

**CENTER FOR
DESERT
ARCHAEOLOGY**

a nonprofit corporation

William H. Doelle, Ph.D.
President and CEO

September 28, 2010

Travel Management Team Leader
SNF Travel Comments
Santa Fe National Forest
Santa Fe, New Mexico

Dear Team Leader:

The Center for Desert Archaeology is a non-profit organization operating in Arizona, New Mexico and portions of Mexico. With over a thousand members, our mission is to preserve the places of our shared past on behalf of all who find meaning in such places. To this end, the Center strives to:

- *conduct research that addresses questions of broad interest and connects people of today with the past;*
- *achieve long-term protection of our cultural heritage—archaeological sites, historic buildings, and cultural landscapes—in the Greater Southwest;*
- *enable people to explore and learn about the Southwest's past through creative and varied means, including promoting a stewardship ethic with the public and professionals.*

Through a partnership with the National Trust for Historic Preservation, we have modestly extended our on the ground capacity to promote the long-term protection of our cultural heritage. Working with private and public landowners we are exploring ways to better protect our cultural heritage while meeting their needs and responsibilities as landowner and managers. Towards this end, the Center for Desert Archaeology appreciates the opportunity to comment on the Travel Management Rule DEIS for the Santa Fe National Forest.

Through our experience working in the Southwest, we believe that cultural resources on public lands are most threatened, at least in a collective sense, from looting, inadvertent destruction (e.g. motorized vehicles running over sites, campfire rings constructed from prehistoric rock walls), casual surface artifact collecting (sherd or arrowhead collecting), and outright vandalism. These impacts are often a reflection of the site's prominence (e.g. petroglyphs sites, rock shelters/caves, above ground architectural features or major habitation areas with dense sherd and lithic scatter on the surface) and its accessibility which we believe is related to the proximity of these sites to roads/routes open to motorized vehicular travel. Simply put the closer someone can drive to a site, the more likely that site will be encountered either intentionally or unintentionally.

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We believe that travel management is an essential element of the National Forest's stewardship of Heritage resources. On certain Forests (see Heritage specialist reports for

the Coconino National Forest), off road vehicle travel is considered the most significant cause of damage to prehistoric sites. Absent increased resources to more directly manage and monitor sites on the ground and to provide increased public education, travel management may be the single most important Forest-wide action that can better steward cultural resources.

We strongly support the Santa Fe National Forest development of a travel management rule and in particular the proposed elements of the rule that close the vast majority of the Forest to cross country travel and reduce the amount of roads open to motorized vehicular travel. This is a very significant change in Forest management that will greatly benefit cultural resources. Our specific comments below are designed to improve upon the final rule and we hope that you find them helpful in this regard. We appreciate the Forest's efforts in this regard and strongly support travel management planning and a formally designated road system.

Chapter 2. Alternatives, Including the Proposed Action

We support Alternative 3 as the alternative likely to provide the most protection of Heritage Resources as indicated in the DEIS by further reducing the amount of roads/routes open to motorized use and eliminating dispersed camping and big game retrieval. However separate from the formally proposed alternatives, we request that the specific FS road/routes be closed to all motorized vehicular use and some dispersed camping areas be eliminated (see Exhibit A). As discussed above, it is our strong belief that certain types of cultural resource sites are more prone to vandalism and looting and the likelihood of damage from these activities is increased when motorized vehicular use occurs in close proximity to these sites.¹ Our comments in the section below go into more depth on this issue.

Chapter 3. Affected Environment and Environmental Consequences – Cultural Resources

In the protocol agreement, the Forest Service and State Historic Preservation Offices made a blanket determination that because cultural resources were likely impacted by the original construction and subsequent maintenance and use of a road or trail, no further Section 106 analysis is necessary for the existing road system. We agree that the integrity of cultural resources within the footprint of existing roads may have been substantially compromised by the direct impacts of prior road construction and subsequent use of those roads and these direct impacts do not merit additional consideration. However, we believe that indirect impacts associated with FS roads/routes have not been given adequate consideration. The

¹ We recognize that some of these sites may also serve as traditional cultural properties. We support your proposals to provide administrative access as appropriate for traditional use and we agree that this will effectively mitigate any restrictions on public use of nearby roads/routes.

National Trust of Historic Preservation in their scoping comments to the Gila National Forest TMP proposed rule articulated this concern well and we include this letter for your reference (Exhibit B) as we concur with the issues they raise as it pertains to existing FS roads/routes.

In particular, we request that more specific consideration be given the types of prehistoric sites mentioned above (i.e. pueblos). Many are considered Priority Heritage Assets by the Forest and they have more cultural relevance given their ancestral ties to modern day Puebloan people of the upper Rio Grande area. Historically throughout the Southwest, these kinds of prominent prehistoric sites on public lands have experienced extensive looting pressure which remains widespread and ongoing. In addition their prominence can make them more prone to casual surface artifact collecting as well as vandalism. For these types of sites, their proximity to a FS road/route designated open to motorized travel facilitates physical access which increases the likelihood of damage in two ways: 1) the closer a site is to a FS road the more likely that cross country travel by a vehicle (regardless of whether it is legal or not) will encounter a site leading to increased likelihood that the site may be damaged by vehicle tires, vandalism or recreation-related impacts; and 2) site proximity to a FS road open to motorized travel provides easier physical access to a site when compared to sites that are more distant from a FS road. Simply put it is easier to visit the site if you can drive closer to it rather than having to walk to the site. It stands to reason that for purposes of looting (the predominant form of site damage), parties are at greater risk of detection (or are likely to perceive to be at greater risk of detection) if they have to walk further to reach the site, and that visiting a site farther from a road will require greater physical exertion when carrying digging tools and to carry stolen artifacts back to the vehicle.

A recent report by Jerry Spangler et al. 2006 (Exhibit B), indicates that cultural resources near roads experience higher incidences of vandalism. In this report based on an analysis of 339 sites in Range Creek Canyon, Utah, the authors concluded that sites within 200 meters of a road are vandalized more often than more remote sites. Spangler et al. state "the vast majority of vandalized sites are located within 200 meters of the roadway...but beyond 200 meters vandalism drops precipitously...". This led Spangler et al. to recommend that "vehicle restrictions . . . would significantly protect" cultural resources in the vicinity of the road from future indirect effects of vehicle accessibility. They make a similar case for controlled access points as a means to limit impacts to cultural sites providing more credence to the idea that access management is a key element of responsible stewardship our Heritage resources.

More recently, we conducted an assessment of 96 prehistoric sites on the Tonto National Forest all of which were major habitation sites and/or included prominent architecture (2010, draft unpubl. report). The data demonstrated that 90% of the 96 sites we assessed had experienced some form of human-related damage, much of it looting. Using Forest Service standards, over half of the sites were classified in poor condition, in large part because of human-related damage. The few sites with no damage evident were found farther from a FS road/route and poor condition sites were found closer to FS road/routes in greater proportion than fair or good condition sites. Fifteen of the 96 sites also experienced

damage in the last five years, over half from looting. These sites with recent damage were found closer to a FS road/route when compared to assessed sites that did not experience recent damage. Overall, 12 of the 15 sites were less than 250 meters from a FS road/route, only one was located more than 500 meters from a road and none were located more than 800 meters from a road.

Based on this information and your definition (page 58 of the DEIS) of effects: "Indirect impacts which are caused by the action but are later in time or farther removed in distance, but reasonably foreseeable", the proposed action to designate FS road/routes open to motorized use will likely result in indirect impacts to cultural resources. Additional justification for our point of view can also be found in the DEIS. We draw your attention to the top of page 172 where the DEIS states: "Vehicles transporting people to and around the Forest can *indirectly* (emphasis added) cause damage to cultural resource sites. ... In other cases, damage appears to be intentional". The DEIS falls short by completely disregarding this problem of indirect impact. Reliance on the protocol is not appropriate as the SHPO offices did not identify these indirect impacts as part of the protocol.

Recommendation:

- Assess the indirect impacts of continuing to designate roads/routes as open to motorized vehicle use and the indirect impacts associated with designating new roads/routes as open to motorized vehicle use.
- Extend the analysis area of indirect impact some fixed distance beyond roads/routes and dispersed camping corridors/areas. Ideally this distance is developed objectively based on existing data and any relationship that can be established between distance from a road and site damage similar to Spangler et al. Our work this summer on the Tonto suggests 500 meters. The Heritage Resource Specialist report on page 19 discusses an "an area of increased ease of access ... facilitated by proximity to corridors" and this may provide guidance as well. We recommend that analysis area to assess this indirect impact be considered 500 meters from a road edge.
- All roads/routes within 500 meters of known prehistoric site of the type we describe above shall be closed to motorized vehicular use of any kind absent compelling reasons to the contrary.

This same issue also holds for dispersed camping corridors. The DEIS identifies the nature of indirect impacts within the corridor but fails to acknowledge that the human activities described in the corridor themselves would not be limited to the corridor but will likely extend a distance from the corridor. It is reasonable to assume that people camping within a fixed distance corridor are likely to walk some distance outside from the camping corridor/area as part of their Forest recreational experience which increases the likelihood of encountering sites as compared to areas of the Forest where dispersed camping does not occur. The greater frequency of encounters, as you describe in the Heritage Resource Specialist report for the area within corridors, will lead to increased incidences of vandalism, recreation-related impacts (i.e. building campfire rings out of prehistoric walls), casual surface artifact collecting and possibly looting.

Recommendation:

- Extend the analysis area of indirect impact associated with dispersed camping corridors a fixed distance beyond the actual designated corridor width. We suggest 500 meters. We do not feel that it is necessary to perform a Class III survey in this additional area but if known sites that we describe are located within or nearby the proposed dispersed camping corridor that these corridors be eliminated from the final TMP rule.

Recommendation:

- Analyze existing cultural resource site condition and damage assessments on the Santa Fe National Forest to objectively assess indirect impacts both for road/route designation and dispersed camping corridors to ensure that proposed alternatives represent a reasonable range of alternatives. Information presented in the comment letter to this DEIS submitted by the Center for Biological Diversity et. al indicates that at the very least, site steward information that has been collected on the Forest is available that includes damage assessment. Analysis of this information can begin to paint at least some of the picture regarding the status of cultural resources on the Santa Fe National Forest and again provide a more objective basis for decision-making in the final TMP rule. Absent an analysis of site condition and damage assessments on these types of sites on the Santa Fe National Forest, the information presented here should be used to inform any subsequent analysis of indirect impacts in the final rule.

Another issue is the inadequacy of the DEIS in differentiating the effects of various alternatives on cultural resources. In each instance, a boilerplate no effect response is provided: "Potential impacts to cultural resource sites from routes, corridors, and areas under the action alternatives (Alternative 2, 3,4 and 5), has been considered and there are no substantive effects, given mitigations that will be implemented through the NHPA process". This statement implies that the impact to cultural resources is or will be identical across alternatives. This does not provide the reader with sufficient information, in so far as cultural resources, on whether a reasonable range of alternatives has been developed. When coupled with the lack of any data on the cultural resource impacts, the DEIS lacks the necessary information of any kind that would allow us to determine if a reasonable range of alternatives has been developed and how the proposed action was selected.

Recommendation:

- Provide a more transparent, objective analysis of direct and indirect impacts for Alternative 2-5 that enables the reader to determine if a reasonable range of alternatives has been developed for the TMP rule.

A final point of clarity is that the protocol agreement states that for new roads/routes that will be designated open to motorized use, dispersed camping corridors/areas that until surveys are complete the road or dispersed camping designation will not appear on any public maps.

Recommendation:

- Clearly indicate in the final Rule that any roads/routes or dispersed camping corridors that in the event that any roads/routes or dispersed camping corridors/areas have not been surveyed

In light of the over-reliance on the NHPA Section 106 process, we formally request consulting party status on any future consultations with State Historic Preservation Office on elements of the TMP rule. Please include CDA on all announcements, as well as all notifications, associated with the Section 106 process sent to my attention at the address below. Thanks again for this comment opportunity and for your efforts to better steward our shared places of the past through more active management of roads on our National Forest land.

Sincerely,



Andy Laurenzi
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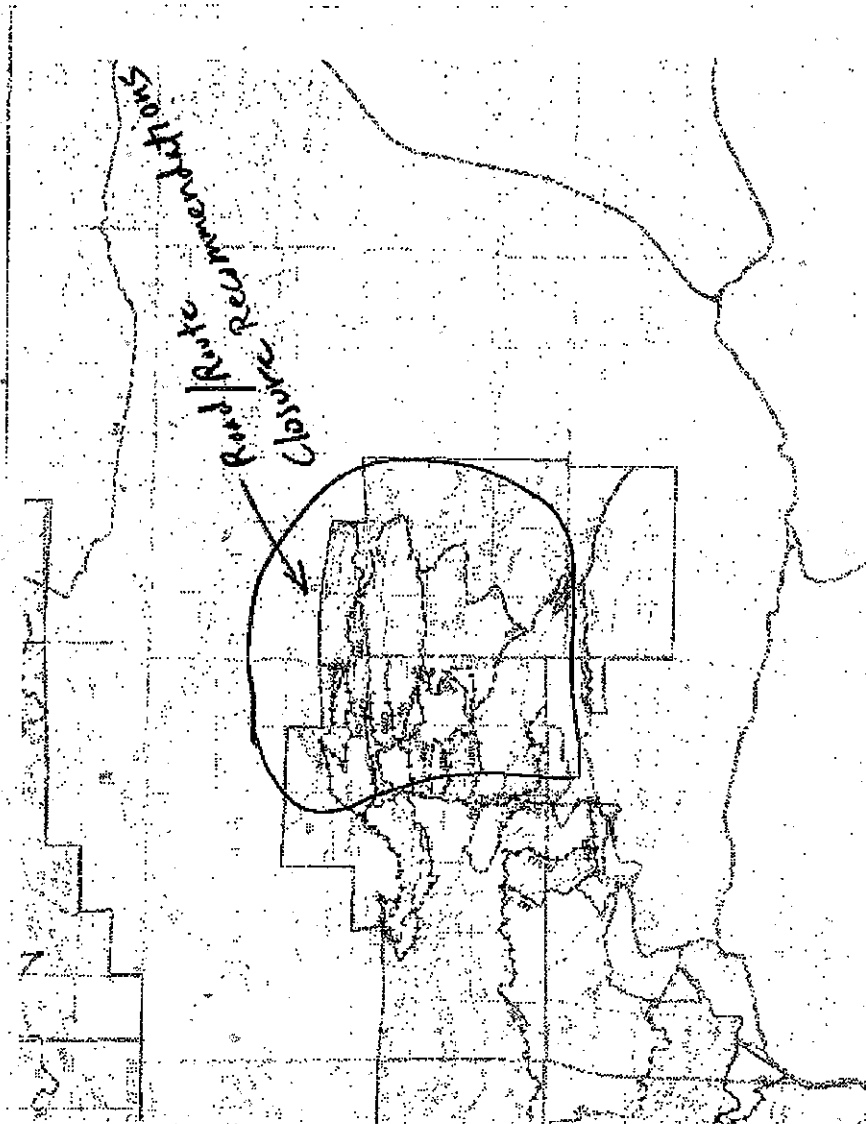
cc: New Mexico State Historic Preservation Office

Exhibit A: Road/Route and Dispersed Area Closure Recommendations

1. FS Roads/Routes recommended for closure:

10 south of 270, 10N, 137, 137C, 271, 289 at Forest boundary, 390 south of jct with 390L, 390Q, 491, 492, 492F, 518, 518K, 521, 522, 522B, 608 south of jct with 656I, 611.

Including roads within area identified on map below:



2. FS Roads/Route segments with dispersed camping recommended for removal:

10 south of 270 and 89

3. Significant archaeological sites in close proximity to these roads/routes and dispersed camping corridors/areas:

LA 180, LA385, LA483, LA573, LA1707, la5918, LA24219, LA21427, LA21430, LA21433, LA21440, LA21450, LA21455, LA21469, LA21475, LA21478, LA21489, LA 21501, LA 21601, LA 21691, LA 29691, LA 29707, LA29740, LA29746, LA29751, LA29764, LA29765, LA 29767, LA 29774, LA52300, LA52301, LA52345, LA52347, LA52348, LA52349, LA52353, LA64826, LA69670, LA90497 LA10064, Amoxiumqua III, Chupaderos Mesa Village, Frijoles Creek, Guacamayo I, Guaje Mesa Pueblo, Holiday Mesa, Jueues Jumentes, Kiatisikwa I, Kiatsukwa I, IV, Kwastiyukwa II, Nogales Cliff Ruin, Old Kotoyiti I, Navahuu, Pinincangwi, Tovakwa III, Wahajhamka

Exhibit B. National Trust for Historic Preservation Scoping Letter

**NATIONAL
TRUST
FOR
HISTORIC
PRESERVATION®
Mountains/Plains
Office**

October 26, 2009

LETTER AND ATTACHMENTS VIA E-MAIL
(r3_gila_travel@fs.fed.us)

Gila National Forest
Attn: Travel Management Coordinator
3005 E. Camino del Bosque
Silver City, NM 88061

**Re: Scoping Comments on the Gila National Forest's Travel Management Rule
Implementation Draft Environmental Impact Statement**

To Whom It May Concern:

Thank you for the opportunity to comment on the scope of analysis for the Gila National Forest's Travel Management Rule Implementation Draft Environmental Impact Statement (Travel Rule DEIS). The National Trust for Historic Preservation supports the intent of the U.S. Forest Service (Forest Service) in developing a travel plan for the Gila National Forest (the Forest). Like the Forest Service, we believe that cultural resources will ultimately benefit from implementation of this plan, which will close the Forest to cross-country travel and prohibit the use of unauthorized routes, at least until cultural resources surveys are completed.

Nevertheless, we are deeply concerned for how the Forest Service is proposing to comply with Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470f, for the Travel Rule DEIS. Section 106 requires federal agencies like the Forest Service to "take into account" the direct and indirect effects of federal "undertakings" on historic properties. 16 U.S.C. § 470f. Yet, the Forest Service is proposing to exempt "existing system roads" (approximately 4,675 miles) and certain "fixed-distance corridors" from the Section 106 process. Appendix I Standard Consultation Protocol for Travel Management Route Designation 3 (2007) [hereinafter Travel Protocol] (attached as Exhibit 1). From a cultural resources protection standpoint, these exemptions could negate many of the benefits associated with the prohibition on cross-country travel and requirement for surveys of unauthorized routes. Consequently, at this early stage in the development of the Forest's travel plan, we urge the Forest Service to reevaluate the proposed exemptions for "existing system roads" and certain "fixed-distance corridors" and develop a more nuanced approach toward Section 106 compliance for those designations.

Interests of the National Trust for Historic Preservation

The National Trust is a private, non-profit corporation chartered by Congress in 1949 to protect and defend America's historic resources, to further the historic preservation policy of the United States and to facilitate public participation in the preservation of our nation's heritage. 16 U.S.C. §§ 461, 468. With the support of over 211,000 members nationwide, including over 1,100 in New Mexico, the National Trust works to bring people together to protect, enhance and enjoy the places that matter to them. By saving the places where significant moments from history—and the important moments of everyday life—took place, the National Trust helps revitalize neighborhoods and communities, spark economic development, promote environmental sustainability and protect America's magnificent public lands.

Comments Concerning the Travel Rule DEIS

I. The Forest Service Must Fully Comply with Section 106 of the NHPA.

A. Section 106 applies to the designation of the "existing road system."

Section 106 applies to the designation of the "existing road system," because the use of existing roads by motor vehicles may indirectly affect cultural resources in the Forest. As the Forest Service is aware, Section 106 applies any time a federal "undertaking" may affect historic properties. 16 U.S.C. § 470f. Indirect as well as direct affects are sufficient to trigger an agency's obligation to comply with Section 106. 36 C.F.R. § 800.5(a)(1); Colo. River Indian Tribes v. Marsh, 605 F. Supp. 1425, 1437 (C.D. Cal. 1985) (rejecting agency decision to limit scope of Section 106 review to direct effects). Here, a decision by the Forest Service to formally authorize motor vehicle use on the "existing road system" will provide the public with access to areas with high site densities or that otherwise contain significant cultural values. Such access will greatly increase the likelihood that sites near existing roads will be vandalized or looted. See Jerry Spangler, *Chasing Ghosts: An Analysis of Vandalism and Site Degradation in Ranger Creek Canyon, Utah* (2006) [hereinafter Spangler Report] (attached as Exhibit 2) (documenting high rates of vandalism at sites located within 200 meters of a road). Consequently, the Forest Service must ensure that the indirect affects of designating the "existing road system" are adequately "taken into account" during the development of the Travel Rule DEIS, as required by Section 106.

Yet, instead of proposing to evaluate the indirect effects of the "existing road system" on cultural resources and modify the travel plan accordingly, the Forest Service has chosen to categorically exempt those roads from Section 106 by relying on a 2007 protocol agreement with the Region 3 State Historic Preservation Officers (SHPOs). We believe that this protocol agreement is not consistent with the requirements of the Section 106

regulations, and therefore does not comply with Section 106. See 16 U.S.C. § 470h-2(a)(2)(E)(i) (requiring consistency between an "agency's procedures for compliance with section 106" and the Section 106 regulations). Additionally, we believe the Forest Service has not followed the procedures required by the Section 106 regulations for establishing an exemption from the Section 106 process. Consequently, we believe that the Forest Service's decision to rely on this protocol agreement for the Travel Rule DEIS is arbitrary and not in accordance with the NHPA.

1. **The protocol agreement is not consistent with the Section 106 regulations, because it fails to "take into account" the indirect effects of designating the "existing road system."**

In the protocol agreement, the Forest Service and SHPOs made a blanket determination that because cultural resources "were likely impacted by the original construction or formation of the road or trail and subsequent maintenance and/or use," no further Section 106 analysis is necessary for the "existing road system." Travel Protocol at 3. We do not disagree that the integrity of cultural resources within the footprint of existing roads may have been "substantially compromised" by the construction and subsequent use of those roads. Id. However, we reject the notion that cultural resources not within the footprint of existing roads but still in close proximity to those roads are unlikely to experience indirect effects from motorized vehicle use. On the contrary, the Forest Service's own monitoring reports demonstrate that while motor vehicle use has increased on the Forest in recent years, so have the number of incidents involving cultural resources damage. U.S. Forest Service, Annual Monitoring Report Gila National Forest Land Management Plan FY 2008 (July 2009) [hereinafter FY 2008 Monitoring Report] (attached as Exhibit 3). Because the protocol agreement does not evaluate the indirect effects of the "existing road system" on cultural resources or require such an evaluation prior to the designation of the "existing road system," the agreement is not consistent with the Section 106 regulations.

Our concerns for the indirect effects of the "existing road system" are supported by a recent report by archaeologist Jerry Spangler. In this report, Spangler concluded that sites within 200 meters of a road are not only vandalized more frequently than more remote sites, but vandalism of those sites "*will likely persist with continued unrestricted public access. . .*" Spangler Report at 22 (emphasis added). Spangler based his report on an analysis of 339 sites in Range Creek Canyon, Utah, portions of which are or have been accessible by a road. Of the vandalized sites documented by Mr. Spangler, the "vast majority" are located within 200 meters of a road, id. at 21, which led Spangler to recommend that "vehicle restrictions . . . would significantly protect" cultural resources from further indirect effects. Id. at 25.

A similar correlation between the proximity of roads to vandalized sites seemingly exists on the Forest. As the Forest Service noted in its FY 2008 Annual Monitoring Report,

[o]ff Road Vehicle (OHV) use is increasing each year on the forest. There have been roads and trails constructed in many areas of the forest. Hunters and visitors use them to cross country ride to access areas where there are no roads and this creates new problems. . . . Other agency enforcement is limited, due to the remote locations and the availability of personnel.

FY 2008 Monitoring Report at 16. In the same report, the Forest Service also acknowledged an increase in the number of incident reports concerning cultural resources, a figure not reflective of the overall number of incidents “[d]ue to the vast amount of cultural resource sites and the inability to check the sites on a regular basis” *Id.* at 15, 16. Yet, by exempting the “existing road system” from the Section 106 process, the protocol agreement may perpetuate those trends.

2. The Forest Service did not comply with the Section 106 regulations when it exempted the “existing road system” from the Section 106 process.

The Forest Service cannot categorically exempt the “existing road system” from the Section 106 process without first complying with the procedures for establishing such an exemption in the Section 106 regulations. Under the Section 106 regulations, an agency may categorically exempt a specific undertaking from the Section 106 process only after completing a two-step process. First, the agency must show that the proposed exemption satisfies a number of criteria. 36 C.F.R. § 800.14(c)(1). Second, the agency must complete a series of procedural steps designed mainly to ensure that the Advisory Council on Historic Preservation, Indian tribes, interested parties and the public are notified of and have the opportunity submit their views on the exemption before it goes into effect. *Id.* § 800.14(c)(2)–(5), (8). Not only does the exemption for the “existing road system” appear not to satisfy the relevant criteria, but the Forest Service has apparently not completed many of the procedural steps required by the regulations. In light of these considerations, the Forest Service should not employ the exemption in the context of the Travel Rule DEIS.

a. The “existing road system” exemption does not satisfy the relevant criteria in the Section 106 regulations.

The exemption does not satisfy several of the applicable regulatory criteria, which includes a requirement that the effects of any undertaking proposed for an exemption must be “foreseeable” and “minimal or not adverse.” 36 C.F.R. § 800.14(c)(1)(ii). The Forest Service’s own findings in the FY2008 Monitoring Report, which are bolstered by the Spangler Report, show that the effects of motorized use on the “existing road system” are neither “foreseeable” nor “minimal” but are in fact “ongoing” and “continue to be a heritage program and law enforcement issue.” FY 2008 Monitoring Report at 6.

The protocol agreement is also not "consistent with the purposes of the act," 36 C.F.R. § 800.14(c)(1)(iii), which require federal agencies to "take into account" the effects of their actions on historic properties before authorizing those actions. Yet, the exemption works directly counter to that purpose, because the protocol agreement contains no evidence that the Forest Service undertook prior Section 106 reviews or cultural resources inventories for some or all of the "existing road system." At any rate, at least within the body of the protocol agreement, the Forest Service does not seem to have applied the regulatory criteria before approving the exemption for the "existing road system."

- b. **The Forest Service did not comply with the required procedures when it established the "existing road system" exemption.**

Nor did the Forest Service comply with the mandatory procedural requirements for establishing a categorical exemption from the Section 106 process. There is no evidence in the protocol agreement that the signatories sought the view of interested parties, Indian tribes or the public concerning the exemption, as required by the Section 106 regulations. 36 C.F.R. § 800.14(c)(2), (4). The Forest Service also neglected to publish a notice of the approved exemption in the Federal Register, which the Section 106 regulations also require. *Id.* § 800.14(c)(8). In short, the Forest Service has effectively foreclosed the ability of interested parties, Indian tribes and the public to provide their views on the proposed exemption as well as specific elements of the "existing road system."

- B. **Section 106 applies to the designation of certain "fixed-distance corridors."**

For essentially the same reasons as discussed above, we believe that the proposed exemption for certain "fixed-distance corridors" on the Forest, including motorized big game retrieval areas, is inconsistent with the requirements of Section 106 and the Section 106 regulations. We further believe that the exemption is far too broad and fails to account for those areas of the Forest where, in light of high site densities and/or sensitive cultural values, cross country motorized travel should not take place—not for big game retrieval or any other purpose. Moreover, the Forest Service has proposed no alternative to the Section 106 process for identifying and protecting cultural resources within the "fixed-distance corridors" from the direct and indirect effects of motorized vehicle use. Consequently, the Forest Service should reject the exemption for "fixed-distance corridors" and evaluate those designations in accordance with the process set forth in the Section 106 regulations.

Travel Management Coordinator, Gila National Forest
U.S. Forest Service
October 26, 2009
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Recommendation:

For the reasons discussed above, the Forest Service cannot and should not rely on the exemptions for the "existing road system" and certain "fixed-distance corridors" to satisfy its obligations under Section 106. Instead, the Forest Service must comply with requirements of the Section 106 process, as spelled out in the Section 106 regulations, for each of those types of designations. This does not necessarily mean that the Forest Service must survey each road within the "existing road system" prior to finalizing the Travel Rule DEIS, as the Section 106 regulations provide agencies with a certain amount of flexibility in defining the scope of identification efforts. However, in all likelihood, the Forest Service will need to survey a certain percentage of the "existing road system" and "fixed-distance corridors" prior to including them in the travel use map. In particular, the Forest Service will likely need to survey existing roads within areas known or thought to contain high densities of cultural resources, along with a 200 meter corridor on either side of such roads.

II. Conclusion

Again, thank you for the opportunity to submit scoping comments on the Forest's Travel Plan DEIS. Please include the National Trust for Historic Preservation on your distribution list for all electronic notices and mailings related to the Travel Rule DEIS. Additionally, I would be happy to meet with the Forest to discuss the matters raised in this letter. Please contact me at (303) 623-1504 or alexander_hays@nthp.org should you wish to arrange such a meeting.

Sincerely,

/s/ Ti Hays

Ti Hays
Public Lands Counsel

cc: Jan Biella, Acting New Mexico SHPO
Nancy Brown, Advisory Council on Historic Preservation
Jonathan Poston, National Trust for Historic Preservation

Exhibits

1. U.S. Forest Service, Appendix I Standard Consultation Protocol for Travel Management Route Designation (2007).
2. Jerry Spangler, Chasing Ghosts: An Analysis of Vandalism and Site Degradation in Ranger Creek Canyon, Utah (2006).
3. U.S. Forest Service, Annual Monitoring Report Gila National Forest Land Management Plan FY 2008 (July 2009).

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Exhibit-C: Spangler, Jerry D., Shannon Arnold, and Joel Boomgarden. 2006b *Chasing Ghosts: A GIS Analysis and Photographic Comparison of Vandalism and Site Degradation in Range Creek Canyon, Utah.* Utah Museum of Natural History *Occasional Papers* 2006:1, Salt Lake City.