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Red Rock Ranger District
P.O. Box 300
Sedona, AZ 86339-0300

March 2, 2006

RE: Outfitter-Guide Management Plan for the Red Rock Ranger District

Dear Mr. Stafford,

Please accept these initial scoping remarks on behalf of United Four Wheel Drive Associations (UFWDA). UFWDA is an international organization comprised of four wheel drive enthusiasts, member clubs, associations, and businesses, including members utilizing lands managed by the Forest Service in the Red Rock Ranger District.

In formulating the scope of alternatives to be considered in detail, please consider the following comments.

I. GENERAL COMMENTS

- a. UFWDA requests that the agency retain the existing primary focus of Amendment 12 so that the Forest Service continues to balance commercial (guided) use with non-commercial (unguided) use with a bias toward unguided use.¹
- b. Include within several of the alternatives an in-depth analysis using more features of the business model than the resource model for recreation capacities in exploring various appropriate carrying capacity permit limits.
- c. Address users conflicts, if of concern, by educating pedestrian and equestrians users to utilize designated Wilderness areas within this district as solitude, natural quiet, and the natural appearing landscapes abound in these areas.

¹ Proposed Action, Outfitter-Guide Management Plan, Red Rock Ranger District, Coconino National Forest, page 2 of 28.

II. LEVEL 2 ROAD CONCERN EVALUATIONS PERTAINING TO ROAD MAINTENANCE

The proposed action was guided, in part, through the existing use assessment and the impacts on roads, trails, and general forest areas.² Of concern is the values assigned to Level 2 roads for a given area based on maintenance considerations. Level 2 roads by definition are not suitable for passenger car travel and should not be the focus of evaluation for relative range listings of High, Moderate, or Low.³ Rather, evaluations concerning maintenance should more appropriately address “the minimal maintenance necessary to prevent considerable adverse effects”. As such, evaluations should be modified as follows and adjustments made to Chart 1 where maintenance considerations factored into the evaluation:

High= Large percentage of roads occur on soils that severely limit road construction, use and ***the minimal maintenance necessary to prevent considerable adverse effects..***

Moderate= Large percentage of roads occur on soils that moderately limit road construction, use and ***the minimal maintenance necessary to prevent considerable adverse effects..***

Low= Large percentage of roads occur on soils that do not limit road construction, use and ***the minimal maintenance necessary to prevent considerable adverse effects..***

III. CLARIFY CATEGORIZATION OF GUIDED FOUR WHEEL DRIVE TRAIL RIDES REQUIRING SPECIAL USE AUTHORIZATIONS PURSUANT TO FOREST SERVICE REGULATIONS.

Since the adoption of Amendment 12 to the Coconino Forest Plan, the US Forest Service has adopted changes to its regulations governing special uses requiring authorization. These changes, in part, require special use authorizations (permits) for non-commercial group use⁴ as well as for the use of roads for recreation events⁵. It is unclear from the notice of proposed action and cover letter how non-commercial group use or recreation events by four wheel drive clubs and associations will be governed. Many four wheel drive clubs and associations host trail ride events as social gatherings to promote responsible use of our public lands by 4x4 enthusiasts. Many times these trail rides require registration from participants for mere planning purposes and impose a nominal fee to cover fees incurred by the club. The club trail

² Proposed Action, Outfitter-Guide Management Plan, Red Rock Ranger District, Coconino National Forest, page 10 of 28.

³“Maintenance level 2 roads are administrative and public use roads maintained for pickup trucks and other high clearance vehicles. Passenger cars are not prohibited from using these roads but surface conditions usually discourage prudent passenger car drivers”. National Forest Road System and Use report, USDA Forest Service, Engineering Staff, Gochlan, Gerald and Richard Sowa, 1/30/98, page 5.
http://www.fs.fed.us/eng/road_mgt/roadsummary.pdf

⁴ 36 C.F.R. 251.50(c)(1).

⁵ 36 C.F.R. 251.50(d)(1).

guides are volunteers and do not receive remuneration. Their purpose is not to generate income in the commercial sense for the club or for their personal benefit, rather they serve as mentors to 4x4 users unfamiliar with the area, unfamiliar with the technical aspects of four wheel driving, and/or unfamiliar with user ethics, such as the Leave No Trace and Tread Lightly! ethics.

However, these events often trigger special use authorizations because they are technically defined as commercial by the agency. The agency defines commercial as any use or activity on National Forest System lands (a) where an entry or participation fee is charged regardless of whether the use or activity is intended to produce a profit.”⁶ Furthermore, there are some districts within the agency that do not consider nominal participation fees a trigger for “commercial” activity but still require a special use authorization for a “recreation event”. It is unclear from the proposed action whether the type of club trail rides described above that are technically considered “commercial” or are considered a “recreation event” triggering special use authorization will be subject to the permit capacity limits set for outfitter-guides or will be subject to the requirements for private motor vehicle users for non-fee permits.

Complicating the issue are those club events where no fee is charged but where a special use authorization may be required by the agency for non-commercial group use. Non-commercial group use is defined as a noncommercial “activity conducted on National Forest System lands that involves a group of 75 or more people, either as participants or spectators.”⁷ Trail ride events involving 15 or 20 4x4 vehicles can constitute a group activity when 75 people or more are in attendance, either as drivers or passengers. The club may be required to obtain a special use authorization, is “non-commercial”, but may or may not be considered “unguided” under the proposed action.

In developing alternatives for detailed study, please consider, within several alternatives, eliminating four wheel drive trail rides from “commercial – guided” outfitter-guide requirements when preparing the Draft Environmental Impact Statement.

IV. LACK OF AUTHORITY TO REQUIRED PRIVATE NON-COMMERICAL MOTOR VEHICLE USER NON-FEE PERMITS.

UFWDA opposes requirements for non-fee permits for private, non-commercial, motor vehicle users.⁸ No permit should be required for private non-commercial motor vehicles users, with or without fee. The agency lacks authority to require special use authorization or “permits” for private motor vehicle users who otherwise are not required to obtain special use authorization pursuant to 36 C.F.R. 251. It is

⁶ 36 C.F.R. 251.51.

⁷ 36 C.F.R. 251.51.

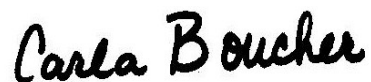
⁸ Proposed Action, Outfitter-Guide Management Plan, Red Rock Ranger District, Coconino National Forest, page 24 of 28.

irrelevant whether a fee is imposed on the permit or not. Agency regulations state, in part, "Travel on any National Forest System road does not require a special use authorization [unless triggered by certain conditions below]".⁹ Section 251 further outlines the conditions under which special use authorizations are or may be required. Use of private non-commercial motor vehicles does not fall within any of these conditions.

In the alternative, should the agency determine it has authority to require non-fee permits from private non-commercial motor vehicle users, please eliminate this permit requirement from several of the alternatives studied in detail when preparing the Draft Environmental Impact Statement.

UFWDA commends the agency for its hard work and public outreach for this project. I look forward to partnering with you as your analysis continues.

Very truly yours,

A handwritten signature in black ink that reads "Carla Boucher". The signature is written in a cursive, slightly slanted style.

Carla Boucher, Attorney

⁹ 36 C.F.R. 251.50(d).