

Chapter 1. Introduction

Background

Individual recreation residences have existed on public lands administered by the Federal Government since passage of the Organic Administration Act of June 4, 1897¹. The act provided for construction and occupancy of residences on National Forest System (NFS) lands and other public lands, contingent upon an agency's authorization of an annual permit. At the turn of the 20th century, however, most citizens were unwilling to make substantial investments in residences without the assurance that their permits would be issued annually without renegotiation or difficulty.

In 1915, the Term Permits Act² provided Federal agencies with the authority to provide up to 5 acres of Federal land for construction of summer homes and to grant multi-year occupancy permits. Permitted, privately owned residences were subsequently allowed to be inherited or the improvements sold. Shortly thereafter, during the 1920s, the Coronado National Forest (Coronado or forest) recreation residence program was established.

Both the Old Columbine and Turkey Flat recreation residence tracts on the Safford Ranger District, Graham County, Arizona, were established in the 1920s (Angle, 2006). However, residents of Pima, Thatcher, and Safford were known to have enjoyed "summering" on Mt. Graham in the late 1880s (Spoerl, 1988). Cabins were built at Old Columbine before the land became part of the Mt. Graham Forest Reserve in 1902 (King, 1915). Recreation residences at Columbine were built between 1923 and 1956, although most have been modified within the last 50 years. Bertell and Weech (2003:92) noted that Turkey Flat was first developed by William Deal and Joe Bassett, who built a log cabin there as part of a plan to grow potatoes. Most of the recreation residences at Turkey Flat were built after the Swift Trail (Highway 366) improved access to the area. Turkey Flat cabins were first constructed between 1929 and 1966, and like those at Columbine, most have been remodeled or expanded within the last 50 years.

USDA Forest Service direction for issuing new term special-use permits (SUPs) for recreation residences is governed by the Recreation Residence Policy established on June 2, 1994 (USDA-FS, 1994). A decision to issue new permits, following expiration of old ones, requires a determination of whether or not the future occupation and use of the residences is consistent with the current forest land and resource management plan (forest plan). Consistency is evaluated by considering the extent to which continued recreation residence use adheres to the standards and guidelines in the forest plan that apply to specific forest management areas. It is Forest Service policy (Forest Service Manual (FSM) 2721.23e (1)) that "when recreation residence use is consistent with the forest plan, it shall continue."

In addition to a consistency evaluation prior to new permits being issued, Forest Service Handbook (FSH) 2709.11, Chapter 41.23a (2), requires the forest to "initiate the analysis and action to issue a new permit 2 years prior to expiration of the current term permit." The handbook further states because "recreation residences have been in place for many years, and experience in administering this use has shown that continuing the use does not cause significant environmental impacts, issuance of a new permit can be made without further environmental documentation (FSH 2709.11, Chapter 41.23a (1))." However, "if the use has not been analyzed sufficiently as part of an EA or EIS completed within 5 years of permit expiration, complete the appropriate environmental analysis and documentation (FSH 2709.11, Chapter 41.23a (1)(b))."

¹ Ch. 2, 30 Stat. 11, as amended; 16 U.S.C. 473–475, 477–482, 551

² 16 U.S.C. 497, as amended; signed on March 4, 1915

The action of issuing new recreation residence permits when changes are simply administrative in nature is one that may, at present, be categorically excluded from further National Environmental Policy Act (NEPA) analysis in an environmental assessment (EA) or environmental impact statement (EIS) (see 36 CFR 220.6 (e) (15)). Use of the categorical exclusion (CE) is contingent upon there being no extraordinary circumstances that may adversely affect specific resources listed in 36 CFR 220.6 (b), including species protected under the authority of the Endangered Species Act (ESA) and heritage resources protected under the National Historic Preservation Act (NHPA).

Despite the fact that the recreation residences have been present for nearly 80 years, there has been a history of controversy regarding special uses on Mt. Graham for several recent decades, based on population and habitat issues associated with the endangered Mt. Graham red squirrel; heritage issues with Mt. Graham being considered eligible as a TCP for the Western Apache; and fire management. Thus, the Forest Service determined that the use of a CE would not be acceptable as NEPA compliance for this proposed action, and that preparation of an environmental impact statement (EIS) was necessary.

Purpose of and Need for Action

Special-use permits for 88 recreation residences on the Safford Ranger District on the Coronado NF are scheduled to expire on December 31, 2008. The purpose of the proposed action is to issue new SUPs to those parties holding permits that expire on December 31, 2008. Action is needed by the forest to comply with the Forest Service policy of continuing recreation residence use when it is consistent with the forest plan and to continue to work in partnership with permit holders to maximize public recreational benefits (FSM 2347.1 (USDA-FS, 2006b) and USDA-FS, 1986, pp. 9, 41 and 59).

Proposed Action

The Forest Service proposes to issue SUPs for 88 Safford Ranger District recreation residences upon their expiration on December 31, 2008. Each newly issued SUP term would extend 20 years, from January 1, 2009, through December 31, 2028. Current permit holders would be required to abide by all terms and conditions expressed in their respective SUPs and an annual operation and maintenance (O&M) plan that is conveyed with each SUP. Prior to a new SUP being issued, each recreation residence will be inspected by the Forest Service to confirm that occupancy is in compliance with the terms and conditions of the expiring permit (FSH 2709.11, 41.23a (3) (USDA-FS, 2005)). An example of an annual O&M plan is provided in appendix A.

The Old Columbine tract has 14 recreation residences on 25 acres in protracted Section 29, unsurveyed Township 8 South, Range 24 East. The Turkey Flat tract has 74 residence lots on 52 acres in protracted Sections 19 and 20, unsurveyed Township 9 South, Range 25 East. General locations of the Coronado NF and the tracts are shown in figures 1 and 2.

The layout of residences on the tracts is shown in chapter 3, figures 7 and 8. The Coronado NF encompasses 1,780,000 acres, mostly in southeastern Arizona, and includes areas of the Peloncillo Mountains of southwestern New Mexico. Elevations on the Coronado NF range from 3000 to 10,720 feet above mean sea level (amsl) across 12 widely scattered mountain ranges or “sky islands” that rise dramatically from the desert floor. The Pinaleno Mountains, which comprise 198,411 acres of the Safford Ranger District, are one of the most extensive mountain

ranges on the Coronado NF. Mt. Graham in the Pinalenos, at an elevation of 10,720 feet, is the highest peak in southern Arizona.

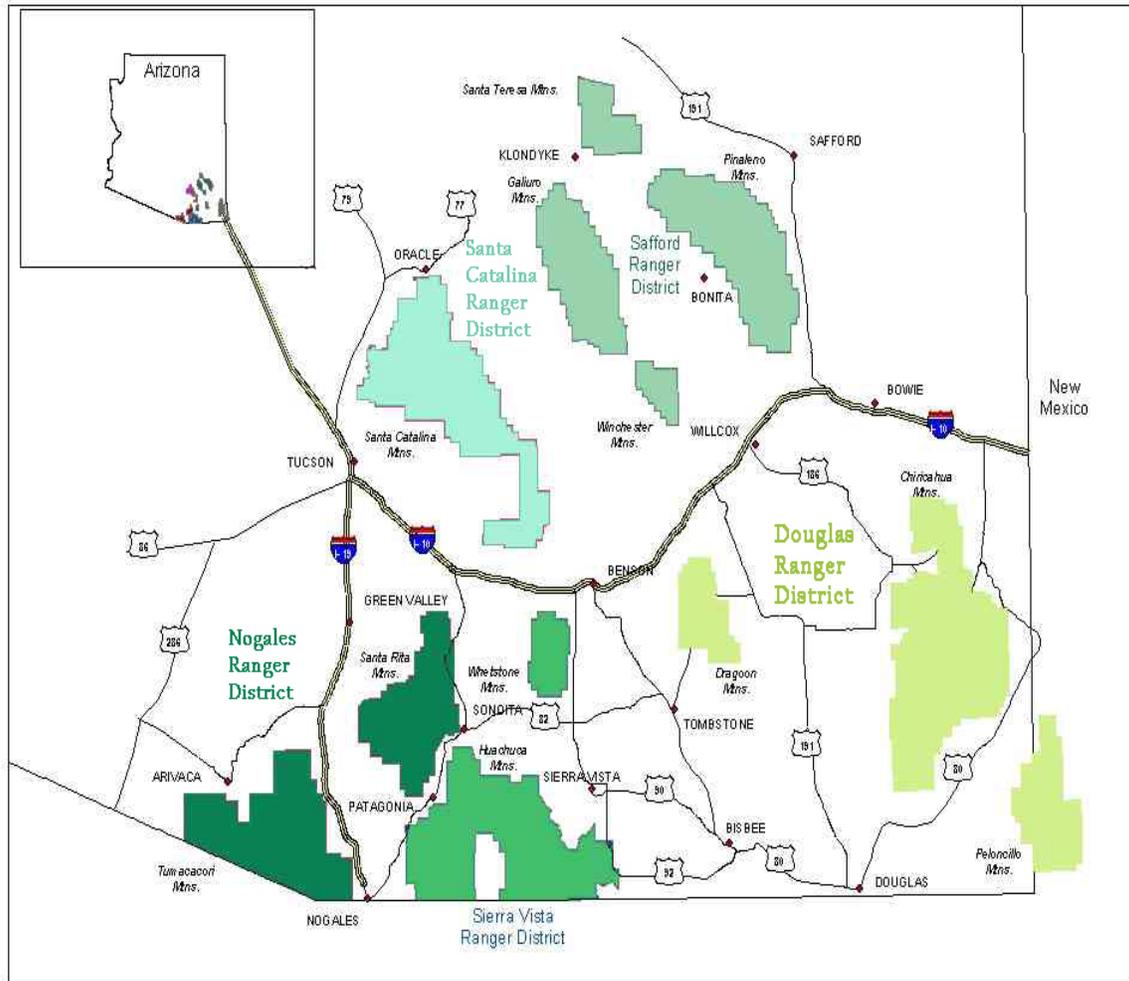


Figure 1. Location of the Coronado National Forest in southeastern Arizona

Forest Plan Direction

Direction for allocation and management of land for specific uses and activities on the Coronado NF, including the recreation residence program, is provided in the current forest plan (USDA-FS 1986, as amended). Forestwide standards and guidelines are augmented by standards and guidelines for individual management areas (MAs) (USDA-FS, 1986, pp. 25-46). The Safford recreation residences are located in MAs 3A and 3B; applicable standards and guidelines, both forestwide and MA specific, are referenced in chapter 3 with each resource impact analysis.

MAs 3A and 3B comprise approximately 4,165 acres and include lands suitable for and capable of supporting recreational development. Management of these areas focuses on providing a variety of developed recreation opportunities while at the same time mitigating impacts to the unique physical, biological, and cultural resources of each area.

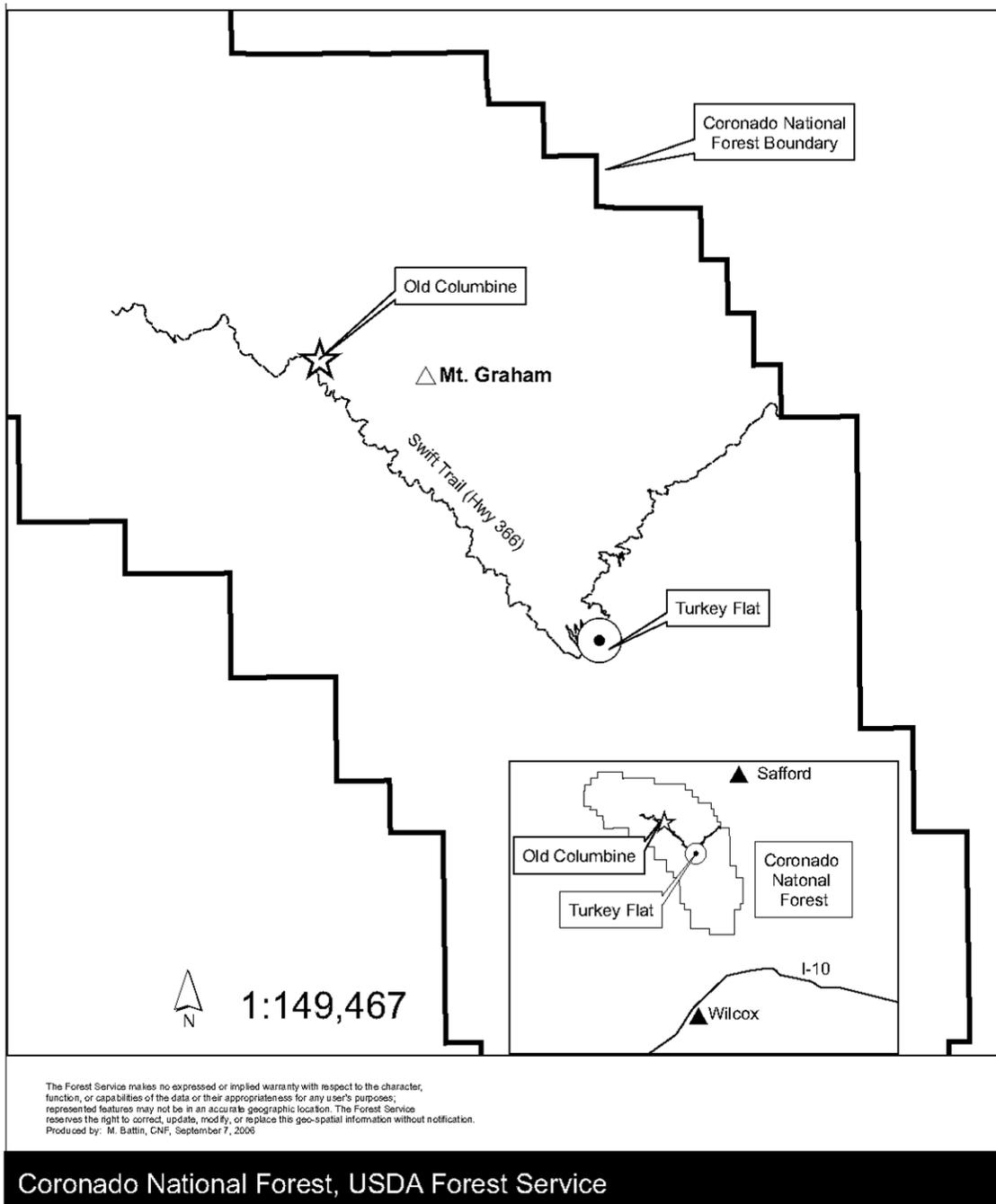


Figure 2. General location of Safford Ranger District recreation residence tracts

Forest plan standards and guidelines for the Old Columbine and Turkey Flat tracts include the following statements (USDA-FS, 1986, p. 59):

- “Recreation residences, with the exception of those on tenure in the Santa Catalina Mountains and Madera Canyon, will be maintained unless and until a determination has been made that the site involved is needed for a higher priority public purpose.”

- “Prior to the termination, non-renewal or modification of the special-use permits for the Arizona Bible School Organization Camp and the Columbine Summer Home Tract located in the Pinaleno Mountains, the effect of these special use authorizations on the Mt. Graham red squirrel and other threatened or endangered species will be determined.”

The proposed action was evaluated with regard to forestwide and MA specific goals, objectives, standards, and guidelines established in the forest plan and found to be consistent with them. Thus, no amendments will be necessary prior to new recreation residence SUPs being issued.

Decision Framework

The Coronado National Forest supervisor is the responsible official who will decide whether or not to issue new SUPs for recreation residences at Old Columbine and Turkey Flat. As required by CEQ regulations at Section 1505.2, the forest supervisor will document the following information in a record of decision (ROD):

1. The decision (alternative selected) and the rationale that supports it;
2. Consistency of the selected alternative with the governing forest plan;
3. Alternatives considered and evaluated in the EIS;
4. Public involvement in the NEPA review;
5. The specific location of the alternative selected;
6. Mitigation and monitoring factored into the decision and rationale;
7. The environmentally preferred alternative;
8. Findings required by other laws;
9. Administrative review and appeal opportunities; and
10. A date upon which the proposed action may be implemented.

Public Involvement

Notice of the Proposed Action

The proposed action was first announced to the public in July 2005, with its listing in a schedule of proposed actions (SOPA) on the Coronado NF Web site³. Since that time, the project has been listed on each quarterly update of the SOPA.

The scope of this NEPA review is based, in part, on input that was provided during two scoping meetings and written and oral responses to a scoping notice sent to Coronado NF stakeholders and interested parties, Native American tribes and nations, and publication of a notice of intent (NOI) in the Federal Register on March 9, 2006.

The NOI provided the public with information on the two public meetings held to provide the public with information about the project and to assist the Agency in scoping the NEPA analysis. The publication of the NOI initiated the opportunity for public comment on the proposal through April 8, 2006, although comments were accepted well beyond that date.

³ www.fs.fed.us/r3/coronado

A scoping notice was mailed to 154 stakeholders, including the general public, agencies, government officials, and various organizations, also on March 9, 2006. The scoping notice requested public comments on the proposed action through April 8, 2006, and announced the same two public meetings (project record, item 10).

On March 24, 2006, a government-to-government scoping letter was sent to 31 tribal leaders and individuals among 12 Indian Nations with historic ties to southeast Arizona. Comments were requested of Indian Nations by April 28, 2006.

Two public open house meetings were held during the scoping period: one in Tucson, Arizona, on March 27, 2006, which had 27 attendees (project record, item 66) and the other in Safford, Arizona, on March 28, 2006, which had 48 attendees (project record, item 70).

Comments Received from the Public

Public comments received during the scoping period were reviewed by a Forest Service interdisciplinary team of resource specialists (see chapter 4), catalogued by resource and/or issue, and designated as relevant or beyond the scope of this environmental review⁴ (project record, item 184). Then, each specialist developed an approach to analyze potential impacts related to specific issues.

Ninety-eight parties offered scoping comments in various formats (electronic mail, U.S. mail, telephone, person-to-person) during the scoping period. Ninety-three comment letters expressed advocacy for the proposed actions, and two letters included requests to be placed on the mailing list for this NEPA review.

One comment letter expressed concern for potential adverse impacts to the Mt. Graham red squirrel, citing several factors of concern (project record, item 164), which were considered and addressed in this EIS by the district wildlife biologist.

Only one comment letter was received from among the Native American tribes and nations who were contacted (project record, item 74). Former tribal chairman of the White Mountain Apache Tribe, Dallas Massey, Sr., commented that the continued existence of the recreation residences in itself was an adverse effect on the *Dzil Ncha Si'an* TCP (Massey, 2006). These concerns were considered and addressed in this draft EIS by the forest archeologist, in consultation with the State Historic Preservation Officer (SHPO).

The remaining comment letter expressed opposition to the Forest Service recreation residence program, in general, and recommended that all permits for recreation residences be discontinued nationwide. This comment was considered to be outside the scope of the review and was not addressed in the impacts analysis in chapter 3.

Future Public Review Opportunities

In accordance with FSH 1909.15, Chapters 23.2 and 23.3, the public will be offered a 45-day period to review this draft EIS. A notice of availability (NOA) of the DEIS for public review will be published in the Federal Register, and copies of the DEIS will be distributed to those parties

⁴ Those that (1) expressed concern about an issue that had already been decided by law, regulation, forest plan, or another higher-level decision; (2) were unrelated to the decision to be made; (3) were conjectural and not supported by scientific or factual evidence; (4) expressed an opinion of advocacy or opposition; or (5) were so general that a meaningful issue could not be discerned.

who offered comments during the scoping period. Public comments will be evaluated and considered during the subsequent preparation of a final EIS. The EIS will contain a summary of comments submitted on the DEIS and their disposition.

No sooner than 90 days after publication of the NOA, the responsible official will issue a final EIS and a record of decision (ROD), both of which will be noticed in the Federal Register. Persons who offer oral or written comments on the DEIS or who otherwise express an interest in the project during the DEIS comment period will be mailed the ROD and will be eligible to appeal a subsequent decision on its implementation following publication of the record of decision (36 CFR 215.13).

Issues Identified During Scoping

Potential Effects on the Mt. Graham Red Squirrel

Background

The Mt. Graham red squirrel (MGRS) is one of 25 subspecies of red squirrels in North America. Its habitat is conifer forest, especially old growth spruce-fir, Douglas-fir, and mixed conifers, and its only remaining population is found in the upper elevations of the Pinaleño Mountains. The MGRS was thought to have become extinct during the 1950s, but a small population of squirrels was “rediscovered” in the 1970s.

The species was added to the Federal endangered species list in 1987 by the U.S. Fish and Wildlife Service (FWS), after the estimated population in 1986 was observed to be less than 400. Past logging in the area reduced available MGRS habitat, and it has declined more recently because of drought, insect infestation, and catastrophic fire. Recreational use of the area is limited, and occupancy of the recreation residences is not known to have contributed to the population decline.

The recreation residences at Old Columbine are located within MGRS habitat. They were in place and used for about 30 years before the red squirrel was reported to be extinct. From the perspective of some individuals, their continued presence inhibits the restoration of approximately 25 acres of the forest to historic conditions, although this acreage is a very small percent of estimated suitable MGRS habitat on Mt. Graham (between 17,000 and 27,000 acres).

Human presence at the recreation residences and, in general, all recreation sites on Mt. Graham, increases the probability that individual squirrels may be accidentally injured or killed. In addition, squirrels are at risk from the effects of catastrophic wildland fire, which continues to occur on the mountain because fire suppression in MGRS habitat at Old Columbine and other manmade facilities (the wildland-urban interface or WUI), has and will continue to be an impediment to the return of a frequent, low-intensity, natural fire cycle to the ecosystem.

To address concerns about potential impacts to the MGRS at the Old Columbine tract, an alternative to issue new permits at Turkey Flat only is evaluated in this EIS.

Requirements of the Arizona-Idaho Conservation Act Regarding Mt. Graham International Observatory

About 2 decades ago, a special-use permit was issued to the University of Arizona by the Coronado NF to authorize construction and operation of telescopes and associated facilities on

Mt. Graham (Mt. Graham International Observatory or MGIO). The realization of this project was also the subject of great concern regarding potential adverse impacts on the MGRS.

A draft EIS analyzing the effects of the proposed telescope construction was released for public comment in October 1986 (USDA-FS, 1986b). In 1987, a biological assessment and evaluation (BAE) of the potential effects of the university's preferred alternative on the endangered MGRS was completed by the Coronado NF and submitted to the FWS, as required by the consultation requirements in Section 7 of the Endangered Species Act (ESA). While formal consultation was underway, however, the university modified its preferred alternative, which necessitated the preparation of a second BAE and reinitiation of formal consultation with the FWS.

In July 1988, the FWS issued a biological opinion (BO) on the potential effects of the modified preferred alternative, concluding that the MGRS is "extremely vulnerable to extinction" and that construction of the telescopes was likely to jeopardize its continued existence (USDI-FWS, 1988). As part of the BO, the FWS proposed three "reasonable and prudent alternatives" (RPAs) to the proposed action that would allow the project to proceed while providing a degree of protection to the red squirrel. RPA 3 recommended that new SUPs for the Old Columbine recreation residences not be issued upon their expiration.

Controversy was generated by the BO, and Congress intervened by passing the Arizona-Idaho Conservation Act of 1988 (AICA), which, among other things, altered the requirements of the RPAs. The primary change was effected by Section 602 (a) of the AICA, which mandated that, subject to the terms and conditions of RPA 3 of the BO, the requirements of Section 7 of the ESA were to be deemed satisfied with regard to the issuance of an SUP for the first three telescopes, necessary support facilities, and an access road to the site.

In addition, AICA Section 605(a) altered features of RPA 3 that addressed whether or not new SUPs would be issued upon expiration of permits for the Old Columbine tract area and Arizona Bible Camp. While the 1988 BO RPA 3 recommended that SUPs not be issued upon expiration, AICA stated that the permits "shall continue subject to the terms and conditions of the authorizations, for the duration of the term specified in each authorization. Prior to the termination, non-renewal or modification of those special use authorizations, a biological study to determine the effects of such special uses authorizations upon the Mt. Graham red squirrel and other threatened and endangered species would be conducted. The biological study would include public involvement and consultation with the U.S. Fish and Wildlife Service."

Research and field studies on the red squirrel have been ongoing since passage of the AICA. In 2007, the Safford Ranger District biologist prepared a BAE of potential impacts to the MGRS, on which conclusions reported in this EIS are based (see chapter 3). The BAE was submitted to the FWS on January 24, 2007, as formal ESA Section 7 consultation. A BO was issued by the FWS on August 18, 2008 (see appendix C). It assigns "take" for two Mt. Graham red squirrels. According to the BO, "...this level of take is not likely to result in jeopardy to the species."

Potential Effects on the Western Apache Traditional Cultural Property, *Dzil Nchaa Si'an*

The recreation residences are located on Mt. Graham, which is known to Western Apaches as *Dzil Nchaa Si'an* (big-seated mountain). The mountain is a place of longstanding and ongoing historical, cultural, religious and spiritual importance to the Western Apache. *Dzil Nchaa Si'an* is associated with Western Apache oral history and tradition and plays a vital role in Western Apache lifeways and continued tribal well-being. *Dzil Nchaa Si'an* is home to mountain spirits, a

source of natural resources and traditional medicine for ceremonial uses, a place of prayer, and a source of power to Western Apache people. The area within the Forest Service boundary has been determined eligible for listing on the National Register of Historic Places as a TCP, but the sacred character of the range is even more extensive, encompassing all landforms, minerals, plants, and waters associated with or flowing from *Dzil Nchaa Si'an*.

The Forest Service has a trust responsibility toward American Indian tribes and is mandated by legislation and executive orders to consider the effects of projects on historic properties, to ensure American Indian access to sacred sites, and to protect the physical integrity of such sites wherever possible. During the scoping of this draft EIS, the chairman of the White Mountain Apache Tribe commented that the ongoing presence of the residences continues the damage and desecration to the Western Apache sacred mountain. Individuals, families, and guests are often not aware of the mountain's role in Western Apache history and culture, and any effects that the residences have on the natural wildlife, soils, vegetation, and streams are considered by the Western Apache as detrimental to the sacred site. Further, the residences have an effect on land and fire management, in that Forest Service fire responses have been premised on the protection of private property rather than on the restoration of ecosystem functions or the protection and expansion of endangered species habitat.

Document Structure

This EIS discloses the direct, indirect, and cumulative environmental impacts that would result from implementation of the proposed action and alternatives. It was prepared in accordance with the procedural and content requirements established in the CEQ Regulations Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500-1508) and in NEPA guidelines contained in FSH 1909.15, Chapter 20 (see <http://www.fs.fed.us/emc/nepa/index.htm>). The document is organized as follows:

Chapter 1. Introduction: The chapter includes information on the background of the proposed action, the purpose of and need for action, and the Agency's proposal for satisfying that purpose and need. This section also details how the Forest Service informed the public of the proposal and how the public responded.

Chapter 2. Alternatives, Including the Proposed Action: This chapter provides a more detailed description of the Agency's proposed action, as well as alternatives that also would satisfy the purpose of and need for action. The alternatives were developed, in part, based on issues raised by the public and other agencies. Mitigation and monitoring is discussed in this chapter, and the environmental consequences of implementing each alternative are compared in a summary table.

Chapter 3. Affected Environment and Environmental Consequences: This chapter describes baseline conditions of the affected environment and the potential effects of implementing the proposed action and alternatives. This analysis is organized by resource area. This chapter reports impacts that cannot be avoided or mitigated to acceptable levels. This chapter reports those commitments of resources that may not be renewed in the short term or that are lost in the long term.

Chapter 4. Consultation and Coordination: This chapter provides a list of preparers and identifies agencies, stakeholders, and others consulted during the EIS analysis.

Chapter 5. Literature Cited: This section lists references and other citations in the EIS.

Appendix: The appendix provides supplemental information to the analysis presented in the EIS.

