



United States
Department of
Agriculture

Forest
Service

Santa Fe National Forest

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File Code: 2350-5
Date: June 3, 2009

Kevin Stillman
4080 Forest Road 268
Jemez Springs, NM 87025

Dear Mr. Stillman:

Thank you for your interest in the natural resources on the Jemez Ranger District. Over the years, your dedication to Santa Fe National Forest natural resources has been evident based on your interactions with our staff and the information you have provided during the Travel Management process. Resource protection is driving the Travel Management process. Implementation of the Travel Management Rule is expected to improve resource conditions regardless of which alternative is chosen and implemented. We are required to consider and make available to the public a full environmental and social/economic analysis of a reasonable range of alternatives. We are committed to working openly and collaboratively with all parties to ensure a strong, effective and defensible result. A hastily prepared analysis or one-sided decision would likely result in the decision being invalidated, and the process would need to start over. This would only delay our progress toward more active management of motorized use.

The petition you submitted (dated March 30, 2009) includes much of the information you have provided previously. The petition requests that the Forest Service take several actions to:

1. "functionally close (construct barriers to motorized vehicles and monitor closure status) the 27 routes described in detail in this document that total 66.9 miles in the Jemez Ranger District."
2. "promptly develop a restoration plan to identify and schedule remedial actions that are needed to restore all areas in the SFNF that have been damaged or degraded by motorized vehicles."
3. "develop a monitoring and enforcement plan subject to full public notice and comment no later than one year following the completion of Travel Management Planning to ensure that adequate resources are available to administer effective route closures, including the routes described in this Protection Order."

I have considered the evidence provided in the petition and the knowledge of the situation in the petition area by Forest Service staff. I do not conclude that motorized use is directly causing considerable adverse effects to natural and cultural resources sufficient to warrant an immediate closure. Please refer to the enclosed "Specific Comments about Points in the Petition" for additional information.

The legal authority you cited for issuance of a closure order is not appropriate. Under 5 U.S.C. Sec. 553(e) interested persons may petition for the issuance of a rule, but the statute does not provide for petitions for the issuance of an order. In addition, there is no procedure in 36 C.F.R. Part 212 or Part 261 for citizen petitions for closure orders.

The Chief of the Forest Service signed the Travel Management Rule in November 2005 because of agency-wide concerns about the effects of motorized use on National Forest natural resources. The rule,



laws and agency policies establish processes to come to a decision about what routes will be open and which will be closed. Two very important aspects of the process are to provide ample opportunities for public input and to provide thorough environmental analysis of the alternatives. Currently we are in the middle of this process.

After the final rule was published, we spent about two years talking to the public to understand the patterns of use and impacts on natural resources. You and many petition co-signers were involved in several discussions. From that effort, we published the proposed action for public comment. We are in the process of considering these comments, assessing environmental effects of existing motorized use, creating alternatives to the proposed action, and analyzing the environmental impacts of each alternative.

We will continue to analyze the impacts of the alternatives over the next few months. I will include your petition as public comments and will take the information you provided into account. All of the alternatives under consideration will allow significantly less motorized use than occurs now. We are currently fully engaged with this analysis, using all appropriate natural resource professionals. We are confident that the decision on designation for motorized use that will be rendered in about May, 2010 will be one which appropriately protects the natural resources, while allowing motorized use on a managed basis. It would be inappropriate to divert that effort to focus closely on the relatively small area proposed for closure in the Petition.

Once a decision is made on the Santa Fe National Forest Travel Management project, monitoring, education, enforcement, and restoration will follow. The Forest needs to focus its efforts on working through the National Environmental Policy Act process to decide which roads will be designated for motorized public use and which will not. This step needs to be fully complete before the Forest can establish realistic plans about which routes and specific methods to complete restoration activities, monitoring, and law enforcement actions.

Sincerely,

/s/ Daniel J. Jirón
DANIEL J. JIRÓN
Forest Supervisor

Enclosure

cc: Ron Curry
Secretary NMED