

Chapter 1. Purpose of and Need for Action

Structure of this Document

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

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

In addition to this document, there are six separate documents of maps. These documents are by alternative and each contains an index and maps displaying how each alternative changes motor vehicle use across the forest.

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

Background

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

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

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

The designated roads, trails, and areas will be published on a motor vehicle use map, which will be available to the public free of charge. In designating routes, the responsible official may include in the designation the limited use of motor vehicles within a specific distance of certain designated routes, and if appropriate, within a specified time period, solely for the purposes of dispersed camping or retrieval of a downed big game animal by an individual who has legally taken the animal (36 CFR 212.51(b)). After their initial publication, motor vehicle use maps will be reissued annually, reflecting any revisions to designations since the last printing.

Exemptions from these designations include: (1) aircraft, (2) watercraft, (3) over-snow vehicles, (4) limited administrative use by the Forest Service, (5) use of any fire, military, emergency, or law enforcement vehicle for emergency purposes, (6) authorized use of any combat or combat support vehicle for national defense purposes, (7) law enforcement response to violations of law, including pursuit; and (8) motor vehicle use specifically authorized under a written authorization issued under Federal law or regulation (36 CFR 212.51).

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

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

Location

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

Existing Transportation System

In general terms, the existing direction includes the NFS roads, trails, and areas currently managed for motor vehicle use, plus the restrictions, prohibitions and closures on motor vehicle use existing on a unit (Southwestern Region Travel Management Rule Guidelines (USDA Forest Service 2008)). Based on these terms, the motorized transportation system consists of roads that are stored in the INFRA database as “existing” and “operational maintenance level 2 through 5.” For motorized trails, the INFRA database entries are “existing” and managed or accepted for motorized uses.

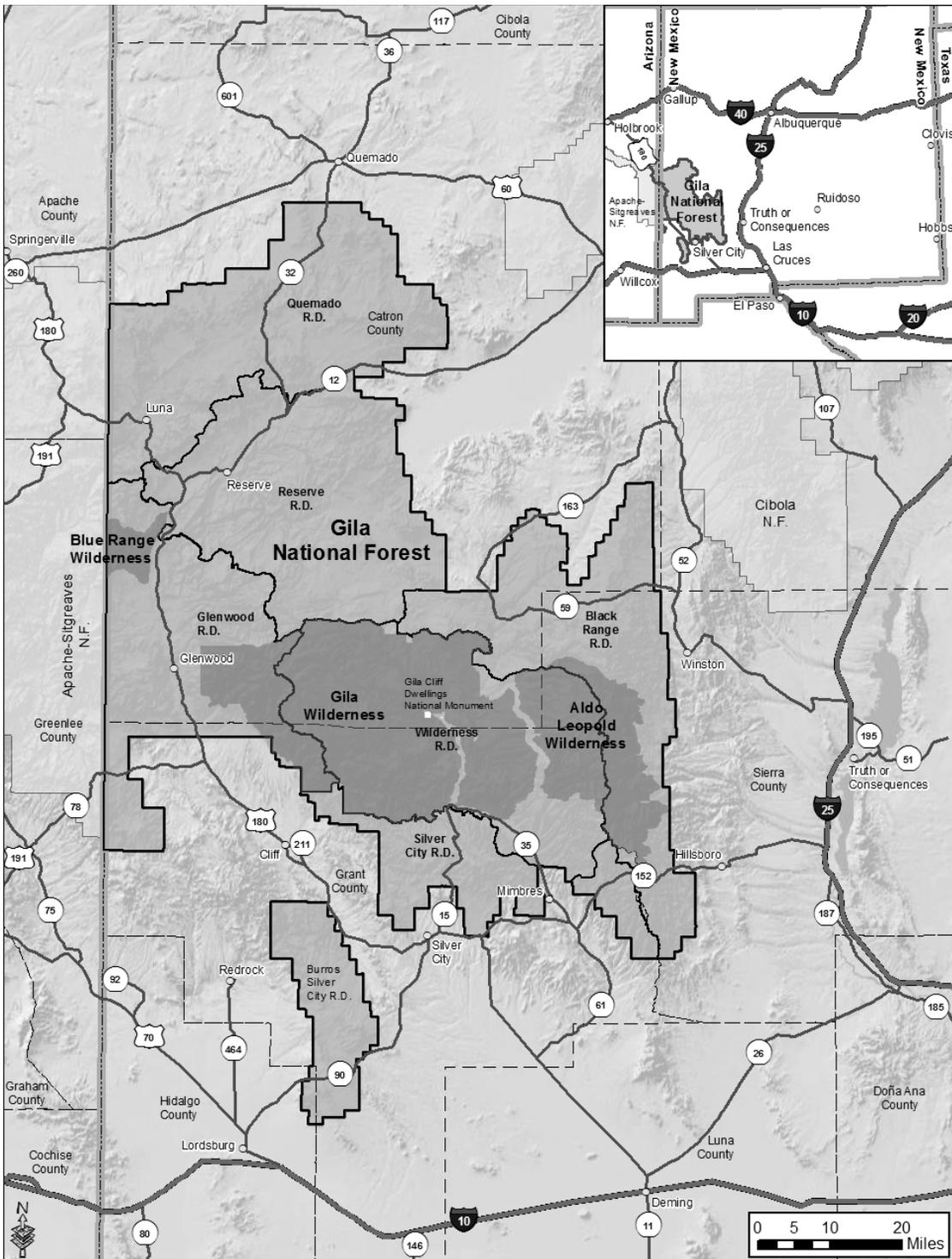


Figure 3. Location of Gila National Forest

The current existing condition of motorized roads and trails on the Forest is displayed in alternative B. It is helpful to display the forest's existing system that is open for motorized uses, because this project proposes to change it. The forest supervisor will use the effects analyses and public comments to decide what changes to make to the existing condition regarding motorized travel. The roads and trails shown on the alternative B map does not preclude consideration of routes and areas not shown on the maps to be proposed for inclusion into to the motorized transportation system. Conversely, motorized roads and trails shown on the alternative B map does not assure their inclusion in the designation process.

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

Cross-country Travel

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

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

The Gila National Forest does not currently have limits on places where people can drive to go camping in the forest outside of wilderness, research natural areas (RNA) including proposed RNAs, and other areas where motor vehicle use is prohibited and designated by orders (36 CFR 261.50). The forest's current direction allows people to drive and camp where off-road driving is allowed. Therefore, no special corridors are designated for motorized access to dispersed camping.

Under current direction, people can drive to retrieve downed game where off-road driving is allowed, on approximately 2.4 million acres. They can also scout for game by driving off roads except during the hunting season. More specifically, under New Mexico State Law for vehicle travel on Public Lands, "It is illegal to drive a motor vehicle off established roads or two-track roads in a hunting, trapping, or fishing area, if the vehicle transports a person licensed to hunt, trap or fish for species which are in open season in the area. It is illegal for a person so licensed to ride in or upon such a vehicle" (New Mexico Department of Game and Fish 2013).

Purpose of and Need for Action

The purpose of this project is to comply with the Travel Management Rule by providing a system of roads, trails, and areas designated for motor vehicle use by class of vehicle and time of year on the Gila National Forest (36 CFR 212.50). On the Gila National Forest:

- There is a need to comply with the Travel Management Rule by providing for a system of NFS roads, NFS trails, and areas on NFS lands that are designated for motor vehicle use by vehicle class, and if appropriate, by time of year (36 CFR 212.51(a)).

- There is a need to manage motorized vehicle use on NFS lands on the Gila National Forest in accordance with the provisions of the Travel Management Rule and 36 CFR parts 212, 251, and 261.
- There is a need to comply with 36 CFR 261.13, which requires the forest to prohibit motor vehicle use off the system of designated roads, trails, and areas (close the forest to motorized cross-country travel).
- There is a need to amend the forest plan to comply with the Travel Management Rule.

Previous Decisions

The Travel Management Rule allows the responsible official to incorporate previous administrative decisions regarding travel management made under other authorities, including designations and prohibitions of motor vehicle use, in designating NFS roads, trails, and areas on NFS lands for motor vehicle use (36 CFR 212.50(b)). Therefore, motorized roads or trails that are designated as maintenance level 1 (ML1) closed roads and decommissioned roads are not considered part of the existing open motorized system in alternative B and are not shown on the alternative B maps. Although they are not shown, it does not preclude the Forest from considering these routes during the NEPA process. The existing miles of designated road system that are not being closed or changed are not included in the proposed action; only the changes to the transportation system are included. The motor vehicle use map will include the resulting road system, those roads where motorized dispersed camping and motorized big game retrieval would be allowed within a specific distance, and areas open to motor vehicle use. The nonsystem roads (i.e., decommissioned, unauthorized, etc.) will not be shown on the motor vehicle use map and may not be used for motorized travel.

Modified Proposed Action, Briefly Described

The proposed action for managing motorized vehicle travel was published on September 11, 2009. This proposal was based on analysis done in the “Travel Analysis Process” (USDA Forest Service 2010). The proposed action was modified after scoping due to such things as technical errors in the route data, conveyances of roads to the counties, and land exchanges. More detail is provided under the discussion of *Alternatives Considered but Eliminated from Detailed Study – Alternative A* ([page 31](#)). Alternative F is the modified proposed action. In it, we propose adding approximately 7 miles to the road system; adding approximately 166 miles to the motorized trail system; designating over 1,447 miles of roads for motorized dispersed camping; allowing motorized big game retrieval up to one-half mile from open roads; and designating approximately 36 acres as areas open to motorized use. The forest would be closed to cross-country motorized use.

Decision Framework

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

- Whether to select the modified proposed action or another alternative as described, or as modified in the final decision;
- What changes to make to the designated system of roads, trails, and areas;

- Whether to designate the limited use of motor vehicles within a specified distance of certain routes solely for the purposes of motorized dispersed camping or retrieval of a downed big game animal by an individual who has legally taken that animal;
- Which amendments to include in the final decision.

Public Involvement

Scoping

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

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

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

Tribal Consultation

Tribal consultation for the Forest Service is guided by a variety of laws, Executive Orders and Memoranda, as well as case law. Laws include the National Historic Preservation Act of 1966 and subsequent amendments (Public Law 89-665, 15 October 1966), Archaeological Resources Protection Act of 1979 (Public Law 96-95, 16 U.S.C. 470aa-mm, 31 October 1979), American Indian Religious Freedom Act of 1978 (Public Law 95-341, U.S.C. 1996 and 1996a, 11 August 1978), National Environmental Policy Act of 1969 (NEPA) (Public Law 91-190, 42 U.S.C. 4321-4347, 1 January 1970), Native American Graves Protection and Repatriation Act of 1990 (Public Law 101-601, 16 November 1990), and National Forest Management Act of 1976 (NFMA) (Public Law 94-588, 22 October 1976, codified in 36 CFR 219). Executive Orders and Memoranda include a 1994 Memorandum on Government-to-Government Relations with Native American Tribal Governments (59 FR 85, 4 May 1994), E.O. 13007 on Accommodation of Sacred Sites (61 FR 104, 29 May 1996), and E.O. 12898 on Environmental Justice (59 FR 32, 16 February 1994).

Tribal consultation for the Travel Management Project is also guided by Section III of the Forest Service Region 3 Heritage Programmatic Agreement with New Mexico SHPO, and Section V of Appendix I of the Programmatic Agreement, the Standard consultation Protocol for Travel Management Route Designation. These documents ensure that tribes are consulted as early as

possible in the travel management planning process, to identify and address places of traditional and cultural significance, and tribal access to those places.

The Gila National Forest is committed to, and has conducted tribal consultation and provided documents associated with the NEPA during the travel management process. These consultations were carried out at the government-to-government level, ensuring that interested tribes were given the opportunity to participate in the planning process as required in NEPA and elsewhere. Gila National Forest has and will continue to be engaged in ongoing tribal consultation through all phasing work of travel management. The following 11 tribes or chapters were consulted regarding travel management:

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

Primary methods of consultation included letters, phone calls, providing travel management materials, and face-to-face meetings at tribal offices (USDA Forest Service 2013j). Although all tribes were contacted, not all were available or expressed an interest in consulting at the time.

Tribal Consultation Summary

Of the 11 federally recognized tribes contacted for consultation since 2007 on travel management, three expressed either no concerns, or that the Travel Management Project/decision would have no adverse effects on traditional cultural properties.

Four expressed general concerns about the need for continued access by tribal members for traditional plant gathering and other activities on the Gila National Forest. Three expressed concern about motorized vehicle and all-terrain vehicle (ATV) damage to cultural and natural resources.

Two tribes favored more restrictions on motorized use on the Gila National Forest. One of these favored the most restrictive motorized use alternative, feeling it would provide protection to cultural heritage values. One did not favor motorized big game retrieval saying ATV use should be limited.

No responses were received from two of the tribes.

Based on this information, no traditional cultural properties or sacred sites were identified within the Travel Management Project area, nor were any identified as being affected by the project. Gila National Forest is engaged in ongoing tribal consultation, and will consider additional information received under relevant law, regulation, and policy.

If identified, traditional cultural properties or sacred sites in the project area will be treated as significant historic properties under the provisions of the Forest Service Region 3 Programmatic Agreement and National Historic Preservation Act, similar to other cultural resources.

Comments

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

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

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

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

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

General Concerns

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

Aging and disabled populations – There is no legal requirement to allow people with disabilities to use motor vehicles on roads or trails, and in areas that are closed to motor vehicle use. Restrictions on motor vehicle use that are applied consistently to everyone are not discriminatory. Generally, granting an exemption from designations for people with disabilities would not be consistent with the resource protection and other management objectives of designation decisions and would fundamentally alter the nature of the Forest Service’s travel management program (29 U.S.C. 794; 7 CFR 15e.103).

Firewood gathering – Upon implementation of the Travel Management Rule, the use of motorized vehicles off of the designated road system (i.e., cross-country) for the purpose of gathering firewood (dead down, live, or green tree) would be allowed only in designated

firewood areas, as described in the permit. Dead and down firewood gathering may occur along any designated open road, however, vehicle use would be limited to roadside parking.

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

Forest management – Project work will continue. If roads are needed, but are not designated, the opening or construction of the needed roads will be considered in the appropriate NEPA analysis at the time.

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

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

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

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

Access for emergencies, including fire – Under 36 CFR 212.51: Designations of roads, trails, and areas of the Travel Management Rule: “the following vehicles and uses are **exempted** from these designations: (5) Use of any fire, military, emergency, or law enforcement vehicle for emergency purposes.”

Issues

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

Motorized Routes

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

This issue includes the following concerns:

- Increasing motorized routes and road densities may adversely affect watershed, fisheries, wildlife, air quality, invasive plant and animal species, sensitive plants, and cultural resources.
- Decreased motorized routes may adversely affect motorized access to the forest, leading to fewer motorized recreational opportunities.

- Motorized routes may lead to conflicts with nonmotorized users or, conversely, the concentration of motorized use.
- The type, extent, and location of motorized routes could have social and economic effects by impacting tourism, traditional uses, and other recreational pursuits, both motorized and nonmotorized.

Motorized Dispersed Camping

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

This issue includes the following concerns:

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

Motorized Big Game Retrieval

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

This issue includes the following concerns:

- Allowing motorized big game retrieval off designated roads may have adverse effects to watershed, fisheries, wildlife, air quality, invasive plant and animal species, sensitive plants, and cultural resources.
- Restricting motorized big game retrieval may have adverse effects on the tourism and related employment of local communities.
- Motorized big game retrieval should be restricted to the same corridors as motorized dispersed camping to reduce creation of additional routes and potential habitat degradation.

Areas

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

This issue includes the following concerns:

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

Notice and Comment Period for the Draft Environmental Impact Statement

The draft environmental impact statement (DEIS) was posted on the Gila National Forest's Web site in December 2010. The forest supervisor notified 16,513 people and organizations via email or letter that the draft was available for review. The people notified were those who commented during scoping, who asked to be kept on the mailing list, or who requested notification of the draft's availability. The notice and comment period—the official time allotted for the public to comment on the DEIS to have standing to appeal—started with the publication of the notice of availability in the Federal Register on January 7, 2011. The notice and comment period ran for 60 days beginning January 7 and ending March 7, 2011.

In conjunction with the notice and comment period, the forest hosted four open houses providing opportunity for the public to review, ask questions about, and comment on the DEIS for travel management.

The forest received more than 2,000 comment letters and emails on the DEIS.

Response to Comments Made during the Notice and Comment Period

The regulations implementing the National Environmental Policy Act provide direction to agencies to review and respond to comments on draft environmental impact statements (40 CFR 1503.4; FSH 1909.15 Chapter 20 Part 25):

An agency preparing a final environmental impact statement shall assess and consider comments both individually and collectively, and shall respond by one or more of the means listed below, stating its response in the final statement. Possible responses are to:

- *Modify alternatives including the proposed action.*
- *Develop and evaluate alternatives not previously given serious consideration by the agency.*
- *Supplement, improve, or modify its analyses.*
- *Make factual corrections.*
- *Explain why the comments do not warrant further agency response, citing the sources, authorities, or reasons which support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response.*

Staff of the Gila National Forest read and considered the comments received on the DEIS. Based on comments received, modifications were made to one or more of the action alternatives (appendix A). Because of the high volume of comments received, the forest grouped like comments together and responded to them (appendix B). Copies of the comments received on the DEIS from Federal, State, and local agencies may be found in appendix D.

Important Notes

The Decision Will Change Where People Can Drive in the Forest

Currently, the Gila National Forest is open to motorized use unless marked “restricted to motor vehicle use.” The Travel Management Rule reverses that procedure: the forest will be closed to cross-country motorized use except where specifically designated for motor vehicle use and displayed on the motor vehicle use map. Driving off of designated routes will not be allowed unless it is in a designated area or fixed-distance corridor solely for the purposes of motorized dispersed camping or motorized big game retrieval. Use of motor vehicles on roads, trails, and areas not shown on the motor vehicle use map would be illegal and subject to a fine.

The First Motor Vehicle Use Map

The first motor vehicle use map may not show all the roads and trails open to the public for motor vehicle use, fixed-distance corridors for motorized dispersed camping and big game retrieval, and areas shown in the record of decision. This may occur because:

- Under the USDA-Forest Service Region 3 Protocol regarding Section 106 consultation for Travel Management Route Designation (USDA-Forest Service Southwestern Region; New Mexico SHPO 2007), the Travel Management Rule NEPA decision can be signed based on existing cultural resource data. Additional cultural surveys and compliance may be phased up to three years after the decision has been signed.

While the record of decision may be signed, routes, fixed-distance corridors, and areas requiring Section 106 consultation and compliance may not appear on the motor vehicle use map until this work is completed. It is also possible that certain routes and areas may be modified or eliminated due to resource conflicts, thus not appearing on the motor vehicle use map

Only a few hundred acres remain to be surveyed for cultural resource evaluation. It is anticipated that phasing will consist only of some loose ends in survey areas, site visits, and report writing. This amount of work may be completed by the development of the first motor vehicle use map.

- Gila National Forest recently experienced heavy rain events, causing flood damage to many roads forestwide. Some of the roads damaged during these events are designated open to motor vehicle use by the public within some or all action alternatives. These roads and any other roads or motorized trails that incur damage from storm or other events may be temporarily closed until maintenance may be performed to repair damage. The forest will work toward having roads designated to be open for motor vehicle use available and on the first motor vehicle use map; however, it is possible some may not be.

Subsequent Motor Vehicle Use Maps

The motor vehicle use map will be reviewed and published annually, even if there are no changes to the system. In subsequent maps, roads, motorized trails, and areas including corridors may be included or removed as long as the proper environmental analysis, documentation, or surveys are completed. The annual publication of the motor vehicle use map means the public can continue to work with forest staff to add or remove roads, trails, and areas including corridors as appropriate.