

Michiko Martin

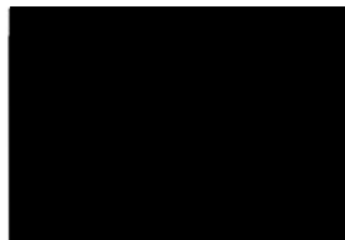
Regional Forester/Reviewing Official

Southwest Regional Office, USDA Forest Service

333 Broadway Blvd SE

Albuquerque, NM 87102

Morgan Gust, Objector



OBJECTIONS TO PUBLIC MOTORIZED TRAVEL MANAGEMENT PLAN  
APACHE-SITGRAVES NATIONAL FORESTS

Objections are hereby made to the Public Motorized Travel Management Plan ("Plan") as follows:

1. The Plan calls for Road 8486 up to its intersection with Road 8486A located in the Springerville Ranger District to be designated as open to public travel. Instead, it should be shown as closed to public motorized travel but open for administrative use only.

We have priority legal rights to this right of way for a water pipeline as confirmed by a permanent recorded easement granted by the Forest Service. This pipeline supports our 1894 adjudicated water rights, State of Arizona Water Right No. 623, and brings water to our inholding of deeded land for agriculture, pasturage, livestock, conservation and domestic purposes. This road was supposed to be closed after it was used for a timber harvest years ago. The use of this road as a public roadway interferes with our easement by causing damage and breaks in this pipeline. We have been assured by various forest service officials over the years that the road would be closed to all but administrative uses by forest service personal and occasional use by us to maintain our pipeline and water. The final Plan should formalize this remedy by showing this road as open for such administrative uses only. For this Plan to now open this road to public use is contrary to our easement rights granted by the Forest Service in the recorded easement as well as in violation of state and federal property law and regulation and subjects the Forest Service to liability for damages to our pipeline in the roadbed. We have raised this issue constantly throughout the 19 years the Forest Service has been working on this Plan. Attached is a copy of our comment filed in September 2019 which explains further detail as to the necessity of closing this road to public motorized travel. See also our comments filed December 7, 2010; January 3, 2008; May 15, 2007; and others all of which may be considered incorporated pursuant to Sec. 218.8 (b) (4).

For your convenience, we have attached, in addition to our comments filed September 12, 2019, a letter from the Forest Service referencing the intent that this road be closed after timber harvesting, and the relevant map from the Plan marked to show our deeded land and the subject of our Objections.

2. Road 8486A may or may not tie into road Road 8486. It is hard to tell based on the map. Physically, the Forest Service had closed this road off with boulders after the timber harvest and it has stayed that way. Recently, the USF&W has created a new path around the boulders in order to feed the wolves with elk bodies. The last I looked it still did not tie into Road 8486A. If it does tie Roads 8486 and 8486A together, then road 8486A should be blocked off again to keep motorized vehicles from getting onto Road 8486 or else it should be changed to administrative use only as well. Please see the attached map.

3. I cannot tell from the attached map if the small triangle of forest land lying between the Poncho Springs Road and Road 8483 is marked open to disbursed camping or not. I checked with the Springerville District and they were unsure also. In any event, it should be closed to all camping because our pipeline and ditch from Gust Reservoir run right through it. Obviously opening it to camping would result in conflicts including encouraging trespass on our private land, breaking and cutting our fence, shooting of firearms near our house, camping too close to a manmade watering in violation of state law, and interference with wildlife using what is often the only water in the immediate area. This matter as well as the one set forth in paragraph 2 above were also raised in writing in our prior comments.

Thank you for considering our Objections. I truly believe that the only reason our issues were not already resolved is that our very specific prior comments were just lost in the shuffle of changing personnel and getting this huge project completed. If you need copies of any other documents or if you have questions, please do not hesitate to contact us or have one of your people contact us. Also, we would be happy to show you or your representative around the area to get a better understanding of the issues.

Morgan Gust

