

TO: Kerwin S. Dewberry, Forest Supervisor and Reviewing Officer,
"OBJECTION: South Fork Day Use Analysis"

FROM: Kim Vacariu and Lorraine Titus

RE: OBJECTION TO Draft Decision Notice and Finding of No Significant Impact for the South Fork Day Use Area Project

Dear Mr. Dewberry,

Thanks for the opportunity to object to the DDN for the South Fork Day Use Area Project. As indicated in my previous comments, I am generally in agreement with the concept and need for a Day Use Area to replace the original such facility damaged in Hurricane Odile. My primary objection to the DDN, also indicated in my previous comments, relates not to the proposed improvements themselves, your investigations have shown no likely new impacts to threatened and endangered species due to their construction. My biggest concern with and objection to the DDN relates to the unneeded add-on proposal for long-term road closure that was not part of the original proposal by FOCCC. This closure is extreme in length and unnecessary to accomplish your stated goals in the DDN. Below find my list of reasons for objecting to the road closure and my suggestions on a way to alleviate the contentious situation that will certainly occur among forest trail users in our community if the road is closed for the proposed four-month period.

OBJECTIONS

1. There is no scientific evidence in the DDN that road closure will improve protection of threatened or endangered species. The DDN makes a clear case that such closure would merely maintain the existing status of the species involved, in effect making no difference at all. The road closure was never included by FOCCC in its proposal for the project, and there is no scientific evidence given or available as to why the closure was added to the project.
2. Professional ornithologists and bird tour operators in our region indicate that the numerous, often noisy group walking trips along the proposed road closure area could easily disrupt sensitive species even more than vehicle traffic, due to visitors congregating and remaining in off-road locations normally left quiet during the proposed road closure period. The DDN makes no effort to research these effects, and is therefore defective in that regard. Additional study is required to ensure that this decision to greatly increase foot traffic in sensitive areas along the road will not harm sensitive species more than would continued vehicle traffic.
3. The same 2 key species that the closure apparently attempts to protect, Leopard Frog and Spotted Owl, have done just fine, without recognized population decreases over the past 50 years of continuous road use during March-June. There is no evidence that such road use has harmed these species in the past, and the EA states there is no expected additional risk to these species due to the new project.
4. Road closure exempts elderly people who have paid for Senior Passes from accessing existing recreation and trailheads by using their passes as advertised. Many seniors can only walk short distances and adding up to one mile to the walk needed to reach the existing trailhead at the berm will eliminate them from recreational opportunities in this spectacular natural setting. This unnecessary level of public restriction discriminates against taxpayers who are stakeholders with legitimate interests in accessing the public lands they pay for and rely on for long-established recreation opportunities.
5. The US Forest Service land accessed by the South Fork Road is publicly-owned, supported via public taxes. While some public restrictions to forest access may be reasonable

(forest fire danger, flood damage, proven negative impacts on endangered species, emergency situations, etc.), the road closure authorized by the DDN is unreasonable primarily due to lack of evidence that it is needed at all but also due to its extreme length (33% of the entire year) and its allowance of uncontrolled vehicle access by only a selected few cabin lessees, all their guests, forest service personnel, delivery vehicles, and emergency service vehicles. There is no description of how the USFS will selectively distribute and control use of gate keys to those still “allowed” to use the road. Unnecessarily blocking public access for such a long period of time could easily become a legal issue. In fact, the entire project decision should be officially appealed if approved with the full road closure, if that is a legal option.

6. A major reason why my wife, Lorraine Titus, and I moved to this area was good access to Cave Creek Canyon’s spectacular hiking trails above the existing trailhead. Neither of us is capable, due to physical issues, of adding another 3/4 mile of walking to reach the existing trailhead, on top of the extra 1 mile added when the original trailhead was moved due to the hurricane. The local community contains scores of elderly hikers like us who will also be shut out of their favorite hikes for an unreasonably long period of time.
7. Allowing access to multiple private cabin lessees above the proposed locked gate will create a continuation of the same vehicle traffic that has existed on the road for many decades, because controlling how many vehicles each cabin lessee allows through the gate would be impossible. There is no difference between having an ownership stake in a leased cabin on forest service land and having an ownership stake in our public lands as a tax-paying U.S. citizen. Each requires equal access to property that is technically “owned.” The extreme length of the proposed road closure and selective, yet uncontrollable allowance of access to a restricted few puts it squarely into the realm of discriminating against all legitimate forest users.

SOLUTIONS

1. Shorten the South Fork Road closure to a more reasonable length. While a short window of time may be needed to protect fledging owls, that period, according to local ornithologists and birding company owners, could easily be reduced to 6 weeks or even shorter.
2. Allow for vehicle gate entry by all Senior Pass-eligible elderly or otherwise physically impaired individuals, including those who may not be confined to wheel chairs but who cannot walk long distances due to age or condition. These Individuals could be authorized through a short questionnaire, pay a small fee, and receive opening instructions (daily scheduled opening time periods) upon approval of application. Wheel chair access only, while essential, is not the answer because rolling wheel chairs along rough dirt roads is highly unlikely to encourage use by such individuals beyond the Day Use Area improvements.
3. BEST OPTION: Keep the road open, but install Significant Signage at the new Day Use Area, including Notice of Vehicle Restrictions on the road and at the bermed parking area at the existing trailhead. Regulate/reduce the number of cars that can park at that trailhead lot. “Trailhead Parking Lot Full” signage could be posted at the Day Use Area to discourage excess vehicle traffic.

Thank you for the opportunity to object to the “Draft Decision Notice and Finding of No Significant Impact for the South Fork Day Use Area Project.”

Sincerely,
Kim Vacariu and Lorraine Titus