....	3
1.2.	Purpose of Scoping .....	3
1.3.	Document Organization.....	4
2.	SCOPING PROCESS .....	4
2.1.	Public Notification of Permit Application and Public Scoping .....	4
2.2.	Opportunities for Public Comment.....	5
2.3.	Scoping Meetings .....	5
3.	EXTENT AND NATURE OF PUBLIC SCOPING COMMENTS .....	6
3.1.	Extent of Public Scoping Comments Received .....	6
3.2.	Nature of Public Scoping Comments Received.....	7
4.	IDENTIFICATION OF SCOPING ISSUES .....	7
5.	TRIBAL CONSULTATION .....	10
6.	SUMMARY OF FUTURE STEPS .....	10

**TABLES**

Table 1.	Extent of Submittals Received .....	7
Table 2.	Construction of Roadway and Utility Improvements .....	8
Table 3.	Development of Private Lands .....	8
Table 4.	Implementation of Federal Regulations, Laws, and Legal Decisions .....	10

**FIGURES**

*(follow text)*

Figure 1.	Vicinity Map.....	
Figure 2.	USGS Topography .....	
Figure 3A.	TenX Ranch.....	
Figure 3B.	Kotzin Ranch .....	

## APPENDICES

- Appendix A. Public Scoping Notice
- Appendix B. Public Scoping Letter
- Appendix C. Public Scoping Meeting Boards
- Appendix D. Public Scoping Meeting Handouts
- Appendix E. Representative Public Scoping Comments
- Appendix F. Public Suggested Alternatives

## ACRONYMS

CARA	Comment Analysis and Response Application
FR	Forest Road
KNF	Kaibab National Forest
NEPA	National Environmental Policy Act
SR	State Route
Town	Town of Tusayan
USFS	United States Forest Service
USPS	United States Postal Service

## 1. INTRODUCTION

As part of the implementation of the National Environmental Policy Act (NEPA), the Kaibab National Forest (KNF) initiated and completed public scoping for the Town of Tusayan (Town) roadway and utility easement special use permit application. This document summarizes the results of the public scoping.

### 1.1. PROJECT DESCRIPTION

In June 2014, The Kaibab National Forest received a special use permit application from the Town for roadway and utility easements on property managed by the KNF (the Project). The proposed easements lie within the Tusayan Ranger District of the KNF. The easements, if approved, would allow the Town to make improvements to segments of existing forest roads and construct new segments to provide all-weather access and utility service to two inholdings within the KNF that are located within the incorporated limits of the Town. These properties, Ten-X Ranch and Kotzin Ranch, are surrounded by federal lands administered by the KNF (*Figure 1, Figure 2*).

Access to the Ten-X Ranch parcel would originate at the existing intersection of Forest Road (FR) 302 and State Route 64 (SR 64) in the Town. FR 302 would be improved for approximately 2.8 miles east to the Ten-X Ranch property (*Figure 3A*).

Access to the Kotzin Ranch consists of two possible access roads, one to the northern portion of the property and one to the southern portion (*Figure 3B*). The proposed northern access roadway and utility corridor would be approximately 1.5 miles long, starting at the intersection of SR 64 and Moqui Drive (FR 328) and continuing along existing KNF roadways to the Kotzin Ranch property to the west. The proposed southern access roadway and utility corridor would be approximately 1.4 miles long and would connect the existing SR 64 roundabout at Long Jim Loop to the Kotzin Ranch property to the west. This access would utilize existing KNF roadways and new roadways.

### 1.2. PURPOSE OF SCOPING

The process of scoping is an integral part of environmental analysis. The United States Forest Service (USFS) requirement for public scoping includes all proposed actions per 36 CFR 220.4(e)(1). Scoping includes refining the description of the proposed action, determining the responsible official and lead and cooperating agencies, identifying preliminary issues, and identifying interested and affected persons. Effective scoping depends on all of the above as well as presenting a coherent proposal. The results of scoping are used to clarify public involvement

methods, refine issues, select an interdisciplinary team, establish analysis criteria, and explore possible alternatives and their probable environmental effects.

The methods and degree of the scoping effort undertaken for a given project vary depending on the scope and complexity of the project. Scoping for the Project was carried out in accordance with the requirements of 40 CFR 1501.7 and the Council of Environmental Quality regulations for public scoping. The scoping process was initiated after receipt of the Town's application. It allowed open public input to inform the process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed roadway and utility easements.

### **1.3. DOCUMENT ORGANIZATION**

This document contains summary information and descriptions of the:

- Scoping process, including public notification, scoping meetings, and opportunities for public comment (*Section 2*);
- Extent and nature of public scoping comments received (*Section 3*); and
- Identification of scoping issues (*Section 4*).
- Summary of Future Steps (*Section 5*).

This document is used to identify issues of particular concern to the public to be fully analyzed in the NEPA analysis and documentation.

## **2. SCOPING PROCESS**

### **2.1. PUBLIC NOTIFICATION OF PERMIT APPLICATION AND PUBLIC SCOPING**

In accordance with the requirements of NEPA, the KNF initiated public scoping on April 24, 2015. The public scoping period was 40 calendar days in length, ending on June 5, 2015, to allow for delivery of the scoping material via the United States Postal Service (USPS).

Public notices (*Appendix A*) were published two weeks prior to the scheduled open house scoping meetings in three newspapers with circulation in the region of the proposed action and in nearby metropolitan areas:

- Arizona Daily Sun
- Williams News
- Grand Canyon News



The notices included a brief summary of the Project, the times and locations of the open houses, instructions for submittal of scoping comments, and contact information at KNF.

The scoping letter (*Appendix B*) was prepared and mailed to 1) those on the KNF mailing list for USFS activities; 2) a list of those previously expressing interest in the Project, and 3) to the 1,604 general delivery mail recipients of the 86023 ZIP code, including the area in and around Tusayan, Arizona. The scoping letter was also available at the Tusayan Ranger District, the Williams Ranger District, the KNF Supervisor's Office in Williams, and on the KNF website for the Project (<http://www.fs.usda.gov/detail/kaibab/home/?cid=stelprd3828424>).

## **2.2. OPPORTUNITIES FOR PUBLIC COMMENT**

Members of the public were afforded several methods for providing comments.

- Comments could be provided on comment cards at the scoping meetings.
- Comments could be submitted to the USFS on-line Comment Analysis and Response Application (CARA) system at <http://www.fs.usda.gov/project/?project=46776>.
- Emails could be sent to [comments-southwestern-kaibab@fs.fed.us](mailto:comments-southwestern-kaibab@fs.fed.us) with a subject line of "Tusayan Roadway Easements".
- Comments could be mailed through the USPS to the attention of Deirdre McLaughlin at Kaibab National Forest, Williams Ranger District, 742 S Clover Road, Williams, Arizona 86046.
- Oral comments could be provided by calling (928) 635-5600.
- Written comments could be faxed to (928) 635-5680 with a subject line of "Tusayan Roadway Easements".

## **2.3. SCOPING MEETINGS**

Public scoping meetings were held for parties interested in learning more about the Project and expressing their comments, ideas, and concerns to the KNF Interdisciplinary team. The meetings were in an open house format and employed the use of manned stations with display boards for information and discussion (*Appendix C*). Handout materials were provided to attendees (*Appendix D*).

The dates, times and locations of the Public Scoping Meetings were:

- May 18, 2015, 5:00 pm - 8:00 pm, Williams Elementary and Middle School, 601 North 7th Street, Williams, Arizona
- May 19, 2015, 5:00 pm - 8:00 pm, Grand Canyon Squire Inn, 100 Highway 64, Tusayan, Arizona

- May 20, 2015, 5:00 pm - 8:00 pm, Doubletree, 1175 W Route 66, Flagstaff, Arizona

Recorded attendance at each meeting was 19 in Williams, 33 in Tusayan, and 94 in Flagstaff.

### 3. EXTENT AND NATURE OF PUBLIC SCOPING COMMENTS

The extent and nature of the public scoping comments received was determined using the following process:



#### 3.1. EXTENT OF PUBLIC SCOPING COMMENTS RECEIVED

As of the close of business on June 5, 2015, the CARA system contained 44,921 individual records regarding the Project. These records are comprised of the following types of documents:

- Individual submittal of a unique letter
- Individual submittal of a form letter
- Bulk submittal of a form letter (one record with multiple submitters of a form letter)
- Petition (one record with multiple signers)

There are two types of form letters—the form letter itself and a version of the form letter that was customized by the sender. The same is true for the petition. A single record for a petition will have numerous signatories, but in some cases, those signatories provided additional comments or information. For purposes of this analysis, submittals were categorized as either unique letters or form letters. Form letters and petitions modified with additional information from a submitter are considered unique letters.

Emails, USPS delivered letters, and written comments received during the scoping meetings were uploaded to the CARA system by KNF staff. Each of these are considered unique letters.

The initial review of the documents received identified 2,447 unique letters, 5 distinct form letters, 2 petitions, and 1 blog.

A summary of the submittal count and type is provided in *Table 1*:

Table 1. Extent of Submittals Received

SUBMITTAL TYPE	NUMBER
Unique Letters	2,447
Form Letters	
Center for Biological Diversity	41,699
Sierra Club_1	9
Sierra Club_2	1,095
Sierra Club_3	35,673
National Parks Conservation Association	7,163
Petitions	
EARTHJUSTICE	55,698
Rootsaction.org	50,000
Blog	
Grand Canyon Trust	86
<b>TOTAL</b>	<b>193,870</b>

All documents in CARA were downloaded for review and processing. All public comments received were given equal consideration, regardless of document type or method of transmittal.

### 3.2. NATURE OF PUBLIC SCOPING COMMENTS RECEIVED

An initial content analysis of the unique letters, form letters, and petitions produced a preliminary categorization of themes. The three themes identified are: comments related to the approval of the special use permit for construction of road and utility improvements across USFS lands, comments related to development of the private lands accessed by the road improvements, and those related to the implementation of Federal regulations. A listing of representative verbatim comments by theme can be found in *Appendix E*.

## 4. IDENTIFICATION OF SCOPING ISSUES

Based upon the preliminary review of public scoping comments, initial discussion with Forest Interdisciplinary team, and input from the public during the scoping period a comprehensive list of scoping issues have been identified. Issues serve to highlight effects or unintended consequences that may occur from the proposed action and alternatives, giving opportunities during the analysis to reduce adverse effects and compare trade-offs for the decisionmaker and public to understand. Issues are viewed as cause-effect relationships, but are presented here in summary form. The unique letters were reviewed and the scoping issues coded based on the identified list. *Table 2*, *Table 3*, and *Table 4* describe the scoping issues and number of comments in three primary themes: Construction of Roadway and Utility Improvements, Development of Private Lands, and Implementation of Federal Regulations, Laws and Legal

Decisions respectively. The issues identification process resulted in over 7,930 comments identified. In the tables, the number of comments by issue includes the comments by sub-issue.

Table 2. Construction of Roadway and Utility Improvements

ISSUE	DESCRIPTION	NUMBER OF COMMENTS
R1	Traffic impacts biological resources	158
R1a	Special-status species	24
R1b	Plant communities	14
R1c	Wildlife and wildlife habitat	41
R2	Cultural resource impacts	59
R3	Impacts to the existing traffic in and around the Town	162
R4	Town and Coconino County emergency services (police, fire, and emergency medical services for residents and visitors) effects	43
R5	Impacts to existing recreational users	277
R5a	Existing stable operations	5
R5b	Existing Forest trails and trails from the Town to Grand Canyon National Park	9
R5c	Dispersed recreation opportunities	12
R6	Pollution (air, noise, trash, etc.) impacts	114
R7	Other alternatives	34
R8	Wildfire danger	14

Table 3. Development of Private Lands

ISSUE	DESCRIPTION	NUMBER OF COMMENTS
P1	Impacts to/on biological resources	709
P1a	Wildlife and wildlife habitat on adjacent public lands, including the Grand Canyon National Park	301
P1b	Special-status species on private lands	46
P1c	Wildlife and wildlife habitat on private lands	34
P1d	Plant communities on private lands	52
P2	Effects of water use from private development activities on local and regional groundwater resources (wells, aquifer, etc.)	2576
P2a	Impacts on natural seeps, springs or other surface water features within Grand Canyon National Park for use by wildlife, recreation, etc.	803

Table 3. Development of Private Lands

ISSUE	DESCRIPTION	NUMBER OF COMMENTS
P2b	Impacts on Havasu Falls or other surface water features on tribal lands	549
P2c	Impacts on tribal cultural resources	641
P3	Utilities	392
P3a	Existing wastewater treatment system for the Town	34
P3b	Existing utility systems (water, wastewater, dry utilities)	45
P4	Economic impacts	365
P4a	Town's economy	72
P4b	Impacts to the hospitality industry (hotel/motel) use in the Town, Williams, Flagstaff and unincorporated Coconino County	39
P4c	Financial effects on federally managed lands (Grand Canyon National Park, Kaibab National Forest, etc.)	155
P5	Town and Coconino County emergency services (police, fire, and emergency medical services for residents and visitors) affects	117
P6	Affects on housing opportunities within the Town	95
P7	Impacts to visitation rates at the Grand Canyon National Park	212
P8	Visual resource impacts	758
P8a	Light impacts to night skies viewed from the Grand Canyon National Park	117
P8b	Visibility of proposed development on private lands from Grand Canyon National Park	165
P8c	Visual quality impacts within Tusayan and/or the Kaibab National Forest	165
P9	Urban stormwater runoff impacts to downstream Forest lands or Grand Canyon National Park	21
P9a	Quantity impacts	4
P9b	Quality impacts	4
P10	Wildfire danger	17
P11	Cultural resources impacts	201
P12	Pollution (air, noise, trash, etc.) impacts	206
P13	Land use	10

Table 4. Implementation of Federal Regulations, Laws, and Legal Decisions

ISSUE	DESCRIPTION	NUMBER OF COMMENTS
N1	National Environmental Policy Act	1,359
N1a	Environmental assessment or environmental impacts analysis	247
N1b	1999 Land Exchange EIS in making a decision	6
N1c	Addressing potential effects of the proposed developments	110
N1d	Analysis must encompass tribal communities, Grand Canyon National Park, Kaibab National Forest, surrounding lands, etc.	441
N1e	Additional potential cumulative effects to be considered	555
N2	Other Federal regulations, laws, and legal decisions	32

## 5. TRIBAL CONSULTATION

In addition to public scoping, the USFS has initiated government-to-government consultation with federally-recognized tribes. To date, Kaibab line officers have met one or more times with the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Navajo Nation, the Yavapai-Apache Nation, the Yavapai-Prescott Indian Tribe, and the Pueblo of Zuni. All of these tribes have stated they have an interest in the project due to its proximity to the Grand Canyon and have requested ongoing consultation throughout the analysis process. All of these tribes have submitted concerns related to potential impacts to natural and cultural resources associated with future development. In addition, the Havasupai Tribe and Hopi Tribe have submitted formal comment letters about the project as summarized in *Tables 2-4*.

## 6. SUMMARY OF FUTURE STEPS

The USFS will consider the comments received during scoping and the issues identified in this Scoping Report to determine the type of NEPA document that will be required to appropriately address the potential effects of the Project. Upon making this determination, a list of issues to be analyzed in depth and their associated measures will be developed. Regardless of the ultimate format of the NEPA document (Environmental Assessment or Environmental Impact Statement) the same process will be followed. This process is:

- Development of alternatives to the proposed action, including the No Action Alternative.
- Collection of resource data and information through compilation of existing studies, development of new studies, and contributions from other local, state, and federal agencies.

- Identification, analysis, and documentation of potential direct, indirect, and cumulative effects to resources.
- Preparation and distribution of draft NEPA document for public review and comment.
- Development of response to comments.
- Preparation and distribution of final NEPA document and draft decision document for public review.

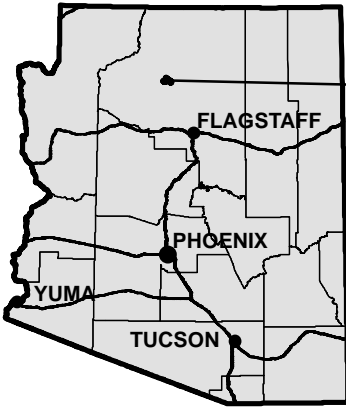
Public comments will be accepted throughout the NEPA process. However, during identified comment periods, public comment will be actively solicited when specific documents are available for review.



## FIGURES



# ARIZONA



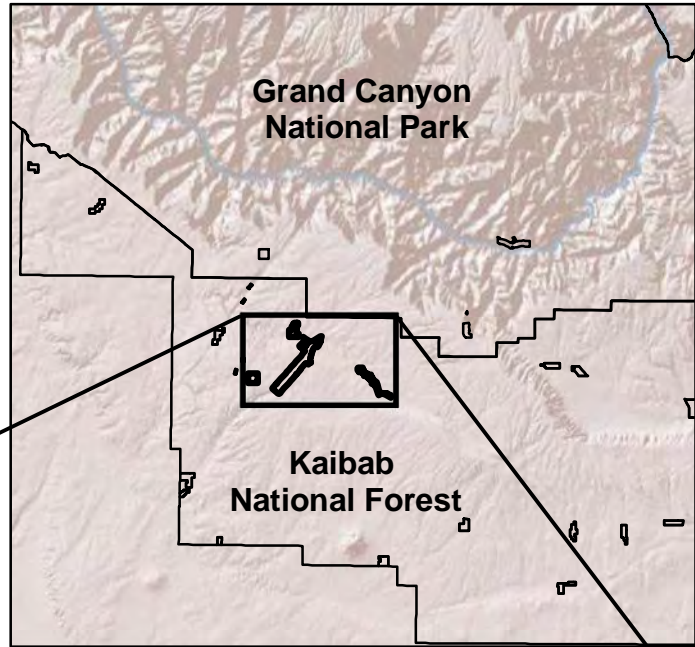
PROJECT  
LOCATION

FLAGSTAFF

PHOENIX

YUMA

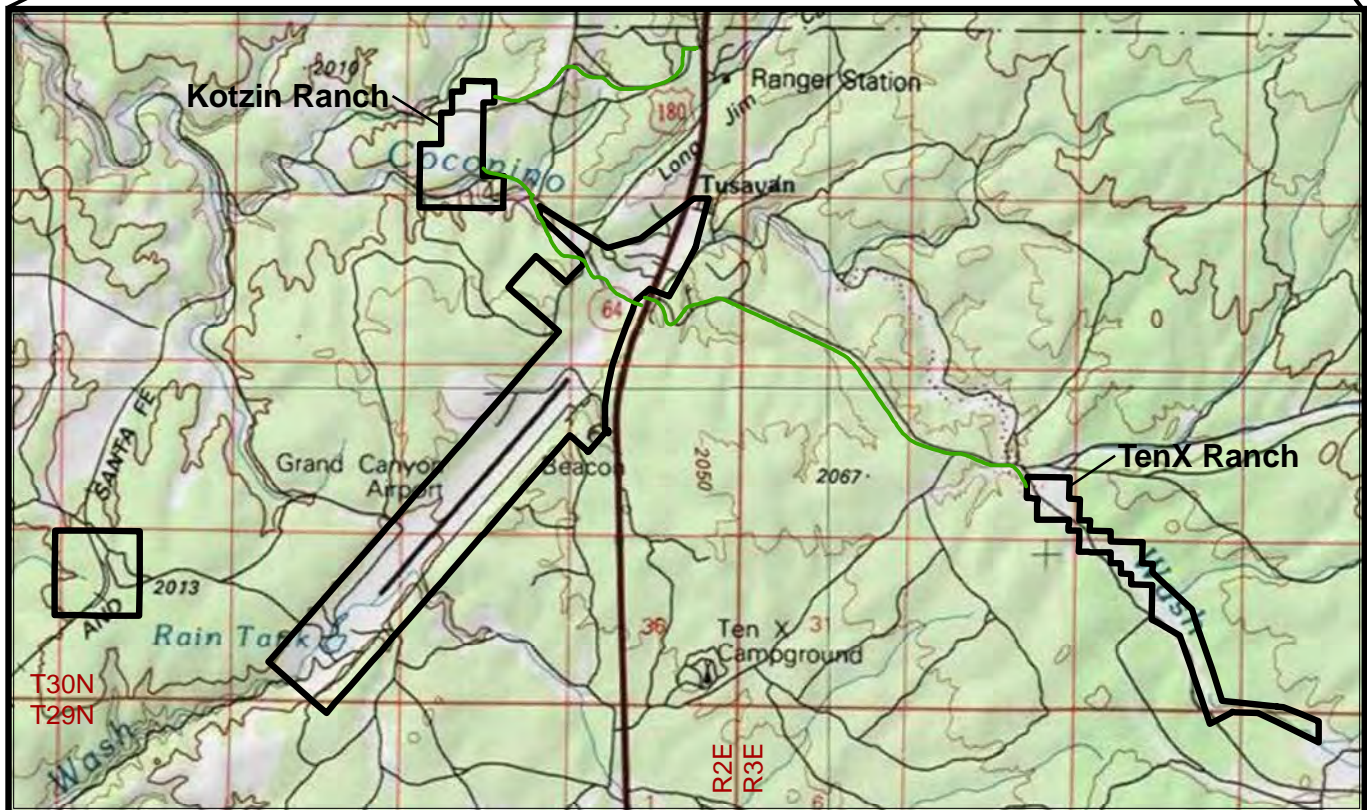
TUCSON



Grand Canyon  
National Park

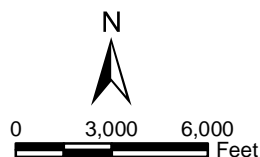
Kaibab  
National Forest

Approximate Scale 1 Inch = 10 Miles



T30N, R2E, Portion of Sections 13, 14, 23, 24,  
T30N, R3E, Portion of Sections 19, 29, 30,  
Coconino County, Arizona,  
Tusayan East & Tusayan West USGS 7.5' Quadrangles

**Town of Tusayan**  
the entrance to Grand Canyon National Park



## Legend

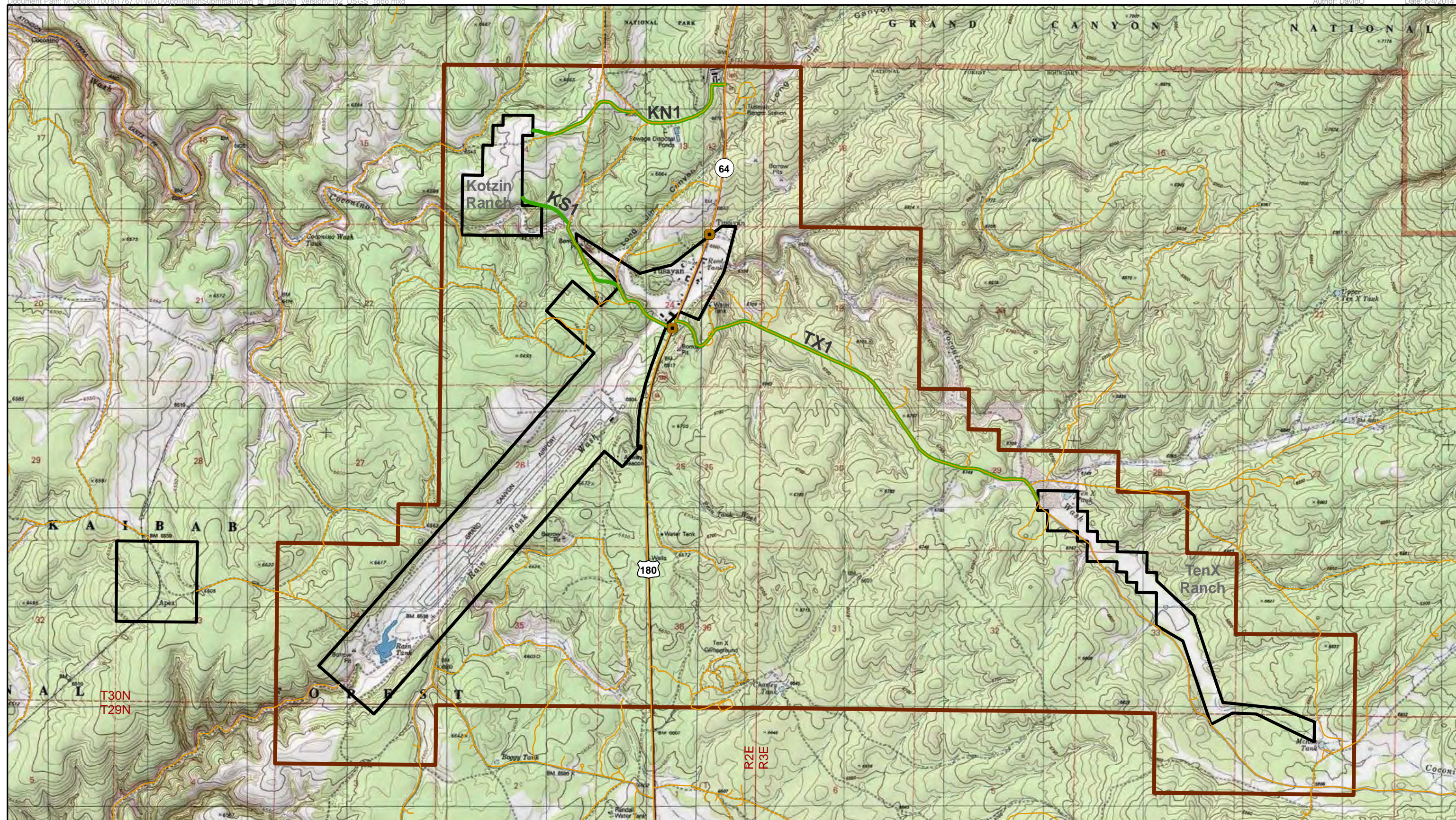
- Project Area
- Private Land

## TUSAYAN

### Proposed Corridor Project

VICINITY MAP  
Figure 1





**Town of Tusayan**  
the entrance to Grand Canyon National Park

0 3,000 6,000 Feet



**Legend**

Town of Tusayan

Private Land

Proposed Roadway Access and Utility Corridor

Motorized Vehicle Use Map (MVUM) Roads

Railroad

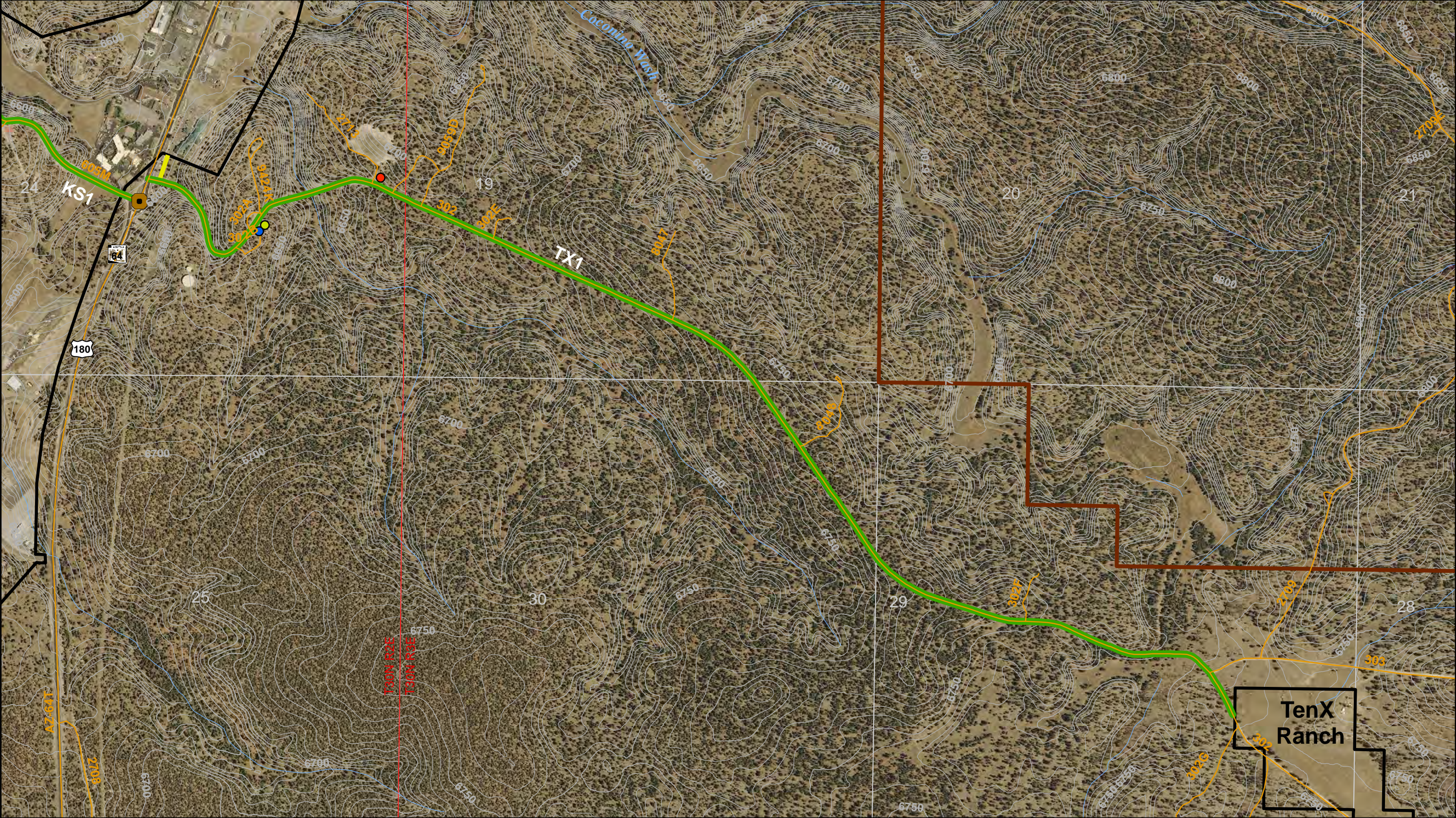
Roundabout

**Tusayan**  
**Proposed Corridor Project**

USGS TOPOGRAPHY

Figure 2





Town of Tusayan

the entrance to Grand Canyon National Park

0

1,000

2,000

Feet

N

Legend

Town of Tusayan

Private Land

Proposed Roadway Access and Utility Corridor

Proposed Sewer Line

Motorized Vehicle Use Map (MVUM) Roads

Drainage

Roundabout

Proposed Potable Water Booster Pump Station

Proposed Lift Station

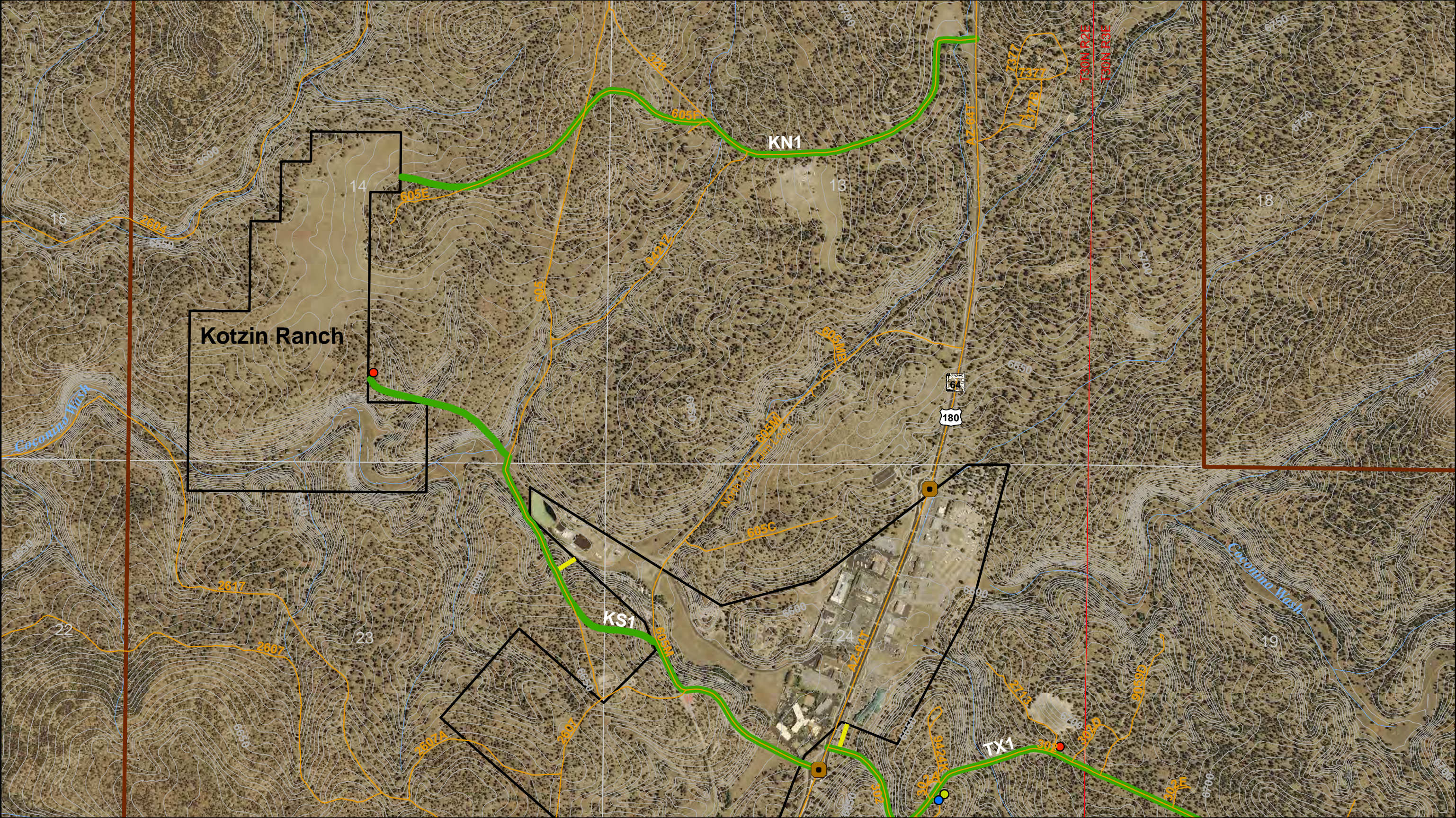
Proposed Reclaimed Water Booster Pump Station

Tusayan

Proposed Corridor Project

Figure 3A





Town of Tusayan

the entrance to Grand Canyon National Park

0

1,000

2,000

Feet

N

Town of Tusayan

Private Land

Proposed Roadway Access and Utility Corridor

Motorized Vehicle Use Map (MVUM) Roads

Drainage

Proposed Sewer Line

Roundabout

Proposed Potable Water Booster Pump Station

Proposed Lift Station

Proposed Reclaimed Water Booster Pump Station

Tusayan

Proposed Corridor Project

Figure 3B



---

## **APPENDIX A**

### **PUBLIC SCOPING NOTICE**

**NOTICE OF PUBLIC SCOPING MEETING  
PROPOSED ROADWAY EASEMENTS  
TUSAYAN, ARIZONA**

The Kaibab National Forest (KNF) has received a special use permit application from the Town of Tusayan (Town) to approve roadway and utility easements on property managed by the KNF. The proposed easements lie within the Tusayan Ranger District of the KNF. The easements, if approved, would allow the Town to make improvements to segments of existing forest roads and construct new segments to provide all weather access and utility service to two inholding properties within the KNF that are located within the incorporated limits of the Town. These properties, Ten-X Ranch and Kotzin Ranch, are not owned or managed by the federal government, but are surrounded by federal lands administered by the KNF. If the KNF approves the easements and construction of the proposed roadway and utility improvements, the improved existing roadways would continue to be open to the public for travel and the new roadways would be open to the public for travel.

The National Environmental Policy Act (NEPA) and the Council on Environmental Quality's regulations at 40 CFR Parts 1500-1508 require an evaluation of potential environmental impacts associated with federal projects and actions with input from the public. Public scoping meetings will be held for all parties that are interested in learning more about the proposed action and expressing their comments, ideas, and concerns to the KNF. The meetings will be an open house format. Following are the dates, times and locations of the Public Scoping Meetings:

- May 18, 5:00 pm- 8:00 pm, Williams High School, 440 S 7th Street, Williams, Arizona
- May 19, 5:00 pm- 8:00 pm, Grand Canyon Squire Inn, 100 Highway 64, Tusayan, Arizona
- May 20, 5:00 pm- 8:00 pm, Doubletree, 1175 W Route 66, Flagstaff, Arizona

Comments may be submitted for the Tusayan Roadway Easements project in the following manners:

**Online:**     <http://www.fs.usda.gov/project/?project=46776>

**Email:**       comments-southwestern-kaibab@fs.fed.us  
                  Subject Line: "Tusayan Roadway Easements"

**U.S. Mail:**   ATTN: Deirdre McLaughlin  
                  Kaibab National Forest  
                  Williams Ranger District  
                  742 S Clover Rd  
                  Williams, AZ 86046

**Phone:**       (928) 635-5600

**Fax:**           (928) 635-5680  
                  Subject Line: "Tusayan Roadway Easements"

---

**APPENDIX B**  
**PUBLIC SCOPING**  
**LETTER**



File Code: 1950

Date: April 24, 2015

Dear Interested Party:

The Kaibab National Forest (KNF) has received a special use permit application from the Town of Tusayan (Town) to approve roadway and utility easements on property managed by the KNF. The proposed easements lie within the Tusayan Ranger District of the KNF. The easements, if approved, would allow the Town to make improvements to segments of existing forest roads and construct new segments to provide all weather access and utility service to two inholding properties within the KNF that are located within the incorporated limits of the Town. These properties, Ten-X Ranch and Kotzin Ranch, are not owned or managed by the federal government, but are surrounded by federal lands administered by the KNF. If the KNF approves the easements and construction of the proposed roadway and utility improvements, the improved existing roadways would continue to be open to the public for travel and the new roadways would be open to the public for travel.

The roadway improvements would begin at State Route 64 (SR 64) in the Town. Forest Road (FR) 302 would be improved from SR 64 for approximately 2.8 miles east to the Ten-X Ranch property. The Kotzin Ranch portion of the project consists of two proposed access roads, one to the northern portion of the property and one to the southern portion. The proposed northern access roadway and utility corridor would be approximately 1.5 miles long, starting at the intersection of SR 64 and Moqui Drive (FR 328) and continuing along existing KNF roadways to the Kotzin Ranch property to the west. The proposed southern access roadway and utility corridor would be approximately 1.4 miles long and would connect the existing SR 64 roundabout at Long Jim Loop to the Kotzin Ranch property to the west. This access would utilize existing KNF roadways and new roadways.

A scoping packet has been prepared to help familiarize interested members of the public with the specifics of the project, which includes a description of the proposed action. It is enclosed with this letter and can be obtained from the Tusayan Ranger District, the Williams Ranger District, the KNF Supervisor's Office, or the KNF website at two locations: [www.fs.usda.gov/goto/TusayanEasement](http://www.fs.usda.gov/goto/TusayanEasement) and [www.fs.usda.gov/project/?project=46776](http://www.fs.usda.gov/project/?project=46776).

The National Environmental Policy Act (NEPA) and the Council on Environmental Quality's regulations at 40 CFR Parts 1500-1508 require an evaluation of potential environmental impacts associated with federal projects and actions with input from the public. Public scoping meetings will be held for all parties that are interested in learning more about the proposed action and expressing their comments, ideas, and concerns to the KNF. The meetings will be an open house format. Following are the dates, times and locations of the Public Scoping Meetings:

- May 18, 5:00 pm- 8:00 pm, Williams Elementary School Auditorium, 601 N 7th Street, Williams, Arizona





- May 19, 5:00 pm- 8:00 pm, Grand Canyon Squire Inn, 100 Highway 64, Tusayan, Arizona
- May 20, 5:00 pm- 8:00 pm, Doubletree, 1175 W Route 66, Flagstaff, Arizona

The purpose of this notice is to invite public involvement on the proposed roadway easements. Written comments may be electronically delivered or hand-delivered, for 40 calendar days following the date of this letter. Comments can be provided in one of the following ways:

**Online:** [www.fs.usda.gov/project/?project=46776](http://www.fs.usda.gov/project/?project=46776)

**Email:** [comments-southwestern-kaibab@fs.fed.us](mailto:comments-southwestern-kaibab@fs.fed.us)  
Subject Line: "Tusayan Roadway Easements"

**U.S. Mail:** ATTN: Deirdre McLaughlin  
Kaibab National Forest  
Williams Ranger District  
742 S Clover Rd  
Williams, AZ 86046

**Phone:** (928) 635-5600

**Fax:** (928) 635-5680  
Subject Line: "Tusayan Roadway Easements"

Comments received in response to this solicitation, including names and addresses of those who comment, will become part of the public record for this project.

In an effort to increase efficiency and reduce spending, future communications for this project will be electronic. If you would like to continue to receive these communications, please provide your email address to: [comments-southwestern-kaibab@fs.fed.us](mailto:comments-southwestern-kaibab@fs.fed.us). If you do not have access to email or the internet and would like to continue to receive these communications, please contact Deirdre McLaughlin, Forest Service Project Case Manager, 742 S. Clover Street, Williams, Arizona 86046 or (928) 635-5600.

Thank you for your interest in the management of National Forest System lands.

Sincerely,



 MICHAEL R. WILLIAMS  
Forest Supervisor

Enclosures (2)

## **PROJECT DEFINITION PROPOSED ROADWAY EASEMENTS TUSAYAN, AZ**

The Kaibab National Forest (KNF) has received a special use permit application from the Town of Tusayan (Town) to approve roadway and utility easements on property managed by the KNF. The proposed easements lie within the Tusayan Ranger District of the KNF. The easements, if approved, would allow the Town to make improvements to segments of existing forest roads and construct new segments to provide all weather access and utility service to two inholding properties within the KNF that are located within the incorporated limits of the Town. These properties, Ten-X Ranch and Kotzin Ranch, are not owned or managed by the federal government, but are surrounded by federal lands administered by the KNF. If the KNF approves the easements and construction of the proposed roadway and utility improvements, the completed roadways would remain open to the public for travel, where the roads are currently open. Any new sections of roadway would be opened to the public for travel after construction.

The granting of roadway easement would be in accordance with the Act of October 13, 1964 (commonly known as the Federal Roads and Trails Act), Public Law 88-657, for a permanent easement for road rights-of-way over lands and interest in land administered by the Forest Service. The utility corridors would be in accordance with the Federal Land Management Policy Act of 1976, Title V. (commonly known as FLPMA). The proposed uses have passed both the initial and second level screening for the proposed use of roadway and utility corridors to access and improve private land in-holdings interior to the Kaibab National Forest.

The National Environmental Policy Act (NEPA) and the Forest Service's implementing regulations require the KNF to analyze the impacts of the roadway easements on the environment. Based upon his initial review, the Forest Supervisor has determined that an environmental assessment (EA) is the appropriate level of NEPA review. The EA will:

- identify other alternatives to the proposed action that meet the purpose and need and are responsive to public comments or are identified by Forest Service resource specialists
- determine if the preferred action would have a significant adverse impact on the environment

Based on the initial public scoping and subsequent analysis, the Forest Supervisor may determine that further analysis is required in an Environmental Impact Statement.

## **PURPOSE AND NEED**

---

The need for this project is to improve access to the private land holding properties located within the incorporated limits of the Town. The only access to the Kotzin and Ten-X Ranches is through the National Forest Service (NFS) lands that surround the private property. As much of the traffic on the roadway will consist of non-forest user traffic, roads will need to be constructed to a safe and adequate standard for the traffic they will receive.

The *Pre-Annexation and Development Agreement (PADA) No. 2011-11-02* and the First Amendment to the *PADA No. 2011-11-02* between the Town and Stilo Development Group USA, LP (Stilo)

provides for all-weather access to the Kotzin Ranch and Ten-X Ranch in-holdings. Commercial and residential development proposed on both properties would require higher level of services for vehicle access as well as accommodation for the required utilities.

## PROPOSED ACTION

---

The proposed action is to approve the transportation and utility easements improvements to segments of existing forest roads and construct new segments to two in-holding properties. Kotzin Ranch includes land owned by the Town and Stilo, and Ten-X is wholly owned by Stilo. The Town is the applicant and will hold the easements sought in the special use permit application. The roadway improvements and utility construction would begin at State Route 64 (SR 64) in the Town.

As shown on the enclosed figure, access and utility service to Ten-X Ranch requires improvements to the existing Forest Road (FR) 302. The road and utility service access to Kotzin Ranch would require improving segments of existing FR 605M (Long Jim Loop) and FR 605 as well as construction of new road and utility corridor segments. In total, approximately 28,220 linear feet of roadway access and utility corridor (including approximately 260 linear feet of sewer line without roadway access) are requested. The total area of disturbance on NFS land is estimated to be approximately 52.0 acres, of which 17.5 acres (34 percent) has been previously disturbed.

The approved transportation and utility easement improvements would provide maintenance level 5 roadway access to the two in-holding properties. As defined in Forest Service Handbook (FSH) 7709.58, 12.3), maintenance level 5 is assigned to roads that provide a high degree of user comfort and convenience; these roads are normally double-lane, paved facilities. The enclosed figure depicts the cross section of the proposed corridor and conforms to applicable local standards. The corridor would accommodate two, paved travel lanes (14 feet wide each), resulting in 28 feet of surfaced roadway, with aggregate shoulders (2 feet wide each) and a 14-foot-wide border area/utility corridor adjacent to each shoulder. The corridor would also accommodate an 8-foot-wide bike/pedestrian path on either side of the paved surface. An additional 4 feet would allow for adjustments to grade. In total, an 80-foot-wide corridor is requested to provide all weather access and utility service to the two privately owned in-holding parcels. Maintenance of the subsequent easements would fall to the Town.

## SUBMISSION OF COMMENTS

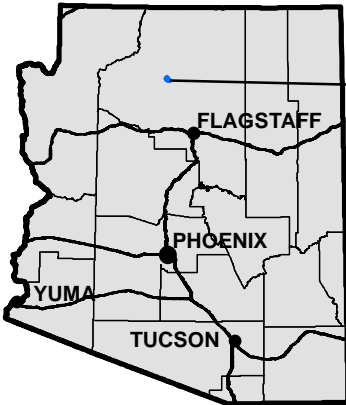
---

To ensure that your comments are fully considered during the scoping phase of this project, we request that you submit comments within 40 days of the date on the attached cover letter. Comments may be submitted in the following manner:

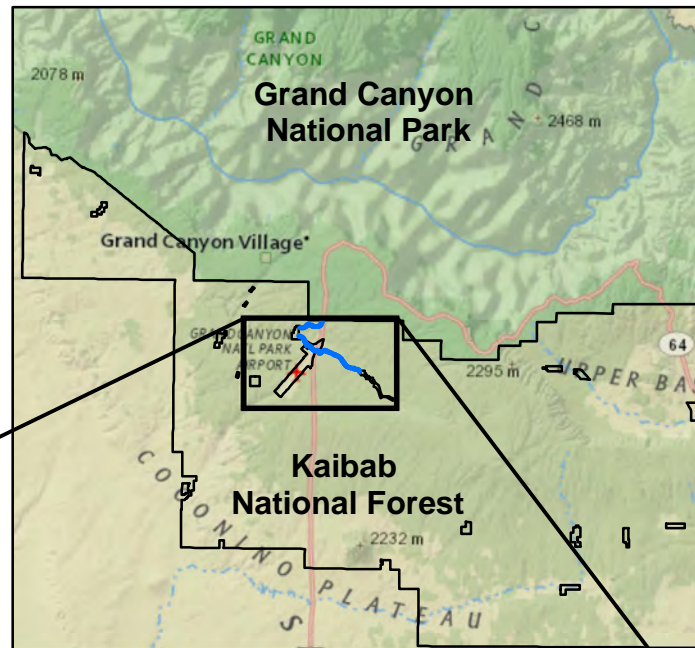
**Online:** <http://www.fs.usda.gov/project/?project=46776>  
**Email:** [comments-southwestern-kaibab@fs.fed.us](mailto:comments-southwestern-kaibab@fs.fed.us)  
Subject Line: "Tusayan Roadway Easements"  
**U.S. Mail:** ATTN: Deirdre McLaughlin  
Kaibab National Forest  
Williams Ranger District  
742 S Clover Rd  
Williams, AZ 86046  
**Phone:** (928) 635-5600  
**Fax:** (928) 635-5680  
Subject Line: "Tusayan Roadway Easements"



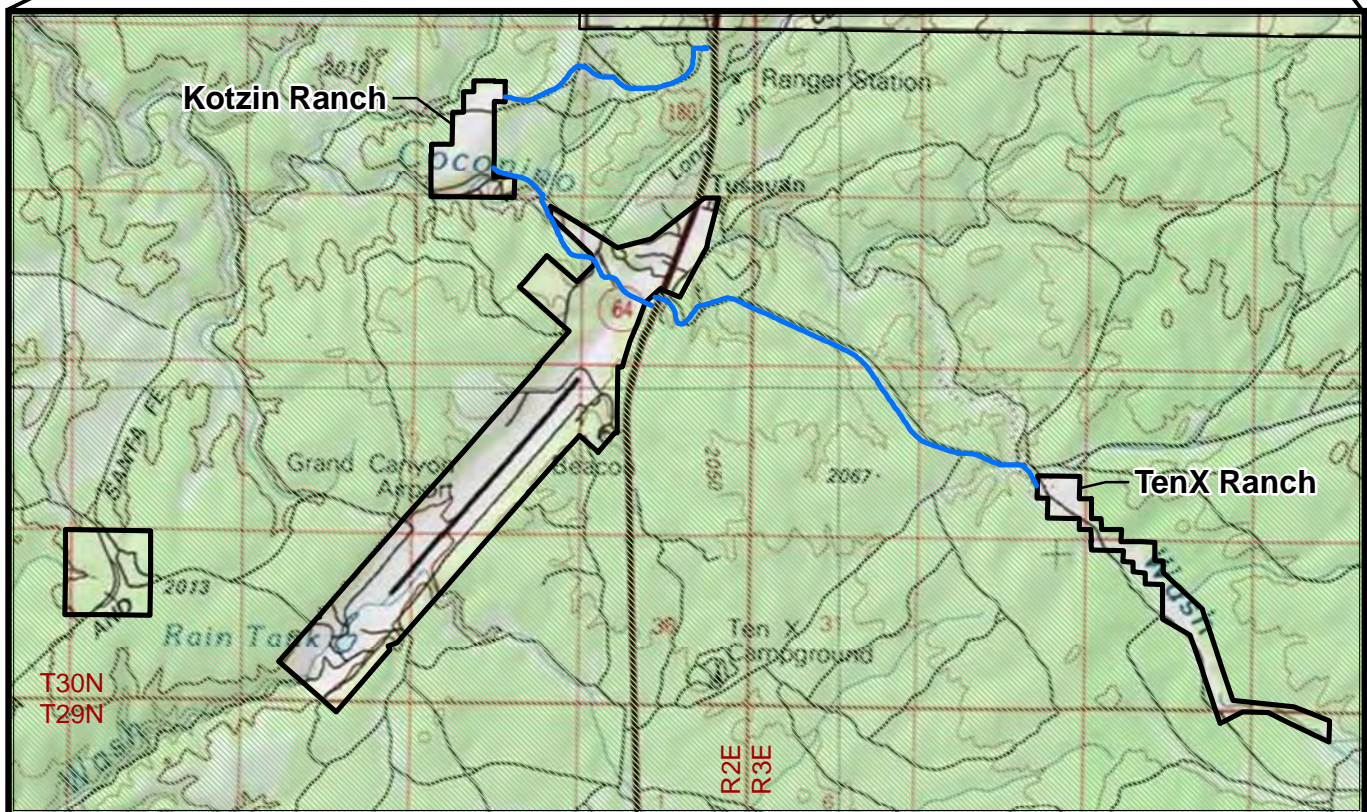
## ARIZONA

PROJECT  
LOCATION

## COCONINO COUNTY



Approximate Scale 1 Inch = 10 Miles



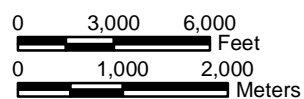
T30N, R2E, Portion of Sections 13, 14, 23, 24,  
T30N, R3E, Portion of Sections 19, 29, 30,  
Coconino County, Arizona,  
Tusayan East & Tusayan West USGS 7.5' Quadrangles  
Image Source: ArcGIS Online, USA Topo, National Geographic

## Legend

- Proposed Roadway Easements
- Private Land (No Color)
- Kaibab National Forest

## Kaibab National Forest

Southwestern Region, R3



**TUSAYAN**  
Proposed Roadway  
Easements

VICINITY MAP

---

## **APPENDIX C**

### **PUBLIC SCOPING MEETING BOARDS**



# WELCOME

Kaibab National Forest  
Tusayan Ranger District



## Tusayan Proposed Roadway Easements Project

### Public Scoping Meetings

**MEETING 1** **WILLIAMS** | May 18, 5 to 8 p.m.  
Williams Elementary-Middle School | 601 N. 7th Street

**MEETING 2** **TUSAYAN** | May 19, 5 to 8 p.m.  
Grand Canyon Squire Inn | 100 Highway 64

**MEETING 3** **FLAGSTAFF** | May 20, 5 to 8 p.m.  
Doubletree Hotel | 1175 W. Route 66

***Open House  
Format***

***No Formal  
Presentation***

TOWN  
OF

PROJECT #44776

## Tusayan Proposed Roadway Easements Project and Environmental Analysis

# TONIGHT'S AGENDA

Kaibab National Forest  
Tusayan Ranger District



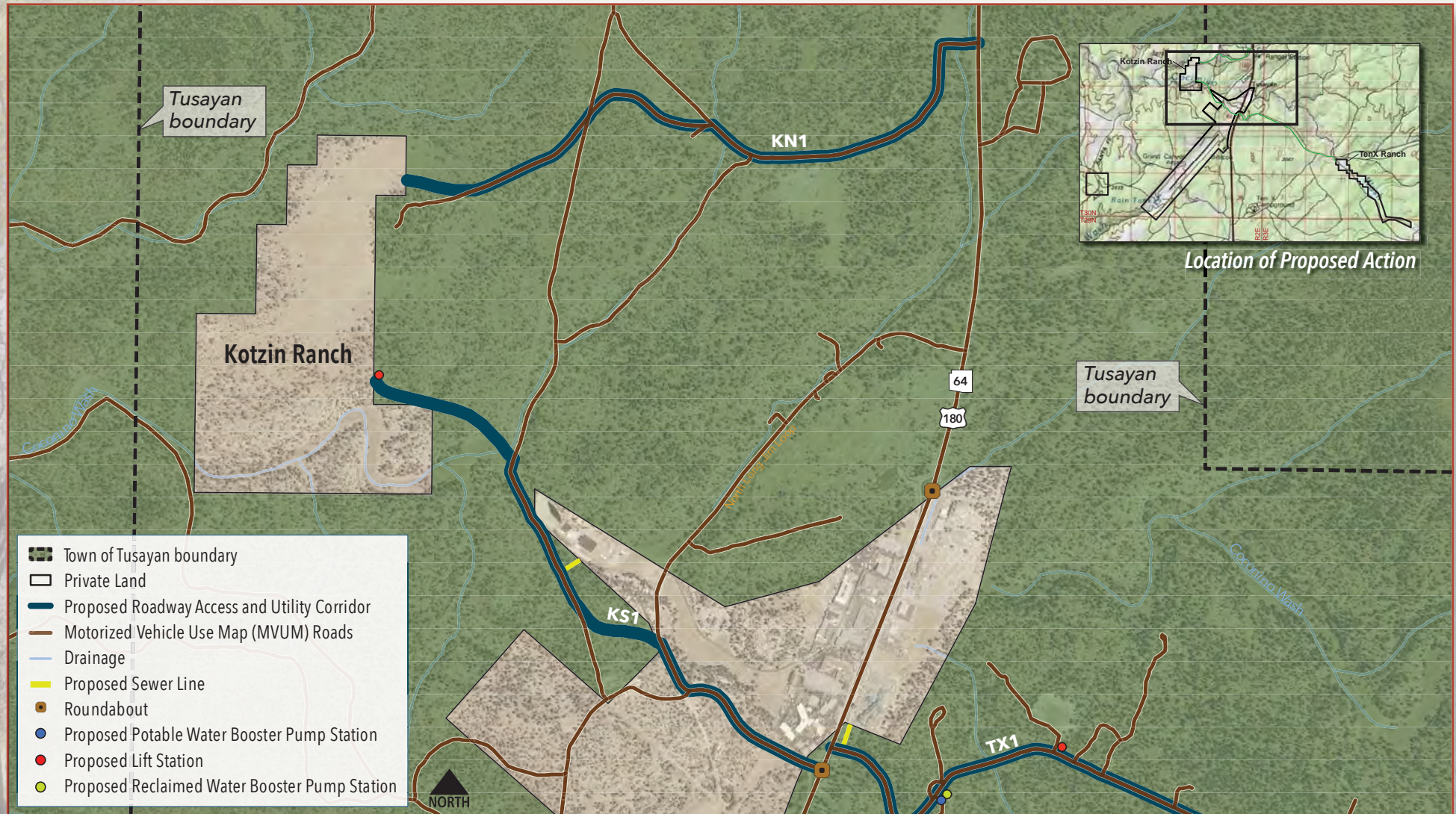
- Please sign in
- Indicate a desire to be included in [electronic] project updates
- Review the handouts
- Seek out team representatives to answer questions and provide additional project information
- Visit the Proposed Action Stations
- Visit the Comment Station
- Provide written comments, ideas, and concerns

***TONIGHT'S MEETING***  
***is one of three public***  
***scoping meetings for***  
***interested parties***  
***to learn about the***  
***proposed action and***  
***to express comments,***  
***ideas, and concerns***  
***to the Kaibab National***  
***Forest regarding the***  
***proposed easements***



# KOTZIN RANCH ACCESS

Kaibab National Forest  
Tusayan Ranger District



TOWN  
OF

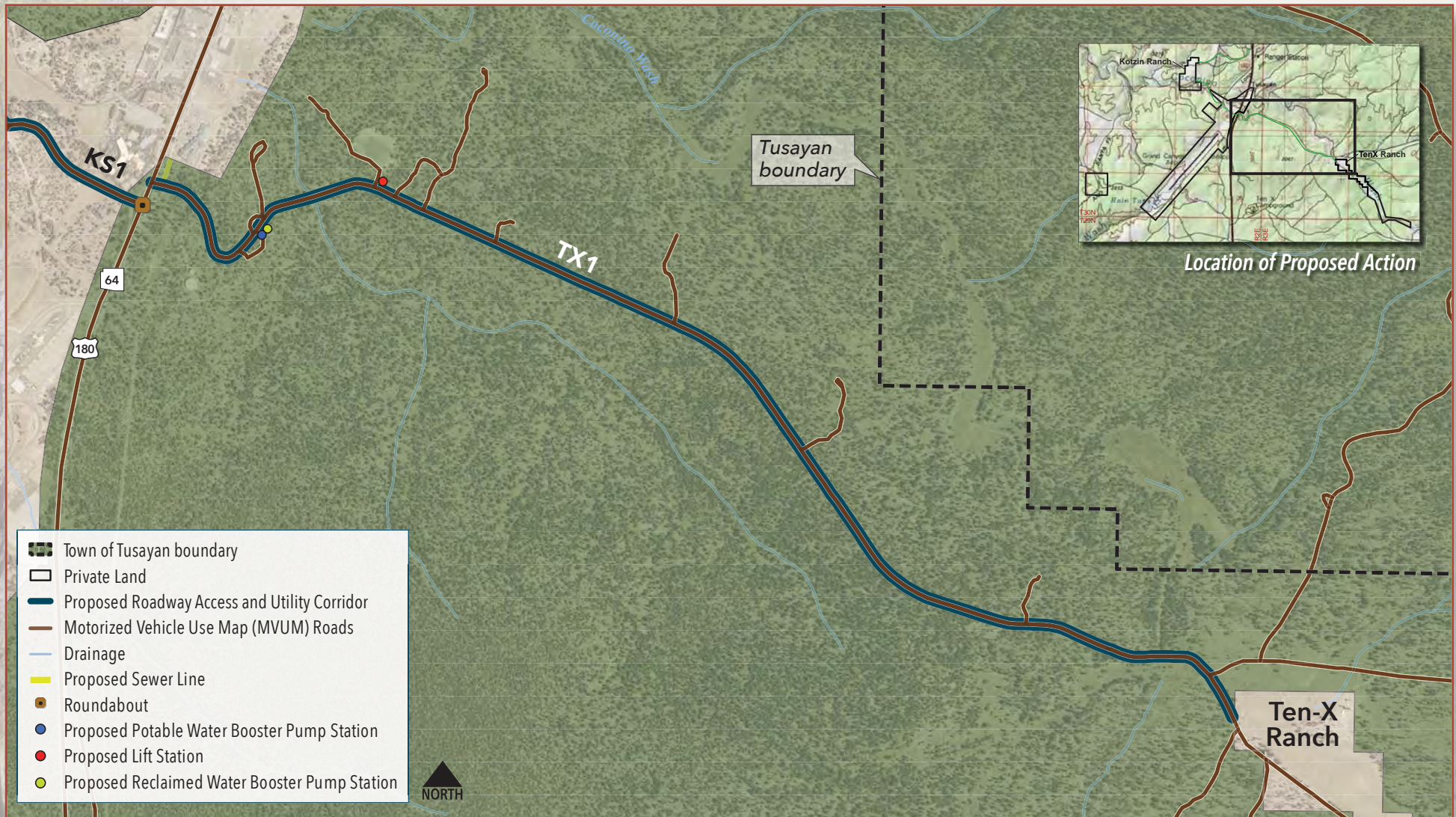
PROJECT #44776

## Tusayan Proposed Roadway Easements Project and Environmental Analysis



# TEN-X RANCH ACCESS

Kaibab National Forest  
Tusayan Ranger District



TOWN  
OF

PROJECT #44776

## Tusayan Proposed Roadway Easements Project and Environmental Analysis

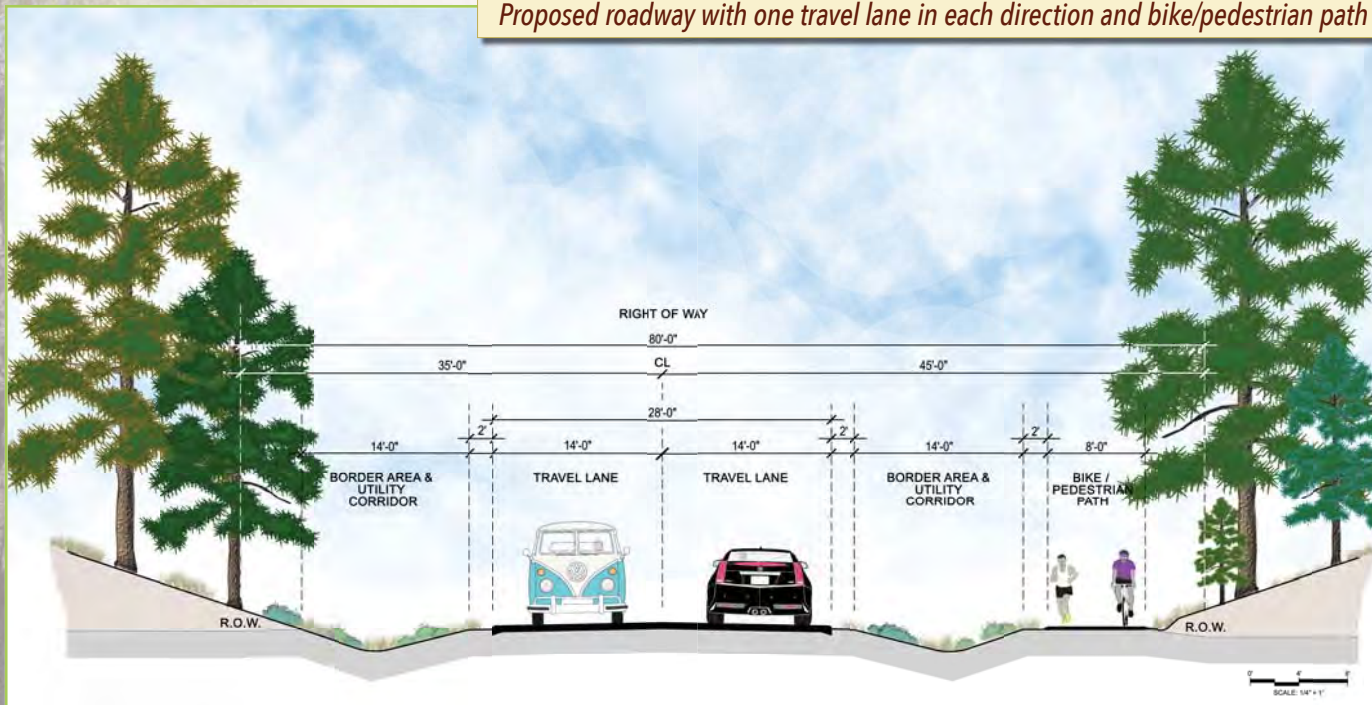


# TYPICAL ROADWAY & VISUAL SIMULATIONS

Kaibab National Forest  
Tusayan Ranger District



Proposed roadway with one travel lane in each direction and bike/pedestrian path



Proposed Action KN1



Proposed Action KS1



Proposed Action TX1



Proposed Action TX1

TOWN  
OF

PROJECT #44776

## Tusayan Proposed Roadway Easements Project and Environmental Analysis












# HOW TO SUBMIT COMMENTS

Kaibab National Forest  
Tusayan Ranger District



Comments may be provided in the following ways:

-  At tonight's meeting using the Comment Station
-  **ONLINE:** [www.fs.usda.gov/project/?project=46776](http://www.fs.usda.gov/project/?project=46776)  
(Click "Comment on Project")
-  **EMAIL:** [comments-southwestern-kaibab@fs.fed.us](mailto:comments-southwestern-kaibab@fs.fed.us)  
*Subject Line: Tusayan Roadway Easements*
-  **U.S. MAIL:** ATTN: Deirdre McLaughlin,  
Kaibab National Forest  
Williams Ranger District  
742 S. Clover Rd. Williams, AZ 86046
-  **FAX:** (928) 635-5680  
*Subject Line: Tusayan Roadway Easements*

***Written comments  
may be delivered  
electronically  
or in-person.  
To be part of the  
public record,  
all comments  
must be received  
by the Kaibab  
National Forest  
no later than  
June 2, 2015.***

---

## **APPENDIX D**

### **PUBLIC SCOPING MEETING BOARDS**

# FREQUENTLY ASKED QUESTIONS

Kaibab National Forest  
Tusayan Ranger District



**Q1:** Is it unusual for the Forest Service to receive a request for access across National Forest?

**A1:** No. It is common for the Forest Service to work with the owners of private inholdings that are surrounded by or adjacent to National Forest lands. We often receive proposals for various kinds of permits and easements, and there is a process in place for evaluating those proposals.

**Q2:** Doesn't the fact that the proponent (the Town of Tusayan) will be paying for the cost of the environmental review indicate that the Forest Service will decide in the Town's favor?

**A2:** No. It is Forest Service policy for applicants for special use authorizations to pay for the processing of their applications. This fact holds no sway over the final decision to approve or deny the easement request.

**Q3:** Why isn't an environmental impact statement rather than an environmental assessment being prepared? Isn't an environmental impact statement the appropriate level of analysis for a proposal like this?

**A3:** We are in the initial stages of the environmental analysis process. It is premature to define the level of environmental analysis required until we complete scoping of the proposed action. Based on scoping and/or subsequent analysis, the Forest Service will determine whether an environmental assessment or environmental impact statement is appropriate.

**Q4:** Isn't it true that Stilo Development Group and/or the Town of Tusayan selected the third-party consultant to prepare the environmental analysis, and isn't that a conflict of interest?

**A4:** The consultant is chosen solely by and serves under the direct supervision of the Forest Service.

**Q5:** What is the name of the third-party consultant, and how can I find out more about them?

**A5:** WestLand Resources, Inc., is the third-party consultant that will prepare the environmental analysis. Additional information is available on their website at [www.westlandresources.com](http://www.westlandresources.com).

**Q6:** Why is the Town of Tusayan the applicant for the easements?

**A6:** Per the Forest Service Manual, Southwestern Region (Region 3) Supplement 2700-2009-1 directive 2732.3, the Forest Service can only grant an easement to a public road management agency, or road users or improvement district, of the affected landowners.

**Q7:** I heard that the Forest Service generally prohibits private property access roads from passing through the National Forest if there's another access point available. Why can't that happen in this case?

**A7:** That doesn't apply in this case because the only access to the privately-owned Kotzin Ranch and Ten-X properties is through National Forest.

**Q8:** The easements are proposed to access private properties within the forest that were zoned by the Town of Tusayan for residential and commercial uses. How will the impacts of the potential development of these private inholdings be addressed?

**A8:** The Forest Service will analyze direct, indirect, and cumulative effects of granting the easements to the Town of Tusayan. While it is not within the Forest Service scope of authority to approve or deny development on private property, an analysis of the development itself will be included in the environmental review, per the requirements of The National Environmental Policy Act (NEPA) and Forest Service regulations.

# FREQUENTLY ASKED QUESTIONS (continued)



**Q9: Who authorized the development?**

**A9:** The private land is within the Town of Tusayan town limits, therefore the development has been authorized by the Town of Tusayan through their planning and zoning process. Information is available on the Town's website at [www.tusayan-az.gov](http://www.tusayan-az.gov). The Forest Service does not have the authority to authorize or deny the development or zoning of private property. The Forest Service does have the authority to approve the easements as requested, approve easements with modifications to the proposed improvements, or leave access as it exists.

**Q10: How will the proposed roadway and utility easements affect the Grand Canyon?**

**A10:** The potential effects on the Grand Canyon of the requested roadway and utility easements will be identified, analyzed and disclosed in the NEPA document. This includes potential effects to seeps and springs, which have been a concern for many individuals and groups. Comments received during scoping will help inform the issues analysis.

**Q11: How long will this process take? I heard it could be a year before there is a decision.**

**A11:** It is difficult to put an exact timeline on an environmental analysis process because it depends on the issues raised, level of analysis, and a variety of other factors. However, in this case, it is estimated that an environmental assessment would take about a year to complete, and an environmental impact statement would take longer than that.

**Q12: How do I ensure I have the opportunity to be involved in the process and review any NEPA documentation?**

**A12:** To sign up to receive notification of the availability of project documentation, please send an email to Kaibab National Forest project lead Deirdre McLaughlin at [damclaughlin@fs.fed.us](mailto:damclaughlin@fs.fed.us). Updates are also available on the Kaibab National Forest website at [www.fs.usda.gov/goto/TusayanEasement](http://www.fs.usda.gov/goto/TusayanEasement).

**Q13: Can the Forest Service decide to not grant the proposed easements?**

**A13:** Yes. The Forest Service can select the "no action" alternative and not grant the proposed easements. The Forest Service is required to allow reasonable access to private inholding properties such as Kotzin Ranch and Ten-X Ranch. As part of the NEPA analysis, it will be determined if there is existing reasonable access to the properties. If there is existing reasonable access, the Forest Service can decide to not grant the proposed easements.

**Q14: Do my comments matter?**

**A14:** Yes. Public involvement is a critical component of the NEPA process. Among other benefits, public comment assists the Forest Service in identifying the full breadth of public issues and concerns.

**Q15: How can I comment on the project?**

**A15:** There are many ways to comment on the project. Commenting options are available through the project NEPA website at [www.fs.usda.gov/project/?project=46776](http://www.fs.usda.gov/project/?project=46776). Comments are requested by June 2, 2015.



# TUSAYAN ROADWAY EASEMENTS Forest Service Decision Framework

Kaibab National Forest  
Tusayan Ranger District



The easement process was initiated with a special use application from the Town of Tusayan, which was reviewed by the Forest Service for consistency with applicable law, regulation and agency policy, and accepted. Following application acceptance, the National Environmental Policy Act (NEPA) requires the Forest Service to analyze potential effects of approving or not approving the easements. The NEPA process will result in an Environmental Assessment (EA) or Environmental Impact Statement (EIS). Upon completion of the NEPA process, the Forest Service may decide to approve the easements as requested, approve easements with modifications to the proposed improvements, or leave access as it exists. Following are a few of the laws, regulations, and policy governing the decision making on this proposal.

## National Environmental Policy Act

**NEPA** [42 U.S.C. §4321 et seq. (1969)] was one of the first laws ever written that establishes the broad national framework for protecting our environment. NEPA's basic policy is to assure that all branches of government give proper consideration to the environment prior to undertaking any major federal action that significantly affects the environment.

NEPA requirements are invoked when a federal action may significantly affect the quality of the human environment. EAs and EISs, which are assessments of the likelihood of impacts from alternative courses of action, are required from all federal agencies and are the most visible NEPA requirements.

## Council of Environmental Quality

The **Council on Environmental Quality** (CEQ) coordinates federal environmental efforts and works closely with agencies and other White House offices in the development of environmental policies and initiatives. CEQ was established within the Executive Office of

the President by Congress as part of the National Environmental Policy Act of 1969 and additional responsibilities were provided by the Environmental Quality Improvement Act of 1970.

## Forest Roads and Trails Act

The **National Forest Roads and Trails Act** of October 13, 1964, (16 U.S.C. 532-538, Pub. L. 88-657) provides authority that allows the Forest Service to work cooperatively with state, county, or local public road authorities for the cooperative planning, survey, design, construction, reconstruction, improvement, and maintenance of certain "Forest Roads." Of note, Region 3 further defined the authority such that they can only grant an easement to a public road management agency, or road users or improvement district, of the affected landowners.

## Federal Land Policy and Management Act

The **Federal Land Policy and Management Act** (FLPMA) provides additional direction for ingress and egress to private lands within National Forest System land boundaries. FLPMA is the authority for issuing permits and easements for private roads to in-holdings not covered by the National Forest Roads and Trails Act.

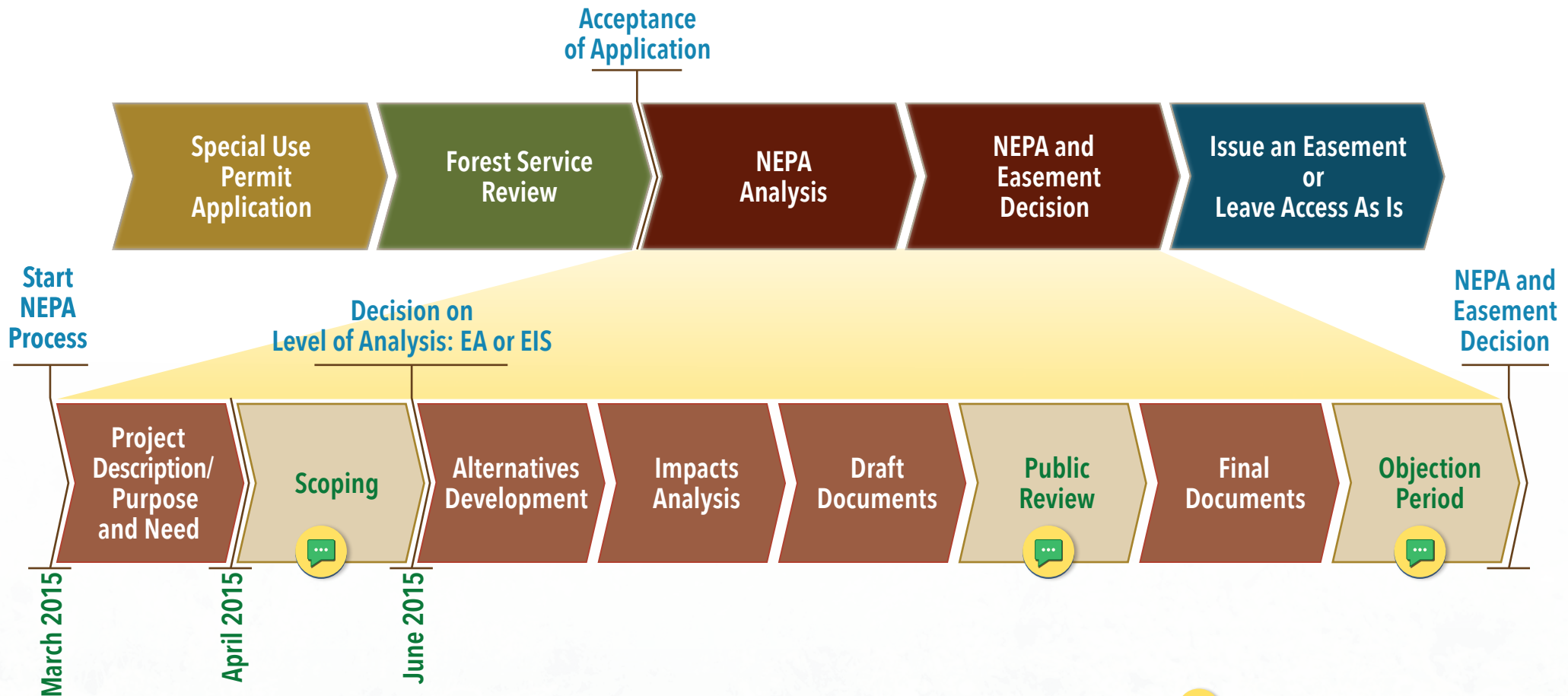
## Alaska National Interest Lands Conservation Act

The **Alaska National Interest Lands Conservation Act** (ANILCA), originally established to protect federal lands, includes provisions that regulate development and use of private lands, in Alaska, adjacent to federal lands that required access across federal lands. Originally applicable to lands in Alaska, this law now applies to federal lands outside of Alaska. A provision of the law requires that a private owner shall be given rights necessary to assure adequate and feasible access for economic and other purposes; such rights shall be subject to reasonable regulations to protect the natural and other values of such lands.



# THE EASEMENT PROCESS AND NEPA ANALYSIS

The easement process was initiated with a special use application from the Town of Tusayan, which was reviewed by the Forest Service for consistency with applicable law, regulation and agency policy, and accepted. Following application acceptance, the National Environmental Policy Act (NEPA) requires documenting potential effects of approving or not approving the easements. The NEPA process will result in an Environmental Assessment or Environmental Impact Statement. Upon evaluation of the NEPA analysis, the Forest Service may decide to approve the easements as requested, approve easements with modifications to the proposed improvements, or leave access as it exists.



Opportunities for public input.






TOWN  
OF

## Tusayan Proposed Roadway Easements Project and Environmental Analysis

## Comments may be provided in the following ways:

Kaibab National Forest  
Tusayan Ranger District








-  At tonight's meeting using the Comment Station
-  **ONLINE:** [www.fs.usda.gov/project/?project=46776](http://www.fs.usda.gov/project/?project=46776)  
(Click "Comment on Project")
-  **EMAIL:** [comments-southwestern-kaibab@fs.fed.us](mailto:comments-southwestern-kaibab@fs.fed.us)  
*Subject Line: Tusayan Roadway Easements*
-  **U.S. MAIL:** ATTN: Deirdre McLaughlin,  
Kaibab National Forest  
Williams Ranger District  
742 S. Clover Rd. Williams, AZ 86046
-  **FAX:** (928) 635-5680  
*Subject Line: Tusayan Roadway Easements*

TOWN OF **Tusayan Proposed Roadway Easements Project and Environmental Analysis**

## Comments may be provided in the following ways:

Kaibab National Forest  
Tusayan Ranger District



-  At tonight's meeting using the Comment Station
-  **ONLINE:** [www.fs.usda.gov/project/?project=46776](http://www.fs.usda.gov/project/?project=46776)  
(Click "Comment on Project")
-  **EMAIL:** [comments-southwestern-kaibab@fs.fed.us](mailto:comments-southwestern-kaibab@fs.fed.us)  
*Subject Line: Tusayan Roadway Easements*
-  **U.S. MAIL:** ATTN: Deirdre McLaughlin,  
Kaibab National Forest  
Williams Ranger District  
742 S. Clover Rd. Williams, AZ 86046
-  **FAX:** (928) 635-5680  
*Subject Line: Tusayan Roadway Easements*

TOWN OF **Tusayan Proposed Roadway Easements Project and Environmental Analysis**



## FLAGSTAFF, AZ

Wednesday, May 20, 2015 | 5-8 p.m.  
Doubletree Hotel, 1175 W. Route 66

# Public Scoping Meeting Comment Form

Kaibab National Forest  
Tusayan Ranger District



Thank you for attending tonight's meeting to learn more about the **Tusayan Proposed Easements Project and Environmental Analysis**. Please take a few minutes to provide us with your comments, ideas, and concerns on the proposed easements and place this form in the comment box located at the comment station. Your comments are very important to us.

---

---

---

---

---

---

---

---

You may also submit your comments:

ONLINE: [www.fs.usda.gov/project/?project=46776](http://www.fs.usda.gov/project/?project=46776) (Click "Comment on Project")

EMAIL: [comments-southwestern-kaibab@fs.fed.us](mailto:comments-southwestern-kaibab@fs.fed.us) (Subject Line: *Tusayan Roadway Easements*)

MAIL: Deirdre McLaughlin, Kaibab National Forest, Williams Ranger District, 742 S. Clover Rd. Williams, AZ 86046

FAX: (928) 635-5680 (Subject Line: *Tusayan Roadway Easements*)

Please add my name to the mailing list ☐

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

In an effort to increase efficiency and reduce spending, future communications for this project will be electronic. If you would like to receive project updates, please provide your email address. If you do not have access to email or the Internet and would like to receive project updates, please contact: Deirdre McLaughlin, Forest Service Project Case Manager, 742 S. Clover Street, Williams, Arizona 86046 or call (928) 635-5600.

TOWN  
OF

# Tusayan Proposed Roadway Easements Project and Environmental Analysis



USDA Forest Service

USDA Forest Service  
Ecosystem Management Coordination  
1400 Independence Ave., SW  
Washington, DC 20250

Phone: (800) 832-1355

We are on the Web:

<http://www.fs.fed.us>

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, DC 20250-9410, or for Forest Service issues please call, toll free, (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal Relay at (800) 877-8339 (TDD) or (866) 377- 8642(relay voice users). USDA is an equal opportunity provider and employer.

**Mission :** *The mission of the USDA Forest Service is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations.*

**Motto:** *Caring for the Land and Serving People*

## What happens to my objection, once I send it in?

Once the objection is received by the reviewing officer it will be reviewed to determine if it contains the necessary information and if the objector commented on the proposed project or activity. The reviewing officer will confirm receipt of the objection, and accept, partially accept, or set aside the objection in writing.

For non-HFRA project, after the 45-day objection filing period ends, a 45-day objection review period will begin. The review period may be extended up to 30 days at the discretion of the reviewing officer. If there is a time extension the reviewing officer will notify all parties. For HFRA projects, after the 30-day objection filing period ends, a 30-day objection review period will begin with no extension of the review period.

Prior to a written response by the reviewing officer, the re-

viewing officer or the objector may request to meet to discuss issues raised in your objection and any potential resolution. The reviewing officer has the discretion to determine whether adequate time remains in the review period to make a meeting with you practical, the appropriate date, duration, agenda, and location for any meetings, and how the meeting(s) will be conducted to facilitate the beneficial dialogue, such as a face to face office meeting, project site visit, teleconference, video conference, etc.

Along with the reviewing officer, it is expected that the responsible official will attend any resolution meetings and while these meetings are not required to be legally noticed they are open to the public. The reviewing officer will, however, determine whether people, other than objectors, may actively participate. If there is more than one objection, the reviewing officer

may decide to hold a joint meeting with all objectors to help everyone understand each other's issues. All parties will be notified of the meeting time(s), location(s), and any necessary conferencing contact information.

At the end of the objection reviewing period the reviewing officer may consolidate objections and issue one response or may decide to issue a written response to each objection. The written response(s) will set forth the reasons for the response, but is not required to be a point-by-point response. It may contain instructions to the responsible official. The written response will be the final decision by the U.S. Department of Agriculture on the objections.

Once the reviewing officer has issued the response to the objections, and the responsible official has followed any instructions contained in the written



response, the responsible official may sign the final ROD or Decision Notice and implement the project.



# Project-Level Pre-decisional Administrative Review Process 36 CFR Part 218

USDA Forest Service

## What is the objection process and what happened to the appeals process?

Section 428 of the Consolidated Appropriations Act, 2012 directed the Forest Service to establish a pre-decisional objection process for projects and activities documented with a Decision Notice or Record of Decision, instead of the post-decisional appeal process used since 1993. On March 27, 2013, a final rule revising 36 CFR Part 218 was published in the Federal Register and became effective upon that publication date.

The final rule expands the use of the current pre-decisional objection process promulgated in 2004 for hazardous fuel reduction projects authorized under the Healthy Forests Restoration Act (HFRA) of 2003 to include other projects and activities implementing land and resource management plans.

To meet the statutory requirements of HFRA, the notice and comment requirements of the Appeal Reform Act, and the direction of Section 428, the final rule establishes 3 subparts as follows:

**Subpart A**, General Provisions applicable to all proposed projects subject to Part 218;

**Subpart B**, Provisions specific to project-Level proposals not authorized under the Healthy Forests Restoration Act; and

**Subpart C**, Provisions specific to proposed projects authorized under the Healthy Forests Restoration Act.

One thing to keep in mind is that Section 428 is specific to proposed projects documented with a Record of Decision or a Decision Notice. That means, at this time, projects that are documented with a Decision Memo and categorically excluded from documentation in an environmental impact statement and environmental assessment will remain subject to the notice, comment, and post-decisional appeal procedures of 36 CFR 215.



Tongass National Forest, Alaska, Courtesy US Forest Service

## Will this be a better process?

The Forest Service believes that considering public concerns before a final decision is made aligns with our collaborative approach to forest management and increases the likelihood of resolving those concerns resulting in better, more informed deci-

sions. Engaging diverse perspectives and potential contributions of the American people across the country early and throughout the planning process is essential to 21st Century forest conservation management. Collaboration is bringing divergent viewpoints together to foster conservation designed by

and accomplished in partnership with the American people.

Agency policy encourages collaboration around project planning between the responsible official and interested publics. What sets the project-level objection process apart from the collaborative efforts

that precede it during project planning, is the involvement of the reviewing officer in reviewing, helping to resolve, and otherwise responding to objection issues.



Who can object?



In order to object to a proposed project, you must have previously submitted timely, specific written comments during the public comment periods, unless your objection concerns an issue that arose after the opportunities for formal comment was over.

For purposes of eligibility to file an objection, an entity includes non-governmental organizations, businesses, partnerships, state and local governments, Alaska Native Corporations, and Indian Tribes. The use of the term “Objector” applies to all persons or entities who meet eligibility requirements associat-

ed with the filed objection. As to what is considered a “specific written comment”, your comments including transcribed oral statements, must be within the scope of the project and have a direct relationship to the proposed action. Your comments on the project must also include supporting reasons for the responsible official to consider.

Attention should be given to objections that list multiple names. When this situation arises you may find yourself the “lead objector”. It is important

to know, however, that all individuals and/or entities must be able to prove eligibility. As a lead objector you would be representing the other objectors for the purposes of communication, written or otherwise, regarding the objection.

Who am I filing an Objection with?



There are two individuals who are very important to the objection process –the “responsible official” and the “reviewing officer”. The responsible official is the Forest Service employee who has the authority to make and implement a decision on a proposed action. The reviewing officer is either the Department of Agriculture or Forest Service official having the delegated authority

and responsibility to review an objection.

The new objection process fosters active engagement of responsible officials with the public by reserving the reviewing officer responsibilities to a Forest Service line officer at the next higher administrative level above the responsible official, while clarifying that Deputy Regional Foresters and Deputy Forest Supervisors could serve

as reviewing officers as well. That means that if the project you are interested in is on your local Ranger District and the District Ranger is the responsible official, the Forest Supervisor or Deputy Forest Supervisor would be the reviewing officer. If the Forest Supervisor is the responsible official, the Regional Forester or Deputy Regional Forester would be the reviewing officer.

When and how do I file an Objection?

The objection period begins with the publication of a legal notice in the Newspaper of Record and the issuance of the Environmental Assessment or Final Environmental Impact Statement (FEIS) and the draft Decision Notice and finding of no significant impact or draft Record of Decision (draft ROD). Notice will also be posted on the applicable Forest Service’s office web page or if the Chief of the Forest Service is the responsible

official, in the Federal Register. It will be your responsibility as the objector to ensure your objection is received on time.

A letter or email stating that these documents are available will be sent out to those individuals and organizations who have submitted specific written comments on the proposed project. The documents will be available hard copy, on DVD, or on our web site.

If you wish to object to a proposed project documented in an FEIS or EA and draft ROD or draft Decision Notice you must do so in writing during the objection filing period, which is 45 days for non-HFRA projects and 30 days for HFRA projects following the publication date of the legal notice in the Newspaper of Record. Two things to bear in mind, there are no time extensions and your objection must be sent to the reviewing

officer. The address and contact information and different ways you can send in your objection are found in the legal notice and in the cover letter or email sent to the public. If the objection is sent via email the objector will receive an email confirming receipt of the objection. If you don’t receive an email verifying your submittal, you should alert the contact designated in the notice.

What does the Objection Contain?

The objection must contain the following information:

- The objector’s name, address, and telephone number, if available;
- Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the objection);
- Identification of the lead objector, when multiple names are listed on an objection. Verification of the identity of the lead objector if requested;
- The name of the project being objected to, and the name and title of the responsible official and the name of the National Forest(s) and/or Ranger District on which the project is located.

- A statement of the issues and/or the parts of project to which the objection applies;
- A concise statement explaining the objection and suggesting how the proposed plan decision may be improved. (Note: This information is very important because it will help to set the tone and agenda for the meeting discussions.) If applicable, the objector should identify how the objector believes that the plan revision is inconsistent with law, regulation, or policy; and
- A statement that demonstrates the link between prior specific written comment attributed to the

objector and the content of the objection, unless the objection concerns an issue that arose after the opportunities for formal comment. (Note: The objection procedure regulations require this linkage for issues raised in your objection.)



It is important to understand, at this stage, that the incorporation of documents by reference is not allowed except for the following:

- All or any part of a Federal law or regulation
- Forest Service directives and land management plans
- Documents referenced by the Forest Service in the proposed project EA or EIS subject to objection

Is there a chance my Objection will be rejected?

There are several ways your objection might be set aside and not considered. The first is you missed the deadline! Be sure to submit your objection before the end of the objection period. Remember, you only have 45 days for non-HFRA projects and 30 days for HFRA projects. The second is that the project you are interested in is not subject to the objection process, such as any projects being considered under a categorical exclusion. Any notices to the public will explain which process the proposed project falls under, so hopefully you won’t run into this problem.

public comment. There is an exception to this regarding issues that arose after the opportunities for comment were over. If this happened, you must be able to link your issues with the new information or you risk having your objection set aside because you had not commented during the project and cannot prove the connection between your objection and the new information.

To avoid these problems, be sure your other issues in your objection are based on previously submitted specific written comment along with a statement demonstrating the connection between your comments and your objection. And finally, please make sure you provide a legible objection, that your identity is provided, and you supply enough information

Another potential stumbling block would be if you didn’t submit timely and specific written comments regarding the project during scoping or another designated opportunity for

for the reviewing officer to understand the issues. If not, you may find your objection has been set aside.



“Engaging diverse perspectives and potential contributions of the American people across the country early and throughout the planning process is essential to 21st Century forest conservation management.”

---

## **APPENDIX E**

### **REPRESENTATIVE PUBLIC SCOPING COMMENTS**

An initial content analysis of the unique letters, form letters, and petitions produced a preliminary categorization of themes. The three themes identified are: comments related to the approval of the special use permit for construction of road and utility improvements across USFS lands, comments related to development of the private lands accessed by the road improvements, and those related to the implementation of Federal regulations. A listing of representative verbatim comments by theme can be found in *Table E-1*, *Table E-2*, and *Table E-3*.

Table E-1. Representative Comments on Special Use Permit for Construction of Road and Utility Improvements<sup>1</sup>

NUMBER	COMMENT
1.	Urges the Kaibab National Forest to reject the Town’s application...it is not in the public interest.
2.	Tusayan has failed to disclose the water source that will be required to maintain thousands of dwelling units and millions of square feet of commercial space. Without these key data, the USFS may find it difficult to predict the magnitude of the easements’ – and the development’s – threat to South Rim springs, the Havasupai Tribe, and Grand Canyon’s wildlife.
3.	None of these laws (ANILCA, FRTA, and FLPMA) mandate that the USFS provide the upgraded access that the Town seeks, and the latter two grant the USFS authority to condition or reject the application. For these reasons, the USFS must not be under the misimpression that the Town of Tusayan has a <u>right</u> to construct the easement it seeks.
4.	ANILCA does not mandate that the USFS approve the easement application because Stilo already has access for “reasonable use and enjoyment” of its lands.
5.	ANILCA only provides landowners with the right to adequate “ingress and egress,” not to utility corridors. Accordingly, ANILCA does not provide the USFS with any authority to consider Tusayan’s application for easements for water, power, sewer, etc. The USFS must analyze the proposed easements for such services under FLPMA Title V.
6.	ANILCA applies where “landowners” seek access to their property. “The regulations in this subpart [implementing ANILCA] set forth the procedures by which <u>landowners</u> may apply for access across National Forest System lands.” The Town is not the landowner of at least one of the parcels (TenX), and owns only a small piece of the Kotzin parcel. Nor does Tusayan appear to seek access for itself. Its application states that “an 80-foot-wide corridor is requested to provide all weather access and utility service to the two <u>privately owned</u> in-holding parcels.” The Town is seeking easements to assist in accessing <u>Stilo’s</u> land, to support Stilo’s development, not to its own land for its own use. For this reason, too, USFS may not grant Tusayan’s application pursuant to ANILCA.
7.	Stilo’s planned development also threatens to harm the Kaibab National Forest’s own resources through increased vehicle traffic, noise, lights, and air pollution. The TenX Ranch has been identified as providing habitat for fawning pronghorn, and is directly adjacent to USFS lands that include elk calving grounds, deer and pronghorn fawning grounds, and an “important wildlife water source.”
8.	The USFS should reject the application because neither Tusayan nor Stilo has demonstrated financial or technical capability.

<sup>1</sup> Stilo refers to Stilo Development USA, the entity who owns the tow private inholdings within the Kaibab National Forest.

<sup>2</sup> Mr. Uberauga is the Grand Canyon National Park Superintendent since July 2011.

Table E-1. Representative Comments on Special Use Permit for Construction of Road and Utility Improvements<sup>1</sup>

NUMBER	COMMENT
9.	The USFS's analysis of the impacts of the easement and Stilo's development must be grounded on the baseline assumption that current and ongoing climate change will further tax already severely strained water and groundwater resources, and may worsen the risk of wildfire.
10.	The USFS must analyze and disclose direct effects from the easements, including construction impacts such as: airborne dust, vegetation removal (special status plants including clustered leather flower and Tusayan flameflower), destruction of burrows and nests of the area's ground-dwelling animals (Arizona pocket mouse and little pocket mouse, barriers to wildlife movement, disrupt connectivity among plant and wildlife populations, Clean Water Act fill permit, sediment runoff and erosion during periods of rain, noise, diminish local residents' quality of life, diesel emissions, temporarily altering traffic patterns, and traffic control on SR 64 to accommodate construction equipment and operations.
11.	Tusayan has not provided an estimate of vehicular traffic. The USFS must determine or make reasonable projections about the anticipated volumes and timing (daily and seasonal) of each traffic type (e.g., car, heavy truck, bus, recreational vehicle, etc.) so that it is able to: 1) assess whether the proposed easements can accommodate traffic volumes to and from the inholding development, and determine the consequences if the easements are inadequate; 2) assess how vehicular use of the easement roads will affect traffic patterns on existing roads (e.g., Long Jim Loop Road, SR64); and 3) analyze the environmental effects of the vehicular traffic induced by the development. Any traffic assessment necessarily depends on the potential development scenarios for the inholdings. Because neither Stilo nor Tusayan has disclosed its precise development plans, the USFS should assume the inholdings will be developed to full build-out. Traffic modeling should various maximum-development scenarios; for example a development with a greater residential-to-commercial ratio would create more car traffic, whereas a development with a greater commercial-to-residential ratio would create more truck and bus traffic.
12.	Increased traffic along the TenX access road may hinder access to Forest Road 302 beyond the parcel. Forest Road 302 appears to be the preferred route to access Kaibab Forest landmarks such as Hull Cabin and Grandview Lookout Tower.
13.	The USFS should request additional information from Tusayan on precise utility placements so that it can determine whether utilities could be inundated and adversely affected by stormwater percolation through roadside drainage ditches.
14.	More traffic will lead to more litter, more noise, more human-caused fires, more air pollution, more camping in the area, more noise, more accidents (and hence the need for more emergency services), and more potential trespass off road.
15.	<p>The USFS must analyze and disclose cumulative impacts of the proposed easements and connected development in conjunction with other reasonably foreseeable projects and actions in the region.</p> <ul style="list-style-type: none"> <li>• The South Zone Travel Management Revision Project</li> <li>• South Zone Grasslands Restoration Project</li> <li>• Grand Canyon National Park Airport Improvement Program</li> <li>• Canyon Mine and other uranium mining activities in the region</li> <li>• Escalade Aerial Tram Project</li> <li>• Grand Canyon Watershed National Monument</li> <li>• Kaibab Village</li> <li>• New Water Well supporting Sage Valley Mobile Home Park in Valle</li> <li>• Tusayan Flood Reduction Project</li> <li>• Tusayan East Wireless Communication Sites Project</li> </ul>



Table E-1. Representative Comments on Special Use Permit for Construction of Road and Utility Improvements<sup>1</sup>

NUMBER	COMMENT
	<ul style="list-style-type: none"> <li>• Grand Canyon Backcountry Management Plan</li> <li>• Four Forest Restoration Initiative</li> </ul>
16.	A Traffic Impact Analysis, produced by a professional subject matter expert, is critically relevant to the appropriate determination of road classification types for high intensity commercial, multistory hotel, and high-density residential units.
17.	The proposed rural minor collector road detail contains no shoulders or breakdown lanes. Drainage would be immediately adjacent to the road bed with limited ability to pull off of the road bed in the event of an accident or mechanical failure. Absence of shoulders or breakdown lanes creates significant public safety concerns.
18.	Another public safety point of considerations is the KS1 proposed route, with high commercial traffic counts and commercial trucking loads, through a school zone with no road shoulders. Additionally, KS1 is proposed to cross a FEMA mapped flood plain. Coconino County is the Flood Plain Administrator for this area and should be consulted on the flood plain implications of building a road through a designated Flood Zone A with no gutter or drainage structures.
19.	If analysis of the proposal is to be based on a most intense development scenario, the appropriate road classification would be an arterial with a 4 lane divided road system; turn lanes; full shoulders; significantly wider right-of-way of 160 feet or more; and, curb and gutter (especially where the road enters a Flood Zone A on the KS1 access).
20.	Given the overwhelming public opposition to this plan and the numerous harms it poses to native wildlife, tribal communities and Grand Canyon National Park, the USFS must refuse to issue the right-of-way permit that will allow this development to move forward.
21.	Mr. Ueberuaga erroneously assumes that the KNF has some obligation to manage the National Forest as a buffer zone for the Grand Canyon National Park. The park boundaries and proximity to the KNF should not unreasonably limit activities occurring on National Forest land.

Table E-2. Representative Comments on Development of the Private Lands Accessed by the Road Improvements<sup>2</sup>

Number	Comment
1.	Stilo's massive development threatens the water, wildlife, visitors, and infrastructure of the Park
2.	Tusayan has failed to disclose the water source that will be required to maintain thousands of dwelling units and millions of square feet of commercial space. Without these key data, the USFS may find it difficult to predict the magnitude of the easements' – and the development's – threat to South Rim springs, the Havasupai Tribe, and Grand Canyon's wildlife.
3.	The purpose and intent of the application, and the reasonably foreseeable impacts of approving it, will be the transformation of two undeveloped properties on the threshold of Grand Canyon into a major resort facility that could not and would not exist but for the USFS's approval.
4.	...build-out includes up to nearly 2,200 new housing units and more than 120 acres of commercial development, and up to three million square feet of new commercial space. Such development would hugely expand the commercial footprint of Tusayan (which is now less than 150 acres and could increase the Town's population by more than ten-fold.
5.	The plan states that "approved zoning for [the Kotzin and TenX] parcels allows a maximum of 2,176 dwelling units (446 single family units and 1,730 multi-family units, which includes 300 dormitory rooms)." The National Parks Service noted that Stilo's legal representative projected the development would increase Tusayan's population from 550 to between 8,500 and 6,000, and that others have estimated a population increase to as high as 8,000.
6.	Because of the impacts that Stilo's planned development will have on Grand Canyon National Park and other concerns...granting access that will allow such development to proceed is not in the public interest.
7.	...the USFS must consider whether making that development possible is in the public interest and whether the development will unreasonably conflict and interfere with adjacent non-National Forest System lands.
8.	...building the resort the easements will make possible threatens the water that is the lifeblood of springs that nourish wildlife and habitat within Grand Canyon National Park. This is so because the most likely source of water for the giant commercial development and the thousands of new residents and overnight guests is groundwater pumping from the regional aquifer.
9.	Groundwater pumping in Tusayan is almost certain to have direct and negative effect on spring flows in Grand Canyon National Park. Modeling done in 1999 to assess a prior version of Stilo's development projected that 50 years of groundwater pumping at 300 gallons per minute (gpm) in Tusayan would reduce spring flows at critical springs in the Park – including Indian Gardens by an average of 14% and at Hermit Springs by an average of 8% - and would also reduce annual flows at Havasu Spring within the Havasupai Reservation by about 275 acre-feet per year. The pumping rate required to satisfy the water demands of the Stilo development is likely resulting in even greater reductions in flows of springs and seeps.
10.	The Park's Division of Science and Resource Management warned that "[r]educing spring flows can...make perennial springs intermittent or seasonal, harming or eliminating spring-obligate species or endemic flora and fauna that do not have the ability to spread across the arid landscape to a more suitable location. Reliable sources of water to backcountry hikers and wildlife may be threatened, creating a hazard to human safety and the health of animal communities. Species diversity near springs is 100 to 500 times great than in surrounding Park Habitats. The impacts of groundwater pumping would

<sup>1</sup> Stilo refers to Stilo Development USA, the entity who owns the tow private inholdings within the Kaibab National Forest.

<sup>2</sup> Mr. Ueberauga is the Grand Canyon National Park Superintendent since July 2011.

Table E-2. Representative Comments on Development of the Private Lands Accessed by the Road Improvements<sup>2</sup>

Number	Comment
	exacerbate effects to springs and seeps likely to be caused long term by reductions in precipitation resulting from climate change.
11.	<p>The Interior Department recently underscored the threat groundwater pumping would pose to Grand Canyon National Park. Michael J. Bean, Principal Deputy Assistant Secretary for Fish, Wildlife and Parks, informed the Agriculture Department:</p> <p style="padding-left: 40px;">the Special Use Authorization will facilitate development which could result in a variety of negative impacts to the Park and, importantly, to its “Outstanding Universal Value” (OUV), i.e., what makes the Park significant at a global level. In particular, if the development taps into groundwater sources, it could present irretrievable loss in water resources and attendant biota associated with seeps and springs in the Park. It is our understanding that, to date, neither the town of Tusayan nor the developer has identified a source of water for the development. Until a water source has been identified, it may be premature to begin an environmental analysis.</p> <p>Assistant Secretary Bean also noted that the development made possible by the easements threatened a World Heritage Site (Grand Canyon), which all departments, including the USFS, have a duty to protect.</p>
12.	The letter from Mr. Bean asserts that granting the Tusayan Application “will facilitate development which could result in a variety of negative impacts to the [Grand Canyon National Park]. In fact, the current lack of housing in communities surrounding the Park has resulted in the proliferation of housing and development inside the park over the past ten (10) years including several hundred apartments and single family homes, miles of roads and new parking lots all inside the park boundary.
13.	The KNF should also reject comments suggesting that the KNF delay conducting its NEPA analysis because of a lack of sufficient information to assess certain alleged indirect impacts from granting the Tusayan Application. For example, Michael J. Bean, Principal Deputy Assistant Secretary for Fish and Wildlife and Parks for the Department of the Interior, recently sent a letter to the Department of Agriculture asserting that because Stilo and Tusayan have not yet identified a water source for development of their inholding properties in the KNF, “it may be premature to begin an environmental analysis.” However, to the extent that proposed development of Stilo’s or the Tusayan’s property need to be considered in the NEPA at all, the fact that a water source has not been identified is not a legal basis to delay KNF’s NEPA analysis. To the contrary, the fact that the current water source is not yet determined and that KNF has no authority over water uses on Stilo’s or the Town’s property leads to the conclusion that there is not sufficient causal link to require KNF to speculate about that issue in its NEPA analysis. Moreover, it would be directly contrary to the requirement under CEQ regulations to “integrate the NEPA process with other planning at the earliest possible time” if the KNF were to delay its NEPA analysis on the basis of speculation regarding the indirect effects of the proposed road and utility improvements.
14.	Mr. Bean asserts that “if the development taps into groundwater sources it could present irretrievable loss in water resources and attendant biota associated with seeps and springs in the Park. However, Mr. Bean has not provided any facts to support his assertions and we are unaware of any credible facts that do. Given that the source of water supply is not determined at this time, and that the KNF has no authority over water uses on Kotzin and Ten-X Ranches, there is not a “reasonably close causal relationship” requiring KNF to speculate about water supply issues in its NEPA documents.
15.	The Park’s superintendent, David Uberuaga has stated that the Tusayan development threatens to harm the Park’s night sky with light pollution, and will degrade visitor experience in the park by causing increased noise, increased crowding in the Park, and more use of the airport in Tusayan by jets.

Table E-2. Representative Comments on Development of the Private Lands Accessed by the Road Improvements<sup>2</sup>

Number	Comment
16.	<p>The Park Service believes that Stilo's proposal could result in the Park's infrastructure becoming further overwhelmed. Superintendent Ueberuaga testified to these impacts in 2011:</p> <p>With a large residential community on the boundary of the park, and with increased in visitation will come additional operational demands on park infrastructure and staff that provide emergency services, law enforcement, visitor programs, maintenance and other visitor related services such as the visitor transportation system, and on the local clinic and school – both located within the park boundary.</p> <p>Beyond water, wildlife, visitor experience, park infrastructure...and the long term impacts can occur to these resources, we are also greatly concerned about park vegetation - such as the invasion and spread of exotic species; for cultural sites – knowing that increased development and additional roads can lead to looting of archaeological sites both within and outside of the park; threats to proposed wilderness adjacent to the South Rim that could be impacted by degraded air quality, noise impacts to natural sounds, impacts to view sheds and vistas from installation of infrastructure, and clearing and grading for roads to name just a few. We are also concerned about large increases in visitation and local populations and how we might manage those with limited resources and an aging infrastructure. What will be the environmental and fiscal effects...we don't know, as no analysis has taken place, and concerns that we and others have expressed, have not been addressed in an adequate manner.</p> <p>Ecological processes cross park boundaries, and park boundaries may not incorporate all of the natural resources, cultural site, and scenic vistas that relate to park resources or the quality of the visitor experience. Therefore, activities proposed for adjacent lands may significantly affect park programs, resources, and values.</p> <p>For all of these reasons, Superintendent Ueberuaga has declared the private development, for which the Kaibab National Forest's approval of the special use authorization is the on/off switch, "[one of] the greatest threat[s] to the Grand Canyon in the 96-year history of the park."</p>
17.	<p>Dave Ueberuaga, the Superintendent of the Grand Canyon National Park, recently commented that "building a large residential community and lodging complex on the boundary of the park would increase visitation and place additional operational demands on park infrastructure and staff who provide emergency response, law enforcement, maintenance and other visitor-related services. These assertions by Mr. Ueberuaga are based on conjecture and are not supported by any credible facts of which we are aware. Moreover, they involve alleged impacts in a national park, over which the KNF has no control.</p>
18.	<p>Increasing Tusayan's population ten-fold or more will cause an increase in litter, solid waste, water runoff, sewage, noise, light pollution, traffic, crime, air pollution, and roadkill from increased vehicle traffic, and a need for additional services including schools, police, ambulance, fire, and refueling stations. Flights to and from the Grand Canyon Airport may increase, bringing more air pollution and noise. Businesses in Williams, Flagstaff, and other communities that serve Grand Canyon visitors will be impacted by competition from the new facilities.</p>
19.	<p>The demand for affordable housing in Tusayan likely would increase dramatically as a result of the resort and commercial development. Any assertion that enabling a massive resort development will alleviate Tusayan's housing shortage defies common sense.</p>
20.	<p>As with an expansion of the Crested Butte ski area expansion rejected by the USFS in 2009, the Tusayan proposal is deeply controversial, is opposed by local communities, would stress the local and Park infrastructure, will transform a rural landscape into an intensely developed resort, and will require a significant commitment of resources to complete the NEPA process.</p>

Table E-2. Representative Comments on Development of the Private Lands Accessed by the Road Improvements<sup>2</sup>

Number	Comment
21.	Although information on the scale of development is available, precise plans have not been provided. Perhaps most significantly, Stilo has not identified the water source that will supply its development. Groundwater pumping from the regional aquifer – the most likely water source – threatens grave consequences for Grand Canyon and the Havasupai Reservation. Stilo claims that it is exploring other water supply options. But until it identifies and receives approval for use of those sources, it is premature for the USFS to consider Tusayan's application.
22.	The USFS's analysis of the impacts of the easement and Stilo's development must be grounded on the baseline assumption that current and ongoing climate change will further tax already severely strained water and groundwater resources, and may worsen the risk of wildfire.
23.	The USFS must analyze and disclose environmental effects from the inholdings' development because such development is an indirect effect of and a connected action to the proposed easements.
24.	Subsequent development – or induced growth – clearly is a reasonably foreseeable effect of a federal action when the entire purpose of the federal action is to facilitate such development.
25.	The USFS must analyze and disclose all reasonably foreseeable environmental effects from possible development scenarios,
26.	<p>The inholdings' development could have numerous reasonably foreseeable environmental effects including:</p> <ul style="list-style-type: none"> <li>• development plans for the inholdings</li> <li>• water supply</li> <li>• water treatment</li> <li>• flooding and urban-enhanced runoff</li> <li>• air quality</li> <li>• uranium mining waste</li> <li>• wildlife</li> <li>• habitat loss and fragmentation</li> <li>• waste management</li> <li>• Tusayan infrastructure</li> <li>• Kaibab National Forest roads and recreation</li> <li>• Grand Canyon National Park infrastructure and visitor experience</li> <li>• night skies</li> <li>• soundscape</li> <li>• Grand Canyon School</li> <li>• Grand Canyon Airport use</li> <li>• American Indian cultural resources</li> <li>• other historic and cultural resources</li> <li>• fire risk</li> <li>• community services</li> <li>• electricity demand</li> <li>• economic impacts</li> </ul>
27.	<p>The USFS must analyze and disclose cumulative impacts of the proposed easements and connected development in conjunction with other reasonably foreseeable projects and actions in the region.</p> <ul style="list-style-type: none"> <li>• The South Zone Travel Management Revision Project</li> <li>• South Zone Grasslands Restoration Project</li> <li>• Grand Canyon National Park Airport Improvement Program</li> </ul>



Table E-2. Representative Comments on Development of the Private Lands Accessed by the Road Improvements<sup>2</sup>

Number	Comment
	<ul style="list-style-type: none"> <li>• Canyon Mine and other uranium mining activities in the region</li> <li>• Escalade Aerial Tram Project</li> <li>• Grand Canyon Watershed National Monument</li> <li>• Kaibab Village</li> <li>• New Water Well supporting Sage Valley Mobile Home Parke in Valle</li> <li>• Tusayan Flood Reduction Project</li> <li>• Tusayan East Wireless Communication Sites Project</li> <li>• Grand Canyon Backcountry Management Plan</li> <li>• Four Forest Restoration Initiative</li> </ul>
28.	A giant development bigger than the Mall of America with all its traffic, noise, and pollution will have significant, damaging impacts to the Forest, to the Park, to visitor experience, and to wildlife.
29.	There is more than enough supporting infrastructure in place in Flagstaff.
30.	A massive development will hurt the environment, hurt local businesses and raise property values making them unaffordable for local citizens and budget travelers.
31.	Do not permit anything that is detrimental to one of the Natural Wonders of the World and to the residents of the area along with the state.
32.	Impacts to springs, wildlife, and other elements needed for sustaining life for all of us is at risk.
33.	The night sky around the Canyon is incredible and should be considered a National Treasure. Please don't ruin our night sky by letting this development encroach on the canyon.
34.	There is nothing more important than keeping every square inch of parkland safe from additional outside noise and pollution that should never be allowed nearby!
35.	This project should be denied until the foreign developer can prove to a scientific certainty that it has a source of water and that utilizing that source of water will have no adverse impact whatsoever on the Grand Canyon.
36.	This huge development will diminish the beauty, adversely affect the delicate ecological balance and the wildlife that are essential to keeping the balance.
37.	This development is a very, very bad idea. Issues include NO water, traffic, and an insufficient Hwy 64 pollution (air and light probably water as well), disturb wildlife, and will probably damage prehistoric sites.
38.	The Grand Canyon is already impacted by the level of development that currently exists in and around the rim. Allowing a large complex to be built, will only further damage this beautiful treasure by impacting groundwater, increasing runoff, and increase air and noise pollution.
39.	Having formerly lived in Flagstaff 30 plus years ago, we can recognize and understand the negative impact climate change is having on this area, including the increasing depth to ground water. At best, the proposed development seems to be an extremely risky, short-term investment opportunity that is also environmentally insensitive.
40.	This is totally unnecessary and way too destructive. Flagstaff is only 60 miles away, Williams about the same. Lots of motels, restaurants, housing there.
41.	The proposed easements will impact the Arizona National Scenic Trail (AZT) and the experience of trail users, including hikers, runners, backpackers, mountain bikers, and equestrians. The AZT is an 800-mile

Table E-2. Representative Comments on Development of the Private Lands Accessed by the Road Improvements<sup>2</sup>

Number	Comment
	National Scenic Trail and State Scenic Trail that is among the greatest natural resources in the nation. It attracts locals and international visitors alike, and has become increasingly popular since its completion in 2011. It is an economic engine for the state of Arizona as well as the 33 Arizona Trail Gateway Communities, including the Town of Tusayan.
42.	As the administering agency of the AZT, the USDA USFS has an important responsibility in the protection of the trail.
43.	Once constructed, this new road/utility infrastructure may result in degradation of the scenic and acoustic values of the Arizona National Scenic Trail. Additionally, the new roadway may create a safety hazard for users of the AZT through increased intersections with motorized traffic.
44.	We recognize the potential benefits of the roadway easement widening to the Town of Tusayan; increased infrastructure to this gateway community will also benefit the Arizona Trail. However we also recognizing the potential negative impacts to the Arizona Trail experience.
45.	The increase in permanent residents and tourists that would inevitably result from this development will also overburden the already limited resources of both the USFS and National Park Service. Grand Canyon National Park faces a backlog of nearly \$330 million of unfunded maintenance projects, and the USFS has trouble ensuring its areas are protected in the face of increasing recreational use. The Tusayan development will only make this work to maintain and restore these lands more difficult.
46.	If issues raised by the commenters are too speculative to assess or not sufficiently within the authority of KNF to control, KNF should exclude those issues from its analysis rather than amassing needless detail in its NEPA documents. KNF can supplement its environmental analysis if significant information later becomes available to the KNF to warrant consideration of an issue, but the KNF cannot delay its environmental analysis on the basis of speculative and unsubstantiated assertions.
47.	The timing and amount of growth on the inholdings will be controlled by zoning approved by the Town and market demand. Nevertheless, population growth is a reasonably foreseeable effect of the road improvements and utility easements that should be considered as an indirect effect in the NEPA document.
48.	Some opponents to growth in the Tusayan area have raised concerns over future water supplies, particularly over uses of groundwater, notwithstanding the fact that Stilo has consistently explained that it is exploring long-term, sustainable water supplies for development of its property.
49.	The Grand Canyon National Park is not on the list of endangered World Heritage Sites and does not receive financial assistance from the World Heritage Fund.
50.	The World Heritage Centre recently released a report noting that the Grand Canyon National Park was not in need of special protection beyond park boundaries. Specifically, the report concluded that “[t]here is no buffer zone, and it is not needed. The report also concluded that the “boundaries of the World Heritage property are adequate to maintain the property’s Outstanding Universal Value. The report further stated that in addition to general federal environmental laws, there are “25 additional legal [and/or] regulatory designations [that] help protect Grand Canyon National Park.” Although the report references potential external threats to the park (i.e., uranium mining, water extraction, etc.), the overall conclusions of the report are that the park’s current boundaries and management are sufficient.

Table E-3. Representative Comments on Implementation of Federal Regulations, Laws, and Legal Decisions

NUMBER	COMMENT
1.	The USFS must prepare a full environmental impact statement (EIS) because the development will have significant impacts on Grand Canyon National Park and its water, wildlife, visitors, and infrastructure, as well as on the Kaibab National Forest and the surrounding environment. The USFS must disclose the developments' impacts because the easements' purpose and effect is to make that development possible.
2.	NEPA requires the USFS to evaluate all reasonable alternatives and consider all reasonable mitigation measures.
3.	<p>Any suggestion that the USFS may rely on or merely prepare a supplement to the 1999 Tusayan Growth EIS to comply with NEPA for the easement application is incorrect for several reasons. First, the proposed action at issue in the Tusayan Growth EIS was a land swap that would concentrate development near the Town. Here, development will occur on two parcels outside of the developed area of Tusayan; the <u>opposite</u> of the Tusayan Growth proposal. The proposed action at issue here is not a "substantially changed" version of the land swap, but an entirely different proposal.</p> <p>Second, the world – and the local area – has changed significantly over the last 16 years. For example, today there is much better understanding of the effects and accelerating pace of climate change. Impacts to the South Rim springs and seeps from groundwater pumping will be aggravated by prolonged drought and a warming climate in the desert Southwest. In addition, Grand Canyon National Park now faces a staggering maintenance backlog, which increased visitation will worsen.</p> <p>Third, the Tusayan Growth EIS assumed that development would occur on three parcels (including Kotzin and TenX) under the "no action" alternative, in which a land swap would not occur. Here the "no action" alternative to granting the easements is that no development would occur.</p>
4.	The USFS must prepare a full environmental impact statement because the easements, and the development they are intended to induce, will significantly damage the environment.
5.	An action's effects "must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. The context here is the Grand Canyon watershed, with its vast undeveloped habitats, scenic views, clear air quality, unique seep and spring ecosystems, and unparalleled habitats, scenic views, clear air quality, unique seep and spring ecosystems, and unparalleled recreational opportunities. This iconic landscape draws over five million visitors per year who seek to experience Grand Canyon's incomparable natural values.
6.	<p>The USFS must prepare an EIS because the direct, indirect, and cumulative effects – including impacts of Stilo's development – on the environment will indisputably be "significant".</p> <p>This development, which may increase the population of the Town of Tuayan tenfold, will have substantial impacts on traffic, air quality, noise, water demand, effluent, wildlife, socioeconomics, and other environmental concerns. These effects will occur in and adjacent to, and severely impact, the iconic Grand Canyon. At the very least, "substantial questions" have been raised as to whether the development will significantly affect the environment, necessitating preparation of an EIS.</p>
7.	<p>The area impacted includes Grand Canyon National Park and other areas with unique characteristics, including Grand Canyon, Colorado River, wetlands/unique springs, and historic and cultural resources.</p> <ul style="list-style-type: none"> <li>• The impacts of granting the easements are likely to be highly controversial.</li> <li>• The proposed action involves some highly uncertain impacts and unique or unknown risks.</li> <li>• The proposed action involves some highly uncertain impacts and unique or unknown risks.</li> <li>• The proposed action may impact important cultural and historical resources.</li> <li>• The easements likely will impair public health and safety; including local air quality, risk of vehicle-pedestrian collisions, strain on existing emergency services, and serious safety threat to hikers and backpackers in Grand Canyon who depend on spring flow for drinking water.</li> </ul>

Table E-3. Representative Comments on Implementation of Federal Regulations, Laws, and Legal Decisions

NUMBER	COMMENT
	<ul style="list-style-type: none"> <li>• The easement application threatens to violate Federal laws and requirements meant to protect the environment. The proposed action threatens violations of the Kaibab National Forest Plan, Grand Canyon National Park Management Plans and the National Park Service Organic Act, Grand Canyon National Park's federal reserved water rights, and the Grand Canyon School Districts' property rights.</li> <li>• The proposed action may adversely affect endangered or threatened species and their habitat: project area overlaps with the range of the endangered California condor, a petition has been filed to list two species that are endemic to and depend upon South Rim springs and seeps, and the proposed project also may adversely affect endangered fish species in the Colorado River.</li> </ul>
8.	<p>The USFS must analyze alternatives and mitigation measures that limit the damage of the easements and proposed development. We therefore request that the USFS consider the following alternatives that address the purpose and need:</p> <ul style="list-style-type: none"> <li>• A purchase alternative</li> <li>• One parcel alternative(s)</li> <li>• Park infrastructure protection alternative</li> <li>• One road to Kotzin alternative</li> <li>• Mitigate infrastructure impacts</li> </ul>
9.	<p>The only responsible action, the only action in the public's interest is the no action alternative. The potential direct, indirect, and cumulative negative impacts to Grand Canyon National Park, Kaibab National Forest, and the plants, animals, and people that depend on these areas is enormous.</p>
10.	<p>Stilo believes the Tusayan Application both meets the project need and minimizes impacts to KNF resources by maximizing use of existing forest roads. Nonetheless, it may be possible to develop alternative actions based upon modification of the proposed routes and design of the easements requested in the application.</p>
11.	<p>The direct and indirect effects of the proposed action are adequately summarized in the Tusayan Applications. In summary, the direct effects include:</p> <ul style="list-style-type: none"> <li>• Improved public and emergency services access to Stilo's and the Town's inholdings and surrounding lands of the KNF;</li> <li>• Permanent and temporary impacts to surrounding soil and vegetation within and adjacent to the easement areas as a result of road and utility construction;</li> <li>• Reduction in fugitive dust resulting from paving of existing gravel and dirt roads;</li> <li>• Reduction of erosion and sedimentation from stormwater runoff as a result of paving existing access roads;</li> <li>• Increased stormwater runoff from impervious roadways; and</li> <li>• Changes in existing road noise levels.</li> </ul> <p>Indirect impacts from the proposed action are expected to be limited to increased public use of the roads to access surrounding National Forest land and effects from population growth anticipated under the existing zoning and other local use requirements for Kotzin and Ten-X Ranches, which are administered by the Town. The forest roads that will be improved under the Tusayan Application will remain open for public use. It is reasonably foreseeable that the improved access could increase utilization of nearby National Forest land for recreational purposes, such as hiking and dispersed camping.</p>

Table E-3. Representative Comments on Implementation of Federal Regulations, Laws, and Legal Decisions

NUMBER	COMMENT
12.	Although some effects of growth can be readily quantified and considered, the KNF need only consider growth impacts that have a “reasonably close causal relationship” to the road improvements. The KNF is not required to consider alleged impacts of growth that are highly speculative and indefinite.
13.	...the KNF should reject requests from other commenters to assume “worst case scenarios” in assessing the impacts of the federal action at issue here, which is not a requirement of NEPA.
14.	It is essential that the KNF set an appropriate baseline against which to measure the impacts of the proposed action. One of the primary goals of performing NEPA analysis is to determine whether a proposed action may “significantly” affect the human environment and necessitate the preparation of an EIS. However, “significance” varies with the context and intensity of a proposed action. For a site-specific action, such as the Tusayan Application, the significance depends on the impacts in the locale rather than the region as a whole.
15.	The Tusayan Application largely seeks to improve existing USFS roads that already receive traffic and facilitate public use of surrounding National Forest land. The baseline for any traffic analysis and noise should take into account current uses, including any reasonably foreseeable increases in those uses that will occur regardless of whether the Application is approved.
16.	ANILCA requires the USFS to provide Stilo and the Town with access adequate for reasonable use and enjoyment of their lands, which includes the uses authorized by the Town of Tusayan pursuant to approved zoning.
17.	NEPA does not require the USFS to consider and analyze a worst case scenario due to uncertainties over the indirect effects of the Tusayan easements. CEQ regulations instruct agencies how to analyze the reasonably foreseeable impact on the human environment when there is incomplete or unavailable information.
18.	There is also an insufficient causal link between the proposed easements and increased visitation to the Grand Canyon National Park. The park has steadily received between 4.2 and 4.7 million visitors per year since 1992. There are no facts to suggest that development of adequate housing and commercial sites in the Tusayan area will significantly increase visitation to the park beyond those levels.

---

## **APPENDIX F**

### **PUBLIC SUGGESTED ALTERNATIVES**



The National Environmental Policy Act (NEPA) requires a comprehensive alternative assessment be completed. In reviewing possible alternatives for the roadway and utility easements, numerous locations, technical feasibility, and mitigation measures are studied. Also taken into account are public comments and key issues that have been identified during the scoping process. Alternatives are removed from further evaluation if they do not meet the purpose and need of the project or they are not practical or are not technically feasible. NEPA requires that a “no-action” alternative be considered in environmental impact statement (EIS) documents. Under the “no-action” alternative, the roadway and utility easements would not be granted but development of private properties may still take place. This “no-action” alternative serves as the baseline for estimating the effects of action alternatives. The baseline for analysis would be the existing condition of the environment. Comments submitted during the 2015 public scoping period regarding the project alternatives are summarized in the following.

## Roadway Alternatives

- An alternative route (to South Long Jim Loop) would come in on North Long Jim Loop from State Route 64 (**Figure F-1, Alternative A**). Approximately 1,500 feet from the cattle guard – 605MC – there is, currently, a stump of (lightning blasted?) Ponderosa pine tree. Long Jim Canyon narrows to about 50-feet wide at this point and has the added advantage of a limestone ledge on the far side that would serve as an abutment for a short bridge across the canyon. If the road grade was staired a few hundred feet back, the roadbed could be raised to about 20 or 25 feet at the point of crossing.

Once out of Long Jim Canyon, the landscape is a park-like setting. There is much open space between the older pines. Some mature Ponderosa pines would have to be cut down, but the road could be designed to curve around many others.

A course of approximately (*unclear*) would come out close to where the developers want to access Kotzin ranch using the current easement application.

There is a second wash that would have to be bridged. The unnamed wash is the route for FS 9421Z. While this is still a drainage channel for rain runoff, it is only about 1/3<sup>rd</sup> as wide as Coconino Wash and can be crossed with a short bridge.

- A southern access to Kotzin starting at the southeast part of Kotzin then traveling north along the power line to join the northern road [**Figure F-1, Alternative B(1)**]. Another option is to provide access to the southern portion of Kotzin from the northern roundabout [**Figure F-1, Alternative B(2)**].
- Development of public transportation is needed as an Alternative- Light rail, bus and other forms of transportation from Flagstaff, etc.
- Park Infrastructure Protection Alternative- bus transport hubs, deed restrictions that limit development of housing and commercial, deed restrictions against use of water from R-M aquifer or groundwater wells and deed restrictions for implementation of best practices for landscaping and construction to minimize harm to night skis, water use, pollution, fire, etc.
- One Road to Kotzin-one to the north or the south that avoids school Sanitary District, town park and mobile homes.

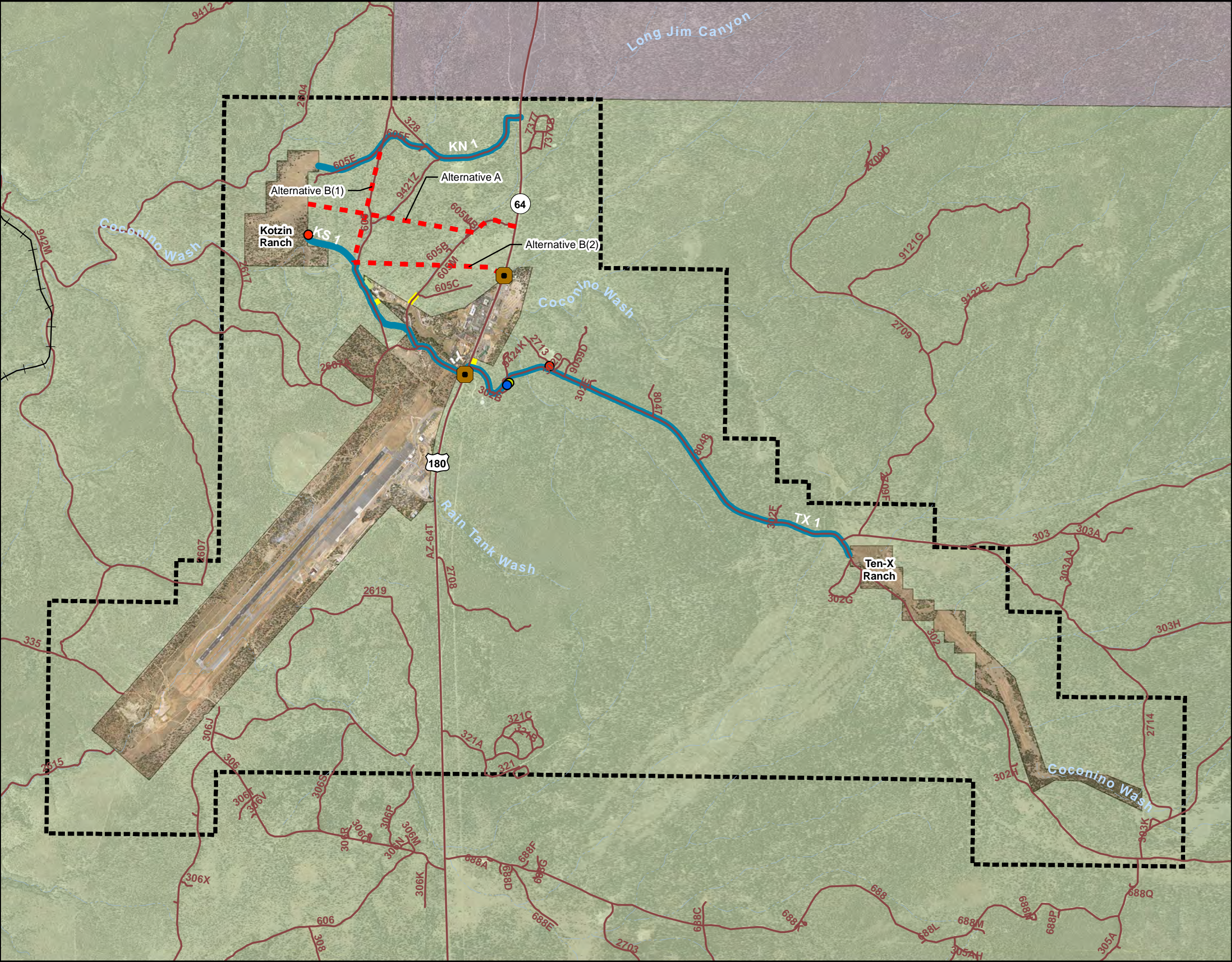
## **Land Exchange**

- A full range of alternatives, including an alternative which analyzes exchanging the private in-holdings for KNF land immediately adjacent to the Town of Tusayan. A land exchange such as this would limit disturbance associated with new roadway improvements, would reduce the potential for noxious weed spread and establishment, and would reduce habitat fragmentation compared to the proposed action. Additionally, consideration of a land exchange would better meet the desired conditions of the Kaibab National Forest Plan by establishing contiguous areas that provide efficient and resource management and wildlife connectivity.
- Purchase alternative-Forest Service purchase of Kotzin and Ten-X parcels. Funds would be provided through the Federal Land and Water Conservation Fund.
- An in-holding exchange for a parcel that is far away from the Grand Canyon in an urbanized area. The Town's in-holding could be exchanged for a parcel that is within or directly adjacent to the Town's residential areas where it may develop affordable housing. If an exchange is not possible, the Forest Service should also consider acquisition if these properties.
- Revisit land exchange from 15+ years ago
- Alternative H of the Tusayan Growth EIS should be reviewed and no less rigorous environmental review should take place for this application. A land exchange for all Stilo inholdings should be added.
- Is it possible to place this 40-acre parcel on the base for exchange so the developer could move this project to a less sensitive site farther away from the Grand Canyon such as near Williams?
- Let the developer who is driving this development move it outside the National Forest area, closer to the main highway west of Flagstaff, AZ.

## **Development Alternatives**

- All possible buildout options for Tusayan must be analyzed.
- What is the minimum development the Town of Tusayan needs to address the affordable housing situation they have cited and does the requested easement match the request for affordable housing?
- One Parcel Alternative- Consider an alternative to approve access to one parcel and not the other.
- What the developer or the Forest service can do is put in a tram from area hotels, motels, resorts, etc. to the Grand Canyon Park. This will benefit everyone including the National Park. See if the other alternatives in preserving and complementing the National Park and humanity.
- Move proposed infrastructure of off KNF lands and put on private property.
- The alternative for a waterline-Black Mesa Pipeline should be considered.





**Legend**

Proposed Booster Pump Station

Proposed Lift Station

Proposed Reclaimed Water Booster Pump Station

Roundabout

Easement Alternatives

Grand Canyon Railway

Motorized Vehicle Use Map (MVUM) Roads

Proposed Roadway Access and Utility Corridor

Proposed Sewer Easement

Streams

Town of Tusayan Boundary

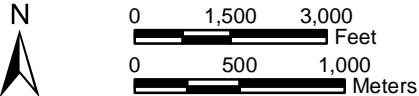
**Surface Management (BLM 2014)**

National Park Service (NPS)

Private Land (No Color)

US Forest Service (USFS)

T30N, R2E, Portion of Sections 13, 14, 23, & 24,  
T30N, R3E, Portion of Sections 19, 29, & 30,  
Coconino County, Arizona,  
Tusayan East & Tusayan West  
USGS 7.5' Quadrangles  
Image Source: NAIP 2015



**TUSAYAN PROPOSED ROADWAY AND  
UTILITIES EASEMENTS PROJECT**

Scoping

EASEMENT ALTERNATIVES

Figure F-1