



United States
Department of
Agriculture

Forest
Service

Southwestern
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File Code: 1570/2300

Date: December 11, 1998

(see attached list)

Reference: Coconino National Forest Plan
Amendment 12, Appeal# 98-03-00-0047-A217

Dear:

This is my decision on your appeal regarding the Decision Notice (DN) and Finding of No Significant Impact (FONSI) for Amendment 12 to the Coconino Forest Land and Resource Management Plan. The DN and FONSI for Amendment 12 were signed by Acting Forest Supervisor Fred S. Salinas on June 24, 1998. This amendment provides new management direction for the Sedona/Oak Creek planning area. My review of your appeal was conducted pursuant to 36 CFR 217.

APPEAL SUMMARY

I received your Notice of Appeal letter on August 14, 1998. Your appeal included requests for stays on three actions included in the amendment. You were notified on August 27, 1998, that your stay requests would not be granted. The District Ranger transmitted the Appeal Record (AR) containing all relevant documentation for the decision to this office on September 25, 1998.

APPEAL ISSUES AND FINDINGS

Issue 1: Restrictions on camping and campfires and changes to recreational opportunities.

Contention: Appellants oppose the loss of camping opportunities resulting from the prohibition of camping and campfires in the Neighborwoods, Redrock Frontcountry, Gateway, Red Cliff and Casner RNA Management Areas (MA's) and object to the restriction of camping and campfires in the Transition, Wilderness, Oak Creek Canyon, and Dry Creek MA's as specified in the Amendment 12 DN on page 10. Additionally, appellants oppose conversion of Bootlegger and Banjo Bill Campgrounds to day use areas (DN page 187-1).

Response: The appeal record for the decision documents high levels of visitation and resulting social and resource impacts in the Sedona area. The planning area now attracts as many visitors annually as Grand Canyon National Park. Sedona area Wildernesses receive 400,000 visitors and the West Fork of Oak Creek Canyon itself has 50,000 visitors (AR 97.1 and 97.5). The Forest Service manages Wilderness according to the Wilderness Act of 1964 (Public Law 88-577) for ..."outstanding opportunities for solitude..." The Forest Service has adopted a policy of non-degradation of the Wilderness resource and implements that policy by identifying negative human influences and correcting them. Where a choice must be made between



Wilderness values and intense visitor activity, preserving the Wilderness resource is the overriding value (FSM 2320.6). The Forest Service manages non-Wilderness lands similarly, to mitigate adverse impacts of users on the natural and cultural resources, and on other users (FSM 2350.2).

The decision proposes to convert two small campgrounds in Oak Creek (Banjo Bill and Bootlegger) to day use sites. The AR documents a higher demand for day use than for overnight use in Oak Creek (AR 62, 97.10) as well as other management concerns for the area. The conversion is warranted.

The Deciding Officer documented through independent research, Forest Service monitoring, public input and professional opinion that there is a problem with overcrowding, resource degradation, fire threat, user conflicts, and sanitation (AR 40, 41, 43, 49, 97.5, 9, 10, 11, 12, 14 and 19, 103.0 and 1, and 105.1). Amendment 12 addresses the need to balance environmental impacts with increasing public use of the area (AR 72.1 and 89.1). While some favorite long established camping uses will be eliminated in some areas and restricted in others; the plan strikes a balance between increasing public use, especially the kinds of use demanded by the majority of users, while protecting the land resource.

Finding: On the issue of restrictions to camping and campfires and changes in the management of recreational opportunities, I find that the analysis supports the decision. The Forest Supervisor is affirmed on this issue.

Issue 2: Change in Party Size from 75 to 25 for noncommercial group use.

Contention: The proposed reduction in party size (from 75 to 25) for noncommercial group uses requiring a permit is a violation of constitutional rights.

Response: The Decision Notice at page 27 reduces the party size requirement for obtaining a noncommercial group use permit from 75 persons to 25 persons for the following management areas in the Sedona Ranger District: Oak Creek, Research Natural Area, Dry Creek, Lower Oak Creek, Neighborwoods, Red Cliff, Redrock Frontcountry, Schnebly Rim and Transition. However, Forest Service regulations at 36 CFR 251 Subpart B defines group use as an activity conducted on National Forest System lands involving a group of 75 or more people (36 CFR 251.51). The DN therefore dramatically reduces the size of groups requiring permits than what is set forth in the regulations.

The agency's authority to regulate or limit noncommercial group use is conditioned upon the area and group not meeting one or more of eight specific criteria, as set forth in 36 CFR 251.54 (h) (i) through (viii). The eight criteria address environmental, administrative, physical, or public health and safety concerns or limitations which occur when a specific area is impacted by a group use of 75 or more people. The DN states that the decision is based on "the desire of most visitors for an uncrowded setting." None of the criteria in the regulations include a desire by visitors for an uncrowded setting; it is therefore not an authorized rationale for limiting group size for noncommercial group use.

The appeal record is replete with documentation of resource impacts and public concerns associated with overuse (AR 14, 17, 44, 60, 62, 81, 89, 89.1, 97.1, 97.10) however, nowhere

does the record show that this overuse and resulting impacts are caused by large groups as opposed to total visitation. AR 97.10 indicates that for the Oak Creek management area, only 2% of groups have more than 25 people. Furthermore, the AR does not document any management problems that have resulted from large groups over 25.

Finding: In light of regulations that narrowly limit the agency's discretion regarding noncommercial group uses, I find that requiring permits for groups over 25 in the Oak Creek, Research Natural Area, Dry Creek, Lower Oak Creek, Neighborwoods, Red Cliff, Redrock Frontcountry, Schnebly Rim and Transition management areas is overly broad and that there is insufficient documentation in the AR to support such a decision. The Forest Supervisor is reversed on this issue.

DECISION

After a detailed review of the record regarding the issues raised in your appeal, I find the Forest Supervisor conducted a thorough analysis, in accordance with the National Environmental Policy Act regulations and Forest Service Policy as a basis to amend the Coconino National Forest Land and Resource Management Plan. The Supervisor is affirmed with respect to issue 1, camping restrictions and changes in recreation management. The Supervisor is reversed on issue 2, limiting noncommercial group use party size. The decision hereby incorporates the entire appeal record.

This is the final administrative decision of the Department of Agriculture unless the Chief, on his own initiative, elects to review the decision within 15 days of receipt (36 CFR 217.7(d)(1) and 217.17 (d)). By copy of this letter I am notifying all parties to the appeal of my decision.

Sincerely,

/s/ John R. Kirkpatrick
JOHN R. KIRKPATRICK
Appeal Reviewing Officer

cc:
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