



United States  
Department of  
Agriculture

Forest  
Service

Coronado National Forest  
Supervisor's Office

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File Code: 2720/2320

Date: February 27, 2012

George Barnes  
City Clerk/Manager  
City of Tombstone  
613 E. Allen Street  
P. O. Box 339  
Tombstone, AZ 85638

Dear George,

This letter is in response to your earlier request of January 13, 2012, to do repair work on several springs on the Coronado National Forest. As you know, we have been responding to litigation requests regarding the Tombstone water system so our response to your request has been delayed. The Coronado National Forest has been working with you to address your water conveyance requests for the spring development repairs for spring sites that you currently have under special use permit.

Based on the information developed from field visits and previous authorizations, this is the status that I am aware of for your spring development repair work on the Sierra Vista Ranger District:

**Miller Spring Area** - We have authorized work at the Miller Spring area to repair the spring catchment basin. It appears that the spring development work has been completed and water is flowing through your water distribution system. Remaining work at this site includes restoration of the site around the spring including decommissioning the spur road constructed to the spring and grading and water barring on the access road that was developed to the spring site from the Forest boundary. You indicated in your letter that you needed to do work in Miller Canyon below Miller Spring; but without further detail as to what that work is, I cannot address it at this time. If you need to conduct further work below Miller Spring using mechanized equipment or access, then please submit a work authorization request containing site-specific information for the proposed equipment; work plan; and timeframe so that we can process that request in compliance with all applicable federal laws.

Your project manager Kevin Rudd has requested the location of the Protected Activity Center (PAC) for the Mexican spotted owl (MSO) in Miller Canyon. The lower boundary of the PAC is approximately 300 feet below the first stream crossing within the Miller Peak Wilderness. However, the PAC location is not the only issue. With regard to work activity and disturbance to the MSO, there are other considerations beyond the PAC boundary that we need to address. There are also Restricted Areas outside designated PAC boundaries that contain suitable occupied habitat for MSOs. The entire Miller Creek drainage down to the wilderness boundary lies within a Restricted Area for MSO; and as such, we would need to consult with US Fish and



Wildlife Service (USFWS) prior to conducting work beyond March 1<sup>st</sup>. If you wish to continue working past March 1st, please let us know the location and specifics of the work you want to consider so that we can discuss with USFWS.

**Gardner Spring** - We have authorized the use of mechanical and motorized equipment to access work at Gardner Spring. Our monitoring indicates that you have progressed well in burying pipeline to the Miller Spring location. Once the pipeline has been completed, as described in your authorization letter, you are required to rehab the access route to Gardner Spring to its original status as a trail. Also be aware of the need to complete all mechanized and motorized activity by March 1<sup>st</sup> as described in your previous authorization letter of December 22, 2011.

In addition, as you continue the work on Gardner Spring, please remember that no pickup or flatbed trucks are allowed past the stream crossing. The excavator on site will be acceptable for burying the pipe and refilling the trench; however, the blade is not to be used on the trail as the new excavator is larger than what we discussed.

I understand you have verbally requested approval to complete additional work at Gardner Spring. The work is to protect the spring itself, using a large excavator that will be walked into the site up Miller Creek and to then construct a dike. Forest Service Manual Direction for Wilderness Management 2323.43(d) indicates "If needed and in the public interest, or a part of a valid existing right, permit maintenance or reconstruction of **existing structures** that does not change the location, size, or type, or which would not increase the storage capacity of a reservoir. Structures include reservoirs, ditches, and related facilities for the control or use of water that were under valid special-use permit or other authority when the area involved was incorporated under the Wilderness Act." Based on our determination of your request for a dam, dike or diversion structure that does not presently exist, this would constitute a change in the existing structures within wilderness that was not part of your original authorization.

There are options that you could consider to further protect your existing spring box development through the use of additional armoring at the site itself or using cable to anchor your spring development. These methods could be accomplished through non-mechanized methods. If you wish to pursue this, please contact the Sierra Vista Ranger District.

Changes to existing permitted water developments or additions of new water developments within Wilderness have a higher level of approval authority than the recent authorizations that you have obtained. To clarify these approval authorities I have attached Appendix A which summarizes the process that would be required to determine if approval would be appropriate. I would recommend that before you expend time and funds for proposing such actions that we sit down to discuss the issues and concerns that would have to be resolved prior to submitting a request to the national level.

**Carr Springs** - The Carr Springs repair work appears to be substantially complete with water flowing in your system. The spring site itself does not appear to have been substantially affected by flooding or fire from the 2011 Monument fire. The only additional work needed for this site is to paint the bright green new pipe line used in between the spring box developments with a color that will better blend in with the surrounding environment.

**Rock Spring** – The Rock Spring development did not appear to be connected to your system when we observed it recently. There does not appear to be much work needed other than the spring box being cleaned and repaired. All of this work can be accomplished through non-mechanized and non-motorized means. Unless additional ground disturbance activity beyond general maintenance of the spring site is needed, you can proceed with connecting that system in. If there are other spring developments within your special use authorization for Carr or Rock Springs, please let us know as we did not locate any other developments.

**Clark Spring** – The Clark Spring development is outside of the Miller Peak Wilderness and is accessed by a road that you have an easement for. The road to the spring site appears to have been graded and usable. The spring site itself does not appear to have any recent repair work completed. Our field review noted that the pipeline from the spring does not appear to have been utilized for quite some time, with very little evidence of any pipeline infrastructure present. I understand from talking with our Engineer that Mr. Rudd expressed a need to construct or install new pipeline from the spring to your distribution system. If you do plan to request installation of a new pipeline, we will need detailed plans from you on the location of such a pipeline, the type of pipe, and the method of construction or installation that you would use to install the pipeline. This information is needed to conduct the appropriate level of NEPA analysis to authorize the installation. This analysis is subject to cost recovery under your special use permit authorization, and we will need to address those costs prior to the analysis beginning.

You also requested repair work for the Maple Group of springs located in Marshal Canyon. We conducted a thorough search of the Maple Group of springs as indicated on your 1901 map that you provided to us, and we could not locate any infrastructure that would indicate that the City of Tombstone had utilized these springs for your water system for a long period of time. This group of springs is not currently under any special use authorization. To propose any type of development or activity for these areas would require going through the process outlined in Appendix A.

We appreciate the work that you have accomplished to date, and we will continue to work with you to meet the needs of the City of Tombstone. If you have questions, feel free to contact me at 520-388-8306

Sincerely,

*/S/ MELISSA D. SHAFIQULLAH*  
JIM UPCHURCH  
Forest Supervisor

Enclosure: Appendix A