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January 27, 2017

Coconino National Forest
Attention: Fossil Creek CRMP
P.O. Box 20429
Sedona, AZ 86341

Sent via email to comments-southwestern-coconino-redrock@fs.fed.us

Re: Fossil Creek Wild and Scenic River Comments on Preliminary Alternative Concepts

Dear Fossil Creek Project Coordinator:

Please accept the following comments on behalf of Sierra Club's Grand Canyon Chapter and the Arizona Wilderness Coalition.

Sierra Club is a national nonprofit organization of approximately 2.7 million members and supporters dedicated to exploring, enjoying, and protecting the wild places of the earth; to practicing and promoting the responsible use of the earth's ecosystems and resources; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives. Sierra Club's Grand Canyon Chapter was organized in 1965, and, prior to that, our members were also involved in protecting Arizona's resources. We have a significant interest in protecting and restoring the water quality in Arizona's rivers, lakes, and streams. It is within that context that we are submitting these comments.

Sierra Club – Grand Canyon Chapter has a long-standing interest in Fossil Creek. We have been participants in planning processes, have members who have long enjoyed the creek for hiking, swimming, wildlife watching, and more, and we sponsor regular service projects in Fossil Creek. Our members and volunteers are deeply concerned for the future of Fossil Creek.

Arizona Wilderness Coalition (AWC) represents more than 1700 wilderness supporters in Arizona. Our mission is to permanently protect and restore wildlands and waters in Arizona for the enjoyment of all citizens and to ensure that Arizona's native plants and animals have a lasting home in wild nature. Our members, supporters and volunteers enjoy Fossil Creek and the surrounding wilderness areas for many activities, including hiking, birding, fishing, nature study, equestrianism, photography and more. Our supporters also place great value on the "existence value" and ecosystems services provided by unique rivers like Fossil Creek, and the important interplay between two adjacent designated wilderness areas and a Wild and Scenic River. AWC has been significantly invested in the preservation of Fossil Creek for a number of years. We were the authors of the original proposal that was instrumental in designation of Fossil Creek as a Wild and Scenic River, and we continue our involvement with

Wilderness Stewardship projects that have removed large amounts of trash from area in the past few years.”

Congress designated approximately 16.8 miles of Fossil Creek as Arizona’s second Wild and Scenic River on March 30, 2009. Under the Wild and Scenic Rivers Act, the Forest Service is required to prepare a CRMP within three years after the date of a Wild and Scenic River designation (i.e., by March 30, 2012). The Wild and Scenic Rivers Act requires that the Forest Service describe existing resource conditions, including a detailed description of the outstandingly remarkable values (ORVs) of Fossil Creek in the CRMP. The Forest Service is required to protect and enhance the ORVs through the development of the CRMP. The WSRA states that “in such administration the primary emphasis shall be given to protecting its esthetic, scenic, historic, archeologic and scientific features.”

National Environmental Policy Act Requirements (NEPA)

NEPA emphasizes “coherent and comprehensive up-front environmental analysis” to ensure an agency “will not act on incomplete information, only to regret its decision after it is too late to correct” (*Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1216 [9th Cir. 1998]). NEPA thus requires federal agencies to analyze the direct, indirect, and cumulative impacts of the proposed action (42 U.S.C. § 4332[C]; 40 C.F.R. §§ 1508.7, 1508.8, 1508.25 [the scope of a proposed action must include connected, cumulative, and similar actions]; *Sierra Club v. Bosworth*, 2007 U.S. App. LEXIS 28013 [9th Cir. 2007]). Cumulative impacts include the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 C.F.R. § 1508.7). A cumulative effects analysis must also provide detailed and quantifiable information and cannot rely on general statements and conclusions (*Neighbors of Cuddy Mountain v. U.S. Forest Service*, 137 F.3d 1372, 1380 [9th Cir. 1998]).

We are disappointed, if not dismayed, by the alternatives presented, especially in light of the extensive feedback and the legal mandates for protecting the resources of Fossil Creek. It is evident that the agency has failed to provide a reasonable range of alternatives and must do so in future NEPA documents. The full range of alternatives must meet the requirements of the law to protect the ORVs of Fossil Creek, however, and a thorough analysis of each alternative’s impacts to ORVs must be included in the Draft Environmental Impact Statement.

Alternative E is contrary to the provisions in the Wild and Scenic Rivers Act and its requirements to establish ORVs and to develop a plan that protects them. Sierra Club asks that the Forest Service create and offer as a new alternative provisions found in both Alternative B and Alternative C with some modifications. We offer the following comments regarding proposed actions within the various alternatives.

Reservation System:

Sierra Club appreciates the successful implementation of a reservation system at the Fossil Creek Wild and Scenic River (FCWSR) and acknowledges the efforts of Coconino National Forest (CNF) staff and volunteers to better manage the area. Since human visitation is the most important potential harm to the Outstandingly Remarkable Values (ORVs), we agree that managing the number of visitors (PAOT) is an essential management tool to maintain and improve the resource.

However, we do not agree with the statement on page 9 of the Alternative Management Concepts that “Outstandingly remarkable values (ORVs) would be protected or enhanced throughout the Fossil Creek Wild and Scenic River corridor under all action alternatives.” In fact, the proposed action would allow for degradation of ORVs.

The key problem that the USFS must address in Fossil Creek is overcrowding – people are loving it to death. Yet the proposed action calls for increasing the types of recreation available in Fossil Creek to appeal to and attract more visitors. The cap for visitors per day is raised to address this and the proposed action then also includes significant infrastructure development to support so many people. This is not sustainable and will harm the ORVs. Rather than focusing on increasing opportunities for recreation, visitors, and infrastructure, the Forest Service should focus on providing a quality experience by managing and limiting the visitor demand for Fossil Creek in ways that will:

- Protect ecosystem integrity and wildlife habitat value
- Retain the current “wild” character of Fossil Creek
- Educate visitors to promote responsible use of the area

None of the visitor numbers proposed in any of the alternatives are consistent with the protection of the ORVs.

PAOT:

Apparently, the PAOT is calculated by assuming that all available parking locations are filled with vehicles bearing more than four persons per car. This is a faulty and unacceptable assumption. The Wild and Scenic Rivers Act requires the ORVs to be maintained or improved; it does not require the Coconino National Forest (CNF) to admit as many visitors as can possibly be brought into the area. As a result of this assumption, recreation management has become the primary goal of the Preliminary Alternative Concepts document instead of the ORVs. The Forest Service has a higher calling than crowd control and should value resource protection, retention of the “wild” character of this Wild and Scenic River, and individual visitor experience above maximization of visitor numbers.

The “wild” nature of Fossil Creek is an integral part of its character, as supported by its designation as “Wild and Scenic.” Alternative E, currently the Proposed Action, increases visitors per day from the current 780 people at one time to 1705 people at one time. This dramatic increase in visitors per day will negatively impact opportunities for solitude, will harm resources, and most importantly will necessitate significant infrastructure development that would, without question, irreparably alter the “wild” character of Fossil Creek.

There is no legal requirement for CNF to accommodate visitor demand to the extent that it degrades the ORVs or prevents improving the ORVs in existence *at the time of designation*. In fact, to the contrary, there is a mandate for the CNF to establish and protect the ORVs. The PAOT should be calculated to protect ORVs, not to make maximum use of parking spots. For all the alternatives, the PAOT limits are excessive. For all the alternatives, the purpose of the Wild and Scenic Rivers Act, a legal requirement to maintain or improve the ORVs, should be the prime consideration.

Recreation Is Overemphasized:

Recreation is over-emphasized in the draft and visitor numbers are generally excessive and certainly unsustainable. The non-recreational ORVs should be given increased emphasis in all alternatives or the Forest Service will be destroying the resources for which the creek was restored and designated under

the Wild and Scenic Rivers Act. The Preliminary Alternatives would fail the tests in the proposed “Preliminary and Draft Fossil Creek Monitoring and Adaptive Management Actions” matrix.

The original Arizona Wilderness Coalition proposal for the Fossil Creek Wild and Scenic River (2003) did not include recreational values as an ORV. At that time and long before the creek was restored and designated, maintaining/enhancing ecological integrity was the prime concern and recreational uses of the area were minimal. Similarly, the first WSR-related planning documents from CNF (2002) also do not include recreation as an ORV. The ORVs identified by CNF and the stakeholders from inception were related to protecting the unique natural environment. Recreation as an ORV appears for the first time in CNF WSR assessment documents released in 2011, then modified in 2013 and 2016. The justification given was that since flow has been returned to the creek, visitor use has grown exponentially, so visitor management is increasingly important. While visitor management is clearly crucial, and responsible enjoyment of our natural world is something Sierra Club supports and encourages as part of its mission, maximizing the number of PAOT in Fossil Creek would negatively impact ORVs while also negatively impacting visitor experience. Visitor uses of Fossil that damage ORVs, especially “waterplay,” must be managed through restriction of PAOT. Boating on Fossil Creek should be prohibited in order to protect the ORVs, including the travertine, native fish, and riparian vegetation.

Infrastructure development to support varied recreation such as an overlook at the waterfall would irreparably damage the wild character of Fossil Creek and should not be considered. Likewise, camping at Fossil Springs should be prohibited to protect this sensitive area. Any camping in the Wild and Scenic River corridor should be for education, research, and administration only.

We suggest that the Environmental Impact Statement (EIS) team go back to the basics and review the requirements of the Wild and Scenic Rivers Act (WSRA), study the management plans of other WSRs, and review the conceptual work by Francesco Valenzuela, Director of Recreation for Region 3, in 2013.

Waterplay Is Excessive:

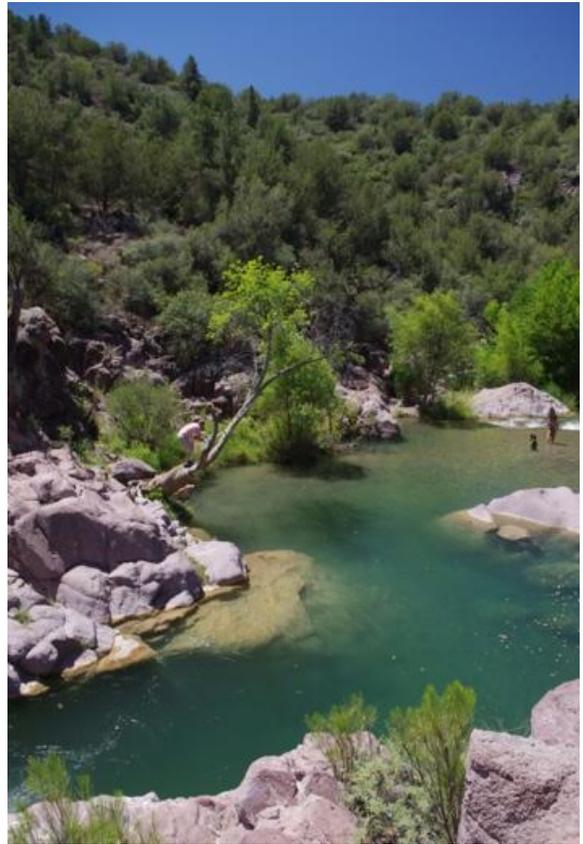
A key concern is that waterplay is now the main recreational activity instead of other activities consistent with the non-recreational ORVs, and that excessive waterplay ultimately harms the other ORVs. Note that neither the Wild and Scenic Rivers Act (WSRA) nor the Resource Assessment lists “Waterplay” as a criterion for a recreational ORV. Furthermore, “Waterplay” is not a unique and outstandingly remarkable feature of FCWSR; there are plenty of pools for waterplay in Phoenix and nearby Slide Rock State Park is dedicated to waterplay. There is no requirement in the WSRA to accommodate recreation types that conflict with other ORVs.

Sierra Club is concerned that waterplay harms native fish, damages vegetation on the stream banks, disturbs wildlife, and generates noise that interferes with other visitor experiences. Sierra Club requests that a preferred alternative be developed to restrict waterplay and help visitors understand the unique features in FCWSR. In other words, all the alternatives should strongly downplay waterplay. Boating, cliff diving/jumping, and swimming should be prohibited at the falls for safety and for resource protection.

Further, Sierra Club is extremely concerned that the FCWSR reservation website contains visitor photos that promote only waterplay and do not mention the other ORVs in the FCWSR. CNF should not promote visitor photos, especially photos of visitors climbing on and jumping off of the falls – a clear

public safety hazard that may damage the travertine. These photos encourage behaviors that are inconsistent with the purpose of the FCWSR. We request that CNF delete the waterplay photos and replace them with photos that communicate the ORVs. See:

https://www.recreation.gov/permits/Fossil_Creek_Wild_And_Scenic_River/r/wildernessAreaDetails.do?page=detail&contractCode=NRSO&parkId=74997#



Photos uploaded by visitors on Sunday, August 7 2016 to the [Recreation.gov](https://www.recreation.gov) web site, with text describing the “swimmin’ hole”

Add Educational Information:

All the alternatives should include educational amenities that will increase visitors’ appreciation of wildlife and public lands and the ORVs of Fossil Creek. This is an excellent opportunity for CNF partnerships with other organizations. Brochures, signs, children’s activities, and docents should be available to explain the unique hydrology, ecology, and history of the area, to help justify the importance of public lands, and to ensure that visitors are aware of the rules for visiting the FCWSR. For all alternatives, we strongly support a staffed visitor center during the reservations season, similar to the proposed Heinrich west welcome center as described for Alternative B but located on the canyon rim at the junction of FR708 and FR 502. We do not support permanent infrastructure in the canyon.

Inappropriate and Excessive Motorized Access:

The proposed motorized access in the proposed action is contrary to the purposes of the WSRA.

- The Wild and Scenic Rivers Act (WSRA) states that WSR management should focus primarily on (prioritize) the *riverine resources* that qualified as ORVs *in the eligibility phase* of the WSR designation process.

- The "protect and enhance" clause of the WSRA requires the managing agency to reach beyond protecting the status quo (which, legally, are the existing resources conditions at the time of

designation) to actually improve and enhance the ORVs whenever possible. Increasing motorized access is not consistent with this "protect and enhance" clause.

- Most of the Fossil Creek WSR borders the Fossil Springs Wilderness and the Mazatzal Wilderness Areas. A fundamental wilderness and resource management principle holds that any given land unit should be managed in ways that complement the management goals of adjacent lands; this justifies **reducing** motorized use, not increasing it.

- Increased motorized access and infrastructure development along the "Recreational" segment of the river pose an additional threat to preservation of the ORVs – diminution of the wild character and ecological integrity of downstream stretches of the river. As a "Wild" segment of the river is downstream of the "Recreational" segment, management of the Recreational segment should be tempered and aligned toward greater consistency with management in the bracketing Wild segments. Intensive human activity in the Recreational segment can degrade water quality and stream function that impairs the ORVs in the downstream Wild segment.

- The proposed motorized access along the river threatens the sensitive ecological values that support the ORVs of Fish and Aquatic Resources, Wildlife and Water - and also Riparian Communities and Botany, which we contend remain ORVs that were integral to eligibility determinations for the river. Motorized access provides a vector for magnified human impacts, bringing to the river amplified numbers of visitors, trash, invasive species and pollutants. Motorized access along the river also can promote increased erosion and siltation that can harm water quality.

Alternative D:

Alternative D is inappropriate, unnecessary, and not in keeping with the purpose of the WSR designation. There is absolutely no justification for introducing passenger cars for "Scenic Driving" and through traffic into the river corridor – not now and not ever.

Alternative D mentions "scenic driving" but there is no Scenic ORV. So why scenic driving is mentioned or permitted?

Alternative D calls for a passenger car ready roadbed for FR 708 from FR591 to Lewis Trailhead. Will the roadbed permit two-way traffic? Would a new bridge be needed? This plan is unrealistic because CNF engineering studies have found that it would cost millions to repair the road to minimum standards and that APS historical maintenance costs exceeded \$100,000 per year. CNF has neither provided exact costs nor identified a funding source. The first priority for expenditures should be protecting the resource, not constructing and repairing roads that increase stress on the resources - especially the wildlife.

We suggest that Alternative D be completely reworked to create a wider spectrum of choices reflecting the unique values that are the basis of WSR designation.

Alternative E:

The 62" wide limit for vehicles in Alternative E is excessive. This rule would allow some of the older Willy's Jeeps - a fairly good-sized vehicle - to make the trip. Additionally, a Polaris 4-seat OHV is 62.5" wide. Will a vehicle such as this be allowed? How will this be enforced – will someone measure? Considerable maintenance will be required to keep the road open for such use. FSR 708 from Strawberry should be closed to all vehicular access at or near the present gate.

Fossil Creek Trail (Bear Trail):

To better protect visitors, we suggest that CNF improve public communications and supervision. Before reservations are accepted, visitors should read and acknowledge a statement of the difficulties and an

equipment list needed for a safe hike. At the trailhead during the peak season, volunteers should chat with visitors, describe the hike, and check for proper gear. CNF should reduce the number of permits to improve the visitor experience at the springs and to further cut rescue calls. CNF is not required to accommodate every visitor in these natural areas.

Adaptive Management:

A robust monitoring program and conceptual use of Adaptive Management (AM) must not be used to support or rationalize a management scheme that values maximizing PAOT above all else. If implemented, AM is acceptable to Sierra Club only when:

- The management plan includes a clear statement of management objectives, desired conditions, current conditions, and a monitoring plan organized around the ORVs.
- The range of potential AM actions should be constrained and defined for each management objective. AM actions must not permit or create degradation. Management actions outside of the defined AM range should require more comprehensive analysis.
- A monitoring data collection plan is included and funded. The plan should describe the monitoring procedures, frequency, and locations for each management objective. The monitoring plan should be comprehensive enough to inform potential AM actions, yet simple enough to be sustainable. Monitoring activities should address all ORVs as directly as possible. The monitoring plan is expected to change as CNF and stakeholders gain experience with managing the FCWSR.
- A monitoring workgroup should meet at regular intervals, or when resource conditions change, to review monitoring data and make recommendations for AM changes to the responsible official. The workgroup should be led by CNF staff and include a range of stakeholders.
- Planned AM actions should include public notice and comments before activation.
- Monitoring records must be maintained permanently in a form that is available for current and future public review.
- Adaptive management should be a consistent strategy across on all alternatives or not be used at all, and it must be implemented in a manner that is protective of the ORVs. Both initial and maximum PAOT levels should be included in each alternative.
- The limitations of a monitoring program must be acknowledged and taken into consideration, including the fact that once monitoring detects problems, damage has already occurred.
- Management must be conservative and at all times err toward protecting ORVs and retaining the “wild” character of Fossil Creek.
- This principle requires that each alternative include an initial PAOT in addition to the maximum PAOT that is listed in the current alternatives. The initial PAOT should be selected to assure with confidence that no further degradation of the ORVs occurs and that damaged areas have an opportunity to heal and achieve the desired conditions. A monitoring history should be established at the initial PAOT levels and reviewed to certify that ORVs are at desired conditions before increasing the PAOT to a higher level.

Miscellaneous Discussion:

For road access: In Alternative B, FR708 from Lewis to the FR591 gate is closed except for emergency use but in Alternative C it is open to non-motorized uses. We see no reason why it should be closed in Alternative B. If people want to hike, bike, or ride horses on the road, let them. There should be no difference in road maintenance, but CNF would need to monitor and control potential conflicts between these user groups.

For road access: Alternative B allows no use of the Middle Fossil part of 708, which is an unnecessarily extreme restriction.

For road access: Alternative C requires that FR502 would be gated at the FR708 junction and a non-fee permit be required for Childs, yet this is not required for the other alternatives. Sierra Club favors this protective measure for all alternatives in order to help protect the visitor experience at Childs from traffic diverted from Fossil Creek.

For recreation sites and infrastructure: Alternative C & D suggest closing five sites yet propose increased PAOT over Alternative B. It doesn't make sense to cram more people into fewer sites. We support having fewer sites and fewer people in order to protect the ORVs.

For swimming and waterplay: the higher visitor use alternatives D & E include fewer swimming spots, which does not seem logical. Limiting waterplay to protect the travertine, native fish, and riparian vegetation should be considered for any preferred alternative.

For areas closed to recreational use: Visitor use of the Botanical Area should be determined by resource protection and should be consistent for Alternatives B-E and should be included in any preferred alternative.

For non-motorized trails: the conditions on Alternative C should apply to Alternative D.

If PAOT is kept to a minimum and there is sufficient education as to protection of ORV then there should be minimal or no need for paid outfitters and guides in Fossil Creek.

Alternative C should be renamed "Quiet Recreation" or some similar term, replacing "Non-motorized Experience," which defines the experience in terms of what it is not.

Renaming the Waterfall Trail to Lewis Trail (if the trail is retained) and Fossil Springs Trailhead to Bear Trailhead is a good idea.

We suggest limiting the length of time between a reservation and a visit so people don't forget or have so many changes of plans. We do not prefer a wait list.

As a public safety issue, special access for hunting activity, especially shooting, in the middle corridor is not appropriate during the reservation season. Fishing is an allowable recreational activity subject to the same management as any recreation – no special access should be allowed. In fact, special precautions are necessary to protect the spread of invasive nonnative species into the parts of Fossil Creek that have been restored for native fishes.

Initial construction costs, annual facility maintenance costs, and monthly operations costs for each alternative should be included in the EIS. Also, the EIS should include a realistic estimate of annual funding available to implement the management plan. These economic factors are important because the environmental impacts will grow if inadequate funding precludes planned resource monitoring and visitor management.

To reduce sedimentation in the creek, we ask CNF to address soil erosion from the existing roads in the creek corridor. This is necessary to protect the ORVs.

We encourage CNF to consider the potential economic benefits to the Strawberry/Pine communities from increased bike, horse, and hiking access to the FCWSR. In particular, consider connecting the Arizona Trail through to the existing Mail Trail. CNF would need to monitor and control potential unauthorized access by bikes into wilderness areas and also limit bikes in any Wilderness Study Areas.

Permanent structures and special opportunities for concessionaires, guides and outfitters to operate in Fossil Creek would represent a significant shift in the character of Fossil Creek. Outfitters and guides should have to meet the same requirements as other users, and have similar access as other users, for all alternatives. Commercial interests should not take precedent over individual users. Strategies identified in multiple alternatives that involve prohibiting access to the waterfall or other areas except with a guide or outfitter are unacceptable. Guides and outfitters are expensive. These proposals would make the most popular aspects of Fossil Creek available only to people who can afford to pay a guide. That is not what a public agency should be doing with a public resource. Guides and outfitters must not be favored at the cost of access for other visitors, but provisions enabling guided school groups, scouting clubs and/or other educational organizations should be included. Limits on those who repeatedly secure permits to sell to guides and outfitters should be implemented.

A new bridge at Irving to get vehicles to the north side of the creek is unnecessary and represents far too much development for this Wild and Scenic River.

Conclusion:

The focus on Non-Motorized Experience and the emphasis on Enhanced Protections in Alternatives B and C (modified as suggested in these comments) should be developed into a new preferred alternative that protects the ORVS and that is most appropriate for these outstanding waters. Since anecdotal evidence from the first year of new restrictions suggest that resource damage from overcrowding has been greatly reduced but not eliminated, retention of these restrictions with a decrease in visitors per day appears reasonable. The maximum PAOT should be decreased and an initial PAOT should be specified. Additional development should be minimal and some off-season camping may be allowed. Waterplay should be better controlled and education should have increased emphasis. Adaptive Management should include the conditions discussed above.

We ask that the USFS develop and select a modified alternative that protects this amazing resource while allowing for appropriate access to the area rather than the Alternative E, and that the Forest Service reassess the actions common to all alternatives identified above for their consistency with protecting the ORVs of Fossil Creek.

Thank you for considering our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Sandy Bahr". The signature is fluid and cursive, with the first name "Sandy" and last name "Bahr" clearly distinguishable.

Sandy Bahr
Chapter Director
Sierra Club – Grand Canyon (Arizona) Chapter

/s/
Barbara Hawke
Executive Director
Arizona Wilderness Coalition