



File Code: 2720
Date: March 4, 2016

CRAIG SANDERSON
MAYOR, TOWN OF TUSAYAN
P.O. BOX 709
TUSAYAN, AZ 86203-0709

Dear Mayor Sanderson:

The Forest Service (FS) has been working to address your application for authorization to improve and maintain roads and install utilities on National Forest System (NFS) land. The FS verbally accepted your application on June 5, 2014, and documented acceptance in a letter dated July 1, 2014. The roads and associated infrastructure would provide improved access to the Kotzin and Ten-X Ranch properties, and would allow significant residential and commercial development. Pursuant to 36 CFR 251.54(g)(2), the FS began the process of evaluating the proposed use of NFS lands to consider authorization of that use. The first step in this process was to notify potentially affected Federal, State, and local government agencies and the public of the proposal and provide them an opportunity to comment. During this initial scoping process, the FS received 2,447 unique comment letters, 85,693 form letters, 86 comments connected to a blog, and two petitions with 105,698 signatures attached on the project. Subsequent to the close of the initial formal scoping period, the FS has received in excess of 35,000 additional comment letters. The vast majority of the commenters opposed the FS authorizing the proposed roads and infrastructure.

Based on the comments received, and considering the other information I have regarding the proposed project, I have decided to reconsider application of the screening criteria to the proposal, as set forth under 36 CFR 251.54(e), which provides that any proposal for use or occupancy of NFS land must meet all of 9 minimum requirements before the FS may consider processing an application for authorization. See 36 CFR 251.54(e)(1)(i)-(ix). If the proposal does not meet all of the screening criteria, the proposal shall not receive further evaluation and processing by the FS. See 36 CFR 251.54(e)(2). Your proposal does not meet certain minimum requirements under initial screening criteria, as follows:

CFR 251.54(e)(1)(ii) requires that the proposed use must be consistent, or can be made consistent, with the Kaibab Forest Plan. The Forest Plan envisions management at a landscape-scale by taking an "all-lands approach," and specifies strategies to achieve the desired conditions and objectives in the Plan, including working closely with partners and across administrative boundaries to meet common objectives. The development that would be enabled by authorization of the proposed use of NFS lands could substantially and adversely affect Tribal lands and the Grand Canyon National Park.

36 CFR 251.54(e)(1)(iv) states that the proposed use will not create an exclusive or perpetual right of use or occupancy. The proposed use has the potential to create a perpetual right of use or



occupancy because even though the authorization is temporally limited, once road improvements, infrastructure installation, and development of the private parcels take place, that improved level of access will continue even after the authorization expires. Therefore, it would be premature for FS to process an application which may create perpetual rights until/unless the serious concerns raised by the Tribes, Park and public are addressed by the applicant.

36 CFR 251.54(e)(1)(v) provides that the proposed use must not unreasonably interfere with the use of adjacent non-National Forest System lands. The FS received written comments from the National Park Service (NPS) through the Principal Deputy Assistant Secretary of the Interior for Fish Wildlife and Parks which pointed out that potential impacts to the Outstanding Universal Value of the Grand Canyon National Park (GCNP), either from the roads that would be authorized by easement or the reasonably foreseeable development on the two private properties that would be enabled by the roads and other facilities, are of concern. The GCNP also raised concerns in a meeting regarding impacts on infrastructure that they share with the Town of Tusayan. The NPS was concerned that any activity that would result in significant increases in visitation or occupation near the Park would affect the Park's capacity to absorb the additional use.

Consequently, because your proposal does not meet the above minimum requirements for initial screening under 36 CFR 251.54(e)(1), your proposal cannot receive further evaluation and processing. See 36 CFR 251.54(e)(2). Moreover, even if the proposal passed initial screening, which it does not, the proposal would then proceed to "second-level screening" to ensure that the proposal meets all of 5 additional criteria. See 36 CFR 251.54(e)(5)(i)-(v).

Based on information received in the record, I have determined that the Tusayan proposal is deeply controversial, is opposed by local and national communities, would stress local and Park infrastructure, and have untold impacts to the surrounding Tribal and National Park lands. For example, the current fresh water conveyance system serving the Park is marginally capable of meeting their needs and could not absorb the additional needs of the connected development. Water would then have to be secured from other sources potentially impacting the Park. Given the information above, even if your proposal were to proceed through to second-level screening, based upon the record before me, I find that the proposal would be rejected as there is significant evidence the proposal is not in the public interest, 36 CFR 251.54(e)(5)(ii).

Given the evaluation of these screening criteria, I have determined the project does not meet the 36 CFR 251.54 requirements for initial and second level screenings. I am therefore returning your proposal, as the FS may not process such an application for authorization. If you wish to submit another application, I would encourage you to develop a proposal that addresses the above-stated concerns and criteria. If you have any questions, please direct them to my office.

Sincerely,



HEATHER PROVENCIO
Forest Supervisor

cc: Tracy Parker, Nick Pino