

July 15, 2023

Re: Objection to Chiricahua Public Access Final Decision

Responsible Official: Douglas Ruppel, District Ranger, Douglas Ranger District,
Coronado National Forest

Location: John Long Canyon, North Fork of Pinery Canyon and Horseshoe Canyon,
Douglas Ranger District, Coronado National Forest

Objection Period End Date: July 15, 2023

Objectors:

Amy Harwood and Dwight Metzger

[REDACTED]
[REDACTED]

Mailing Address:

[REDACTED]
[REDACTED]
[REDACTED]

In accordance with 36 CFR §218, we hereby object to the Environmental Assessment ("EA") and draft Decision Notice for the Chiricahua Public Access project. The lead objector is Amy Harwood.

Our objection is specific to the proposed bypass access road for Horseshoe Canyon. The Decision chose "Alternative B: Proposed Action" with a couple of adjustments from the action laid out in the Environmental Assessment. With regards to the Horseshoe Canyon segment of the project, a 0.25-mile bypass road would be built to connect existing Forest Road 314 to a future road easement with Arizona Game and Fish Department, giving the public a new, permanent access point from East Sunrise Road. The current segment of road that leads from North Owls Butte Trail would remain open to the public. The Decision states that this current road access would end at a locked gate, discouraging the public from continued use.

The existing access road passes over our property, using an easement that was attached to our 2020 purchase of the property.

The EA and Decision claim to need the existing road to remain open for access by a grazing permittee. The permittee currently maintains a cattle corral at the entrance to Horseshoe Canyon. The permittee grazes cattle into Horseshoe Canyon and throughout the private land holdings adjacent to the National Forest boundary.

In review of the Decision, we see the following violations of law, regulation, or policy:

The Decision does not fulfill the Purpose and Need.

"The purpose of the Chiricahua Public Access project is to restore and secure permanent, legal, motorized public access to existing National Forest System roads on Forest Service managed land..." With regards to the bypass road for Horseshoe Canyon, the decision to maintain a gated entrance for the grazing permittee contradicts the need stated in the project. If the new bypass road will not be accessible for the grazing permittee to bring in animal trailers, then they will be forced to use the existing access road across our land. Not only does this ensure that the road will continue to be used without the maintenance that it's been receiving, but it forces us to be responsible for this sole user of the Forest, when the easement across our property was intended for the equal use of all.

Currently the road continues past the corral into the National Forest and would require almost no upgrade to be a connecting point to the proposed bypass and a new, more reliable access for the permittee. This is the responsibility of the U.S. Forest Service as the lessee of public lands for grazing. Continuing to rely on the illegal use of this road for access to the permittee when this project could easily account for a new access point for the permittee is not in accordance with the stated need for this project.

The Decision does not comply with the 2005 Travel Management Rule.

The intent of the Travel Management Rule was to, at the least, gain an accurate map of current roads and maintenance levels on National Forest lands. By opening up a new road for people to use without decommissioning the road that has been historically used for years, the Forest Service is only increasing the discrepancy of what a Forest Service map shows and what roads are actually being used.

We appreciate the added intent to lock the gate that is currently people's access point in acknowledgement of concerns shared by surrounding landowners. However, not actively decommissioning the road as a concession for the grazing permittee is creating a "ghost road" that will continue to be used by the public.

The Decision Ensures Continued Illegal Use of an Unmaintained Road by a Grazing Permittee.

The Decision will now create an even more tenuous access point for the grazing permittee at the entrance to Horseshoe Canyon. If that road experiences the continued impact from the annual flooding from the canyon, we do not commit to maintaining the road and neither does the Forest Service, Border Patrol, or any other entity who will prefer to keep the new route open. It will be our interest to support passive decommissioning and pursue terminating this easement, given that it no longer meets the terms of the original easement.

Resolution

In our comments to the Draft Environmental Assessment, we adamantly opposed the construction of a new road. The proposed bypass road would impact desert ecosystem and create another permanent imposition on the vital waterflow coming out from Horseshoe Canyon each year. We also conceded that if this road is to be built, that we believe the Forest Service is compelled to actively decommission the short stretch of road from North Owls Butte Trail to the National Forest boundary.

In response to our concerns shared in comments to the Draft EA about the continued Off-Highway Vehicle and motorized recreation use of the current road, the Forest Service claimed that this would not become a problem. As we cited in our comments, enforcement of OHV use seems impossible to ensure. And, in fact, a deteriorating road presents an opportunity for OHV riders looking for a more rowdy experience. We are skeptical that a lock on a gate that is regularly being opened for use will ultimately be the deterrent the Forest Service says.

We implore the Forest Service to follow the purpose and need of this project and include a new access point for the grazing permittee in the proposed bypass. We expect the Forest Service to use active decommissioning methods to ensure the current road can be returned to a natural state and provide continuity of desert ecosystem.

A handwritten signature in black ink, appearing to read 'Amy Harwood', with a stylized, cursive script.

Amy Harwood

/s/

Dwight Metzger