



**Re: Proposed Revisions to the STANDARD CONSULTATION PROTOCOL FOR TRAVEL MANAGEMENT ROUTE DESIGNATION**

***Developed Pursuant to Stipulation IV.A. of the Region 3 First Amended Programmatic Agreement Regarding Historic Property Protection and Responsibilities***

**Issue I: Exemption:**

*"A. Existing system roads and trails and their associated constructed features. The FS and the SHPOs agree that designation of existing system roads and trails and their associated constructed features that are already open for motor vehicle use will have little or no potential to affect historic properties. Constructed features include parking areas, shoulders, pullouts, turnouts, trailheads, information kiosks, short system roads or spurs, and other intentionally constructed structures and facilities. If heritage resources are present on these roads, motorized trails, or constructed features, they were likely impacted by the original construction or formation of the road or trail and subsequent maintenance and/or use. The signatories agree that some level of disturbance through continued motor vehicle use on these existing routes can be accepted in situations where the integrity of the portion of a site within the constructed road has already been substantially compromised. This will not preclude the FS from implementing protection measures where unacceptable impacts are occurring or from changing the designation at a later date. Each year, for example, the forest will have an opportunity to print new travel management maps, and forests will have the latitude to change designations and amend the maps at that time.*

*System roads and trails are defined as those identified as "National Forest System Roads" and "National Forest System Trails" in the FS corporate database system, as defined in the Region 3 Travel Management Rule Implementation Guidelines, dated 06/12/2006. These roads and trails have Forest Service numbers, usually appear on current visitor and travel management maps, and are reported on in the FS Annual Roads Accomplishment Report and similar accomplishment reports.*

**Discussion:**

The rationale provided in the narrative section above, for the exemption of existing roads and trails is that heritage resources *"were likely impacted by the original construction or formation of the road or trail and subsequent maintenance and/or use."* While Archaeology Southwest agrees with this conclusion, we would point out that this statement pertains only to direct impacts. We believe that it fails to address indirect impacts which are ongoing and facilitated by proximity to roads and trails designated as open to motorized use. This issue of indirect impact is not addressed in any manner in the protocol suggesting to us that it was an oversight. The nature of this impact is well-articulated by Shroeder in her Apache-Sitgreaves National Forest Specialist report in support of that Travel Management Rule and the references she provides are illustrative. We have additional references on hand as well. We are unclear as to how this indirect impact can be ignored given the data developed in multiple studies and the requirement in Section 106 to evaluate direct and **indirect** effect of project actions.

It was suggested at the meeting that the exemption was based on the notion that designation of existing roads and trails as open to motorized use was not a federal undertaking. I see nothing in the protocol that indicates that this rationale was a basis for the exemption. In fact I would argue that by explicitly including existing roads as an exemption, the protocol is de facto acknowledging the entire suite of TMR decisions as an undertaking. If not why the need for an exemption? You can't exempt something when in fact there is not an undertaking to exempt the action from.

Lastly, while I did not bring it up at the meeting, the Sec 106 process has explicitly directed how to exempt certain actions from consultation requirements. It is not apparent that this two-tier process was followed. If it in fact it was I would appreciate your clarification of this point for me. I did not mention this at the meeting but I do believe this issue merits consideration.

## **Issue 2: Exemption:**

*B. Existing fixed-distance corridors along existing roads where motorized use has previously been authorized in approved Forest Plans or covered by past decisions, except where on-going impacts to historic properties are known or suspected.*

### Discussion:

The issue is identical to the indirect effect from existing roads and trails. At some threshold distance from the dispersed camping corridor there is a zone of impact for certain types of Heritage resources in which Heritage resources within this zone experience higher levels of inadvertent and intentional vandalism than the same type of Heritage resources that occur outside this impact zone.

## **Issue 3: Exemption:**

*C. Pull-off parking adjacent to existing roads, within a vehicle length"*

### Discussion:

For certain sites primarily above ground masonry structures, historic structures, petroglyph/pictograph sites, rock shelters/caves and in some instance large dense trash mound areas, the site is often the destination and primary reason for using the road or trail. In these situations, unregulated roadside parking at the end of a road or immediately adjacent to the road can be an ongoing impact on site integrity. The lack of any constructed features causes an ever expanding parking footprint, often serves as a camping area where masonry features are used as campfire rings and is, in general, subject to heavy visitor use that causes a discernible impact area. We would argue that the impacts are not past and finite but ongoing as a result of unmanaged use.

## **Issue 4: Field Survey Protocol**

### Discussion:

For roads, trails and fixed distance corridors that are not exempt, VII 2(c) specifies a survey width of 7.5 meters from the road centerline or in areas of new construction, 30 meters. This width is inadequate to properly assess indirect impacts that have been discussed above. The

limited language in the field survey question suggests again that the protocol was developed in response to assessing direct impacts only.

**Response:**

1. Limit the exemption of existing roads and trails to the existing road footprint. The language for existing fixed distance corridors is acceptable as it acknowledges potential ongoing or suspected impacts in the dispersed camping corridors.
2. Expand protocol to include indirect impacts for existing roads and trails, new road and trails, and existing and new dispersed camping corridors. For existing roads and trails and existing fixed distance corridors, we suggest using Class I information within a fixed distance of the road centerline or edge of the dispersed camping corridor. Previous studies suggest that this distance threshold can range from 150 meters to 750 meters. We recommend 300 meters. If vulnerable sites (which would need definition) are located within the 300 meters, a condition assessment would be performed to assess recent levels of impact and to develop an appropriate management response. If recent damages has been observed and road closure is not an option than mitigation measures would be outlined. New roads, trails and fixed distance corridors would require Class III surveys within the distance threshold excluding slopes greater than 40 degrees or in areas of low site density as outlined in the field survey protocol.
3. Revise "Pull-off parking adjacent to existing roads, within a vehicle length" exemption to include language used in the fixed distance corridor exemption (*i.e.* "except where on-going impacts to historic properties are known or suspected.").