United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Phoenix District
Sonoran Desert National Monument
21605 North 7th Avenue
Phoenix, AZ 85027
www.az.blm.gov

In Reply Refer To:
8012.1 (AZ240)

Decision Memorandum:

Temporary Route Closure
Sonoran Desert National Monument, Arizona

U.S. Department of the Interior
Bureau of Land Management
Phoenix District

Applying
Categorical Exclusions 516 DM 11.5(G)(2), (G)(3), and (G)(4)
NEPA No. AZ-240-2007-002

Background

The Sonoran Desert National Monument (SDNM) was established by Presidential Proclamation 7397 on January 17, 2001. Among other provisions, the proclamation stated that "[f]or the purpose of protecting the objects identified above, all motorized and mechanized vehicle use off road will be prohibited, except for emergency or authorized administrative purposes." Since its establishment, certain parts of the SDNM have experienced increased visitation from growing adjacent communities, which in turn has increased the public awareness and popularity of these areas for off-highway-vehicle (OHV) use. Motorized vehicle use off road has led to visible and persistent damage to the soils and vegetation of lands adjacent to primary access routes, to degradation of the natural and cultural resource objects for which the monument was designated—including a portion of the Juan Bautista de Anza National Historic Trail, and to degradation of the scenic values of the monument. Recently released results of a scientific study on recreation impacts in the SDNM conducted by researchers from Northern Arizona University indicated that such impacts as litter, trash dumping, unattended active fires, social trails, damage to vegetation (including all separate categories for trees, shrubs, saguaros, and other cacti), and damage to rock formations all have increased significantly at vehicle-based "recreation nodes," or campsites, during the period 2005-2007. Observational evidence from SDNM staff also indicates that the scope and frequency of damage to monument resources in certain areas has increased during this time (see photos).

Purpose and Need for the Proposed Action

BLM Arizona is mandated by Presidential Proclamation 7397 to prevent damage to the natural resources of the SDNM resulting from the unauthorized operation of motor vehicles off-road.

Additionally, 43 Code of Federal Regulations 8341.1(a) further directs that "…the authorized officer shall immediately close the areas affected to the type(s) of vehicle causing the adverse effect until the adverse effects are eliminated and measures implemented to prevent recurrence." A compilation of scientific and anecdotal evidence has indicated that resource damage resulting from improper OHV use not only is ongoing on the SDNM, but also is increasing in scope and frequency.

This action is intended to bring BLM Arizona into compliance with law and regulation by preventing further damage to the natural resources of the SDNM in areas of particular concern; to restore, to the extent possible, the soils, vegetation, and scenic values of the most popularly visited area of the SDNM; and to provide for the health and safety of workers and the public during the project period.

Proposed Action

The proposed action provides for the temporary closure of 88 miles of vehicle routes within the SDNM to all types of motor vehicles as depicted in the attached map. This closure represents 15% of the total 595 miles of vehicle routes available for public use, and will restrict public access to portions of T. 3 S., R. 1 W., section 30; T. 3 S., R. 2 W., sections 9-11, 13-15, 24-26, 35, and 36; T. 4 S., R. 1 W., sections 2, 3, 10-12, 13-15, 19-24, 26-28, 34, and 35; T. 4 S., R. 2 W., sections 2, 10, 11, 15, 16, 22-24, 25-29, 31-33, and 35; T 4. S., R. 3 W., section 34; T. 5 S., R. 2 W., sections 2, 3, 6, 7, 11, and 12; and T. 5 S., R. 3 W., sections 1-4, 9-15 and 23 (Gila and Salt River meridian).

During the temporary closure of these vehicle routes, primary access routes will be restored by knocking down and pulling in to the routes the high berms that have been caused by speeding all terrain vehicles. Adjacent areas of OHV damage, vehicle tracks, barren core areas, and other areas of human disturbance will be reclaimed by hand raking, "vertical mulching," harrowing, seeding (native plants only), and watering to re-establish the route surface and to reduce dust emissions. During the closure, all access points will be prominently posted as closed with the closure order and a map. Visitor information stations with bulletin boards will be posted at all primary vehicle access points to advise the public of the purpose and extent of the temporary closure, goals of the reclamation work, proper OHV use, and other information as appropriate. Short lengths of wire fencing will be erected across selected closed vehicle routes to block vehicle access to the project area. Reclaimed areas may be posted with "Area Closed" signs to protect such work and provide information to the public when the vehicle routes are re-opened to public use.

Plan Conformance

The action is in compliance with the *Lower Gila South Resource Management Plan* (1988), as amended, which states: "Limitations on or closure of public lands to motorized off-road vehicle use will be established for specific roads, trails, or areas where problems are identified" (p. 12).

Compliance with the National Environmental Policy Act

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.5(G)(2), (G)(3), and (G)(4).

The application of these categorical exclusions is appropriate in this situation because there are no extraordinary circumstances potentially having effects which may significantly affect the environment. As described below, none of the exceptions to categorical exclusions from NEPA (contained in 516 DM 2, Appendix 2) apply to the proposed action:

2.1. Have significant impacts on public health or safety.

No impacts to public health or safety are anticipated to result from implementation of this project. No chemicals or surface disturbing materials posing short or long term public hazards will be used.

2.2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.

The action is in proximity to the Juan Bautista de Anza National Historic Trail and the North Maricopa Mountains Wilderness, and is within the Sonoran Desert National Monument. A nine (9) mile section of the Juan Bautista de Anza National Historic Trail (NHT) through the "Butterfield Pass" area of the North Maricopa Mountains will be restored by knocking down and pulling in to the route the high berms that have been caused by speeding all terrain vehicles. Adjacent barren core areas of human disturbance will also be restored. Cultural surveys have been conducted by BLM archaeologists along the entire nine-mile section of the NHT; the project does not pose significant impacts to the NHT or to other natural, historic, and cultural resources of the area. A stipulation relating to discovery and conservation of cultural resources potentially encountered during the course of the project will act to mitigate potential impacts to the NHT and other cultural resources.

2.3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.

Discussion of the proposed action with numerous and varied special interests, including the BLM Arizona Resource Advisory Council, Arizona Game & Fish Department, holders of BLM land use authorizations in the area, other known users of the area, and BLM staff representing various natural resource disciplines has not indicated a potential for controversy or unresolved conflicts concerning alternative actions.

2.4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

All actions to be taken are standard reclamation procedures using hand tools and minimal mechanical means in a localized area. No significant environmental effects or unique or unknown environmental risks will result from implementation of the action.

2.5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

The action does not establish precedent for, or foreclose on, any future action.
2.6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

The action is not connected to and cumulative with any other present or reasonably foreseeable future action that poses significant environmental effects.

2.7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.

The project area does not contain any known properties listed, or eligible for listing, on the National Register of Historic Places. As it represents a corridor rather than a specific identifiable place, the Juan Bautista de Anza National Historic Trail is not listed on the National Register of Historic Places (certain localized portions may be eligible for such listing). Nevertheless, temporary closure and restoration of an approximately nine (9) mile section of the Juan Bautista de Anza National Historic Trail is not anticipated to pose significant impacts to this cultural resource.

2.8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.

No endangered or threatened species, or their habitats, are present in the project area.

2.9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.

No Federal, State, local, or tribal law will be violated by implementation of the action.

2.10. Have a disproportionately high and adverse effect on low income or minority populations.

No low income or minority populations will be affected by implementation of the action.

2.11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites.

No known Indian sacred sites or religious practices are known to occur in the project area. Local tribal members have indicated occasional use of certain areas adjacent to the eastern boundary of the North Maricopa Mountains Wilderness for collection of saguaro fruits, a practice of traditional cultural importance. Potential impacts of this proposed temporary route closure on these practices by tribal members will be mitigated by the provision of a stipulation allowing for the use of motor vehicles on temporarily closed routes by tribal members engaged in activities of traditional cultural importance.

2.12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.

The action is not expected to contribute to the introduction, continued existence, or spread of noxious weeds. Seeding of disturbed areas may be incorporated into the restoration efforts of this project; however, only native plant seeds will be used if seeding is implemented.

Persons and Agencies Consulted

The project has been developed in consultation and cooperation with the following entities:

Arizona Horseman's Association, Arizona Foxtrotters
Arizona Game and Fish Department, Region IV
Arizona Wilderness Coalition
BLM Arizona Resource Advisory Council
Boy Scouts of America, Grand Canyon Council
Dr. Pam Foti, PhD.; Professor and Chair; Department of Geography, Planning and Recreation; Northern Arizona University
Federal Lands Hunting, Fishing and Shooting Sports Roundtable
Fedora Motor Sports, Special Recreation Permit
Livestock Grazing Permittee, Big Horn Allotment
Livestock Grazing Permittee, Conley Allotment
The Center for Biological Diversity
The Four Southern Tribes
The Sierra Club, Grand Canyon Chapter
Town of Gila Bend
Wayward Wind, Special Recreation Permit

Decision and Rationale on Action

I have decided to temporarily close 88 miles of vehicle routes within the SDNM to all types of motor vehicles. This closure will restrict motorized access to that portion of the SDNM as described above and depicted on the accompanying map. During the temporary closure of these vehicle routes, primary access routes will be restored by knocking down and pulling in to the routes the high berms that have been caused by speeding all terrain vehicles. Adjacent areas of OHV damage, vehicle tracks, barren core areas, and other areas of human disturbance will be reclaimed by hand raking, "vertical mulching," harrowing, seeding (native plants only), and watering to re-establish the route surface and to reduce dust emissions. Visitor information stations will be posted at all primary vehicle access points to advise the public of the purpose and extent of the temporary closure, goals of the reclamation work, proper OHV use, and other information as appropriate. Short lengths of wire fencing will be erected across selected closed vehicle routes to block vehicle access to the project area. Reclaimed areas may be posted with "Area Closed" signs to protect such work and provide information to the public when the vehicle routes are re-opened to public use.

This temporary closure will prevent further damage to the natural resources of the SDNM by unauthorized and illegal off-road OHV use and will restore, to the extent possible, the soils, vegetation, and scenic values of the most popularly visited area of the SDNM. Further, the temporary closure of these routes will assure that the reclamation work will not be damaged or outpaced by ongoing improper OHV use, and will provide for the health and safety of BLM staff

and volunteers engaged in reclamation work by reducing exposure to the high volumes of dust generated by the passage of vehicles.
I have reviewed the plan conformance statement and have determined that the proposed action is in conformance with the approved land use plan and that no further environmental analysis is required.

The following stipulations are required as conditions of implementation:

1. During the period of closure and in addition to the restoration measures detailed above, an implementation plan for the provision and enhancement of future recreation opportunities in the closure area will be developed and implemented to the extent possible. This implementation plan, or "Activity Plan," is intended to assure that public enjoyment of the various recreational opportunities of the area, including motorized recreation, can occur without future damage to the natural resources of the SDNM. The potential environmental impacts of alternate concepts and proposals for action described by this plan will be evaluated in an environmental assessment per the National Environmental Policy Act.

2. The following persons, operating within the scope of their official duties, are exempt from the provisions of this closure: Employees of the BLM, Arizona Game and Fish Department, and local and federal law enforcement and fire protection personnel. Motorized access by additional parties may be allowed, but must be approved in advance in writing by the Sonoran Desert National Monument Manager.

3. Existing BLM land use authorizations, including livestock grazing permits and commercial Special Recreation Permits in effect as of the date of this decision, may continue normal course of motor vehicle operations on vehicle routes in the area affected by the temporary closure area, and these permits will be renewed on schedule as provided by the existing permits.

4. No new land use authorizations for activities using motor vehicles will be issued for the area of closure during the period of closure with the exception of a maximum of ten (10) authorizations for organized group activities available each fiscal year on a first come, first served basis, and to be evaluated and authorized per the regulations at 43 CFR 2930.

5. If any cultural and/or paleontological resource (historic or prehistoric), site, or object is discovered during the course of the restoration measures detailed above a BLM Phoenix District archaeologist will be immediately notified. All work will cease until an evaluation of the discovery is made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values.

6. Nothing in this action will interfere with use of the temporarily closed vehicle routes by tribal members engaged in activities of traditional cultural importance.

Authorization

This action is being taken pursuant to the provisions of Presidential Proclamation 7397 (66 FR 7354, 3 CFR 7397); 43 CFR 8341.2(a); and 43 CFR 8364.1. Any person who fails to comply with the provisions of this closure may be subject to penalties outlined in 43 CFR 8360.0-7.

Presidential Proclamation 7397

Presidential Proclamation 7397 of January 17, 2001 established the Sonoran Desert National Monument and provided that "[f]or the purpose of protecting the objects identified above, all motorized and mechanized vehicle use off road will be prohibited, except for emergency or authorized administrative purposes."

43 CFR 8341.2(a)

43 Code of Federal Regulations 8341.2(a) provides that "where the authorized officer determines that off-road vehicles are causing or will cause considerable adverse effects upon soil, vegetation, wildlife, wildlife habitat, cultural resources, historical resources, threatened or endangered species, wilderness suitability, other authorized uses, or other resources, the authorized officer shall immediately close the areas affected to the type(s) of vehicle causing the adverse effect until the adverse effects are eliminated and measures implemented to prevent recurrence."

43 CFR 8364.1

43 Code of Federal Regulations 8364.1(a) provides that "[t]o protect persons, property, and public lands and resources, the authorized officer may issue an order to close or restrict use of designated public lands." Subsequent provisions of this subpart detail the measures to be taken by the authorized officer to properly implement such closure and restriction orders.

Implementation Date

This temporary closure will be implemented thirty (30) days following public notice of this action in the Federal Register, on or about October 1, 2007, and will remain in effect until OHV damage to the natural and cultural resources of the SDNM has been restored to the extent possible and that adequate measures have been implemented to prevent recurrence of such damage.

Karen Kelleher, Manager
Sonoran Desert National Monument

8-28-07
Date

Administrative Review of Appeal Opportunities

This decision is subject to appeal per the procedures at 43 CFR 4.410-4.415. An appeal may be accompanied by a petition for stay of the decision in accordance with 43 CFR 4.21, pending final determination on appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted below, within 30 days following receipt of this decision:

Bureau of Land Management
Sonoran Desert National Monument
ATTN: Karen Kelleher, Manager
21605 North 7th Avenue
Phoenix, AZ 85027

The appeal shall state the reasons, clearly and concisely, why the appellant feels that the decision here is in error.
In accordance with 43 CFR 4.21(b)(1) a petition for stay, if filed, must show sufficient justification based on the following standards:

(1) The relative harm to the parties if the stay is granted or denied.
(2) The likelihood of the appellant's success on the merits.
(3) The likelihood of immediate and irreparable harm if the stay is not granted, and
(4) Whether the public interest favors granting the stay.

Contact Person

For additional information concerning this decision contact Karen Kelleher, Manager; Sonoran Desert National Monument; 21605 North 7th Avenue; Phoenix, AZ 85027; (623) 580-5500

Photographs of selected routes in area of proposed closure.

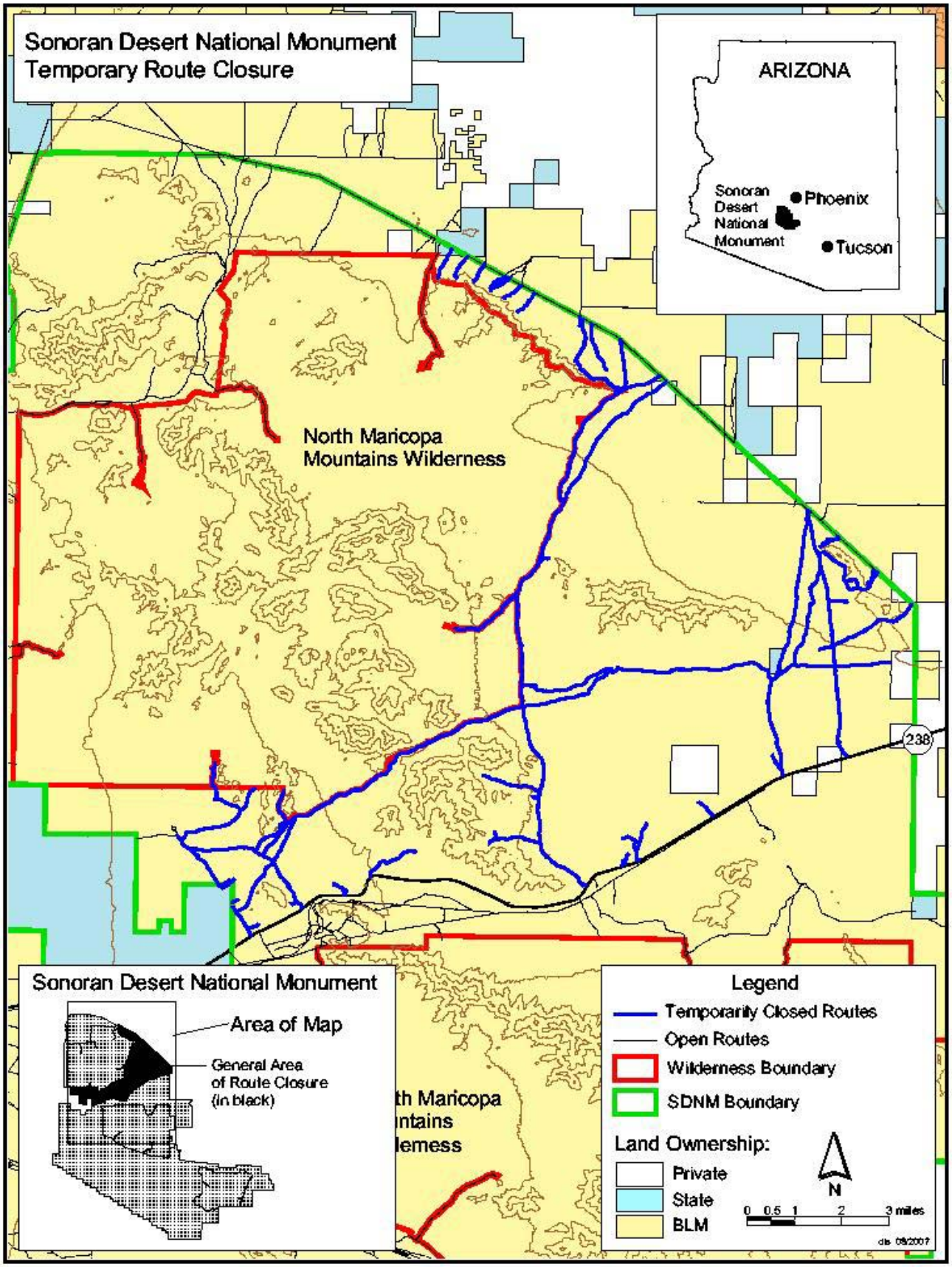
Multiple routes resulting from high traffic volume and from vehicles being stuck in, or trying to avoid, deep dust; approximately 0.25-mile north of AZ highway 238 near Gap Well, North Maricopa Mountains. March, 2007.

Multiple routes resulting from high traffic volume and from vehicles being stuck in, or trying to avoid, deep dust; approximately 0.30-mile north of AZ highway 238 near Gap Well, North Maricopa Mountains. March, 2007.

Multiple routes and deep dust on Juan Bautista de Anza NHT near North Tank, approximately 8 miles east of Butterfield Pass, North Maricopa Mountains. March, 2007.

Multiple routes adjacent to and within North Maricopa Mountains Wilderness. July, 2007.

Surface damage resulting from off-road vehicle use in area of Espanto Mountain. July, 2007.



Map: Routes to be temporarily closed, Sonoran Desert National Monument.