



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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In Reply Refer To:
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MEMORANDUM

Date: April 1, 2019

To: Field Supervisor, U.S. Fish and Wildlife Service, Utah Field Office, 2369 West Orton Circle, West Valley City, Utah 84119

From: Field Office Manager, Richfield Field Office

Subject: Status of Factory Butte Special Recreation Management Area (SRMA) Implementation and Request for Concurrence

This memo provides an update of the Factory Butte SRMA Implementation project, details of how the Bureau of Land Management (BLM) has responded to the conservation measures provided in the 2010 Biological Opinion (BO) and subsequent Fish and Wildlife Service (FWS) conservation measure requests for this project, and seeks concurrence on full implementation for the OHV play areas (Swing Arm City, Factory Butte, Caineville Cove Inn). BLM would continue to defer implementation of a second RMP decision (referred to as Phase 2 in the BO) that identified travel corridor(s) between the play areas.

The SRMA was designated as such in the Richfield Field Office (RFO) Resource Management Plan (RMP) of 2008, and included a BO, including conservation measures specifically for *Sclerocactus wrightiae* protection. As directed by the RMP, a Monitoring Plan was established in 2009 and Infrastructure was identified for the SRMA. Per FWS request, those actions were addressed in a separate BO for Factory Butte SRMA dated December 21, 2010.

The conservation measures identified in the Richfield RMP BO specific for *Sclerocactus wrightiae* protection included such items as surveys, avoidance, and mitigation for future projects within habitats for the species; research; and educating BLM staff of protocols when working within the vicinity of known populations. BLM has and will continue to conduct surveys prior to surface disturbing projects, work with FWS regarding avoidance/mitigation, conduct research as funding permits, as well as educating our staff to the sensitivities required when working in this area. The BO called for continued documentation of new populations which BLM continues to do through the Factory Butte and Rangewide monitoring efforts. The BO requested that BLM consider OHV closure or additional restrictions and development of new recreational facilities/opportunities that concentrate dispersed recreational use away from habitat,

especially occupied habitat. That was the purpose of establishing the specific OHV play areas at Factory Butte and restricting the remaining habitat through route designation or closure. The play areas were identified to allow for the specialized OHV riding experience outside of habitat. Any future closures or restrictions would be driven by monitoring results. The remainder of the RMP BO conservation measures discussed such items as prescribed burning, land exchange or disposal, and livestock activities, which are not part of the Factory Butte SRMA actions.

There were some conservation measures identified in the Factory Butte SRMA BO that will be continuous; and actions will be determined by field data, data review, FWS recommendations and what is best suited for management and protection of cacti. Examples included, but were not limited to: increased law enforcement, signage, additional fencing and adjusting corridor and play area boundaries if needed. These actions have been implemented and will continue to be adjusted as described.

The remainder of the committed conservation measures from the Factory Butte SRMA BO have been completed. As described in the BO, a gate and additional signage was installed and the disturbance monitoring transects adjusted in coordination with FWS. There is a Law Enforcement position duty stationed in Hanksville and BLM has an active enforcement agreement with Wayne County that includes assisting with patrols at Factory Butte. The implementation to open the Factory Butte and Caineville Cove Play Areas would be the only action to move forward at this time. BLM would not pursue Phase 2, the establishment of corridors between the play areas at this time.

In 2013, the BLM requested input from FWS regarding implementation of the BO and to determine if BLM had accomplished the required conservation measures necessary to revoke the temporary restriction order and continue implementation of the SRMA management plan. FWS reviewed the actions taken and provided a list of eight additional recommended conservation measures, requesting that BLM consider those prior to lifting the restriction order and opening the Factory Butte and Caineville Cove play areas. BLM has considered those measures and they are addressed in detail below:

- The [REDACTED] area overlaps the Factory Butte open play area. We recommend [REDACTED] from OHV use. The Factory Butte OHV play area boundary should be adjusted to include these buffers.
 - BLM has established a buffer between localities and the play area boundaries. Topography was used where possible to set the play area boundaries which assists with compliance.
- The boundaries of all the play areas needs to be appropriately signed, marked and posted prior to OHV play areas being opened.
 - The boundary posts have already been installed around the perimeters of the Factory Butte and Caineville Cove play areas. BLM has the signage on hand to install on

the posts immediately prior to re-opening these areas. BLM would seek volunteer assistance from OHV groups for this work.

- Signs and brochures shall be available for OHV users that explain the areas that are open for travel, the available roads that are authorized for OHV use that connect the play areas, and those areas where travel is prohibited, prior to opening the Factory Butte and Caineville Cove OHV play areas.
 - BLM has developed kiosk panels for installation at the eight kiosks located around the perimeter of the Factory Butte SRMA. We have developed a Factory Butte brochure which currently provides this information for the Swing Arm City OHV play area. The brochure would be updated to include Factory Butte and Caineville Cove play areas and identifying that motorized use is allowed on designated routes only outside of the play areas. BLM would print those brochures in-house and have them available concurrent with re-opening the additional play areas.
- We recommend you work with the owner of the hotel to clearly identify who is responsible for ensuring compliance of riders for the area behind the hotel known as the Caineville Cove OHV play area.
 - BLM will continue to provide information to the owner of the hotel so that they can provide the most up-to-date information to their clientele. However, compliance is not the responsibility of the private property owner. BLM would patrol the play areas and the SRMA as a whole to ensure compliance.
- The fence at the Caineville Cove OHV play area should be checked weekly for the first three months that the play area is re-opened. If compliance is 100% then the fence can be checked randomly at least every month and every holiday weekend thereafter.
 - The wire fence on the northern boundary of the Caineville Cove OHV play area was replaced with post and rail fencing similar to the northern boundary of Swing Arm City play area providing a more secure boundary. In addition, there is a buffer of [REDACTED] between the Caineville Cove play area and [REDACTED] to the [REDACTED].
 - Compliance and enforcement visits throughout the SRMA would be increased concurrent with re-opening the Factory Butte and Caineville Cove play areas. Photo monitoring already occurs every month at the boundary fenceline for the Caineville Cove play area, and would continue into the future.
- BLM staff shall be present and visible to riders on-site during holiday weekends and busy weeks for at least a period of three years. After three years BLM shall continue to be present and visible to riders on-site during holiday and busy weekends as necessary to ensure OHV compliance meets the two thresholds outlined in the December 21, 2010 biological opinion.
 - BLM has a law enforcement ranger position duty stationed in Hanksville and would continue to have assistance from Wayne County and our BLM staff when possible. The BLM Recreation staff will also continue to be heavily involved in outreach with the public both on-site and attending OHV travel shows and events when possible to educate

the public regarding the Factory Butte SRMA. BLM is committed to maintaining an increased presence in and around the Factory Butte SRMA, with a special emphasis on the spring and fall riding periods and holiday weekends. We have added motorcycles to our available equipment to improve our ability to patrol the play area boundaries.

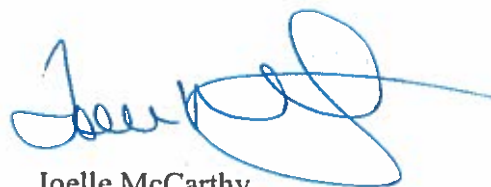
- We recommend you work with the local OHV user group to see if they will agree to release a statement for the opening of the play areas to the newspapers and other media in the local area and Cedar City, Moab and Richfield explaining that the play areas are open but will stay open only if riders are compliant and stay within designated play areas and out of prohibited areas.
 - We have been very successful in the past in working with the local OHV user group to reach the improved compliance level we have now. They have also supported the Factory Butte SRMA by providing many volunteer hours for building and maintaining infrastructure. We would continue to work with these groups and BLM's public affairs specialists on a communication plan prior to re-opening the additional play areas. Following the RMP completion and SRMA designation in 2008, BLM staff set up an information booth at local motorcycle vendors and trade shows to help with education and outreach to the OHV community. We would look for those opportunities as part of the communication plan as well so that the OHV community is aware of the changes at Factory Butte.
- BLM must close OHV use immediately in play areas that do not meet compliance. Non-compliance means entrance of riders in an occupied Wright fishhook cactus surrounding suitable habitat where OHV tracks are within 1 m of five percent of Wright fishhook cactus population in a locality over the course of one year or where there are one or more direct impacts to cactus.
 - BLM would continue to adhere to the thresholds set by the 2010 BO and coordinate with FWS on future actions. Future closures would be processed according to BLM regulations for Temporary Restriction Orders.

Finally, during a field visit in June 2014, FWS requested formal coordination between BLM and School and Institutional Trust Lands Administration (SITLA) for management and enforcement of the SITLA lands adjacent to the Factory Butte play area and commitment for continued law enforcement presence. BLM has coordinated with SITLA regarding OHV use in the Factory Butte SRMA. We are committed to continuing to work directly with SITLA regarding infrastructure and signage. Infrastructure and signage would be placed on BLM lands when possible, but coordinated with SITLA when necessary. Any enforcement issues would be referred to the appropriate State of Utah enforcement agency. As already discussed, BLM has addressed and is committed to law enforcement in this area.

In closing, we believe that we have met the one-time conservation measures FWS has proposed for the Factory Butte SRMA. Many of the conservation measures continue over time or are triggered by monitoring or to address specific issues that may arise from fully implementing the Factory Butte SRMA play areas. BLM has the ability to meet those conservation measures as they occur and are committed to work with FWS on necessary actions or adjustments. BLM

thereby requests concurrence from FWS that the BLM is in compliance with the Factory Butte SRMA BO, and BLM's intent to move forward with re-opening of the additional play areas.

If you have questions or if it would be helpful to meet regarding the Factory Butte SRMA, please contact Sue Fivecoat, Assistant Field Manager at 435-542-3461, or by email at sfivecoa.blm.gov to schedule a meeting date. Otherwise, please provide a written response to our office by May 1, 2019.



Joelle McCarthy
Field Manager
Richfield Field Office