

Decision Record

Special Recreation Permit: Church of Jesus Christ of Latter Day Saints, Maricopa Stake, Don Smith

NEPA No.: DOI-BLM-AZ-P040-2010-006-DNA

U.S. Department of the Interior
Bureau of Land Management
Sonoran Desert National Monument

Purpose and Need for the Action

The Sonoran Desert National Monument (“SDNM”) was established by Presidential Proclamation 7397 on January 17, 2001. The SDNM incorporates within its boundaries a segment of historic trail popularly known as the “Butterfield Trail,” or “Mormon Battalion Trail.” Prior to designation of the SDNM and continuing to the present, this trail segment -- extending from “North Tank” through “Butterfield Pass” to “Gap Well” -- was and is frequently used for purposes of recreational, educational, cultural, and spiritual awareness by groups such as the Boy Scouts of America, Church of Jesus Christ of Latter Day Saints (“LDS”), and others. Common group activities during such events include camping, hiking, orienteering, survival skills training and exhibition, horseback riding, storytelling, and historic handcart trek re-enactments. Three specific sites (commonly known as “Christmas Camp,” “Wayside Camp,” and “Butterfield Camp”) located adjacent to the trail are used as camping and staging areas. For most of its length, the Butterfield Trail is used by motorized vehicles and has the character of a primitive, dirt-surfaced, two-track vehicle route.

The proposed action would provide for the issuance of a commercial, non-competitive Special Recreation Permit (“SRP”) to the Church of Jesus Christ of Latter Day Saints, Maricopa Stake, care of Don Smith. Mr. Smith proposes to supervise a three night camping event to include approximately 135 participants. The participants would push two-wheeled wooden carts by foot between camps, transporting camping equipment and supplies, to re-enact an event in Mormon history. The event organizers will provide “port-a-john” toilets, first aid qualified individuals, and trash receptacles on-site. The permit would allow one motor vehicle to accompany the participants on the trek to provide emergency water, first aid supplies, and transportation. The permit would also allow access by motor vehicle to the campsites and travel route for the purposes of event planning. These planning visits would number approximately four, and would be limited to three vehicles each.

Plan Conformance

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions:

The *Lower Gila South RMP/EIS* provided that “[A]lthough recreation in the Lower Gila South RMP/EIS area was not identified as a major issue... Visual resource management, management of off-road vehicle (ORV) use, and other recreation resource management will continue as recreation programs” (p. 12).

The *Lower Gila South Resource Management Plan* (1988) (“RMP”), as amended, does not specifically address the issuance and management of SRP’s; however, the RMP did provide that “[t]he Lower Gila Resource Area’s recreation program will continue to prepare environmental assessments and ORV races will be permitted as appropriate” (p. 13), thus envisioning a SRP program.

The *Approved Amendment to the Lower Gila North Management Framework Plan and the Lower Gila South Resource Management Plan and Decision Record* provided for the establishment of the “Gila Trail Recreation Management Area” (p. 20) encompassing the area of the proposed action. This amendment authorized recreation facilities and maintenance, establishment of non-motorized trails, and the inventory and designation of all off-highway vehicle routes. The amendment did not address the issuance of commercial recreation permits in the SRMA.

The internal document *Sonoran Desert National Monument, Current Management Guidance* (May 2002) provided “[w]e will generally defer issuing new special recreation permits until the Monument plan is complete to ensure that no options are foreclosed in the planning process” (p. 7). Internal discussions with the BLM Arizona State Office since completion of this guidance document have led to an informal policy of issuing SRP’s in the SDNM on a case-by-case basis (Kelleher, personal communication).

Compliance with the National Environmental Policy Act, and Finding of No Significant Impact

Commercial special recreation permitting was analyzed for BLM Arizona in the environmental analysis document “Special Recreation Permits for Commercial Recreation Activities on Public Lands in Arizona” (E.A. No. AZ-931-93-001), August, 1993. This document analyzed the environmental effects of commercial recreation permitting on public lands in Arizona, including “base camps of 14 days or less,” and established a standard set of “Arizona BLM Stipulations for Commercial Special Recreation Permits.” These stipulations were designed to protect the lands or resources involved, reduce user conflicts, and minimize health and safety hazards. The inclusion of these standard stipulations mitigated environmental impacts potentially resulting from commercial special recreation permitting to the extent that no significant environmental impacts resulting from commercial special recreation permitting will occur.

The BLM, Sonoran Desert National Monument, has completed a review of the proposed action with respect to the above-cited environmental analysis. Based on this review, “Documentation of NEPA Adequacy, NEPA No. DOI-BLM-AZ-P040-2010-006-DNA,” attached to and incorporated herein, it is my determination that impacts are not expected to be significant; therefore, an environmental impact statement is not required.

Persons Consulted

The following persons consulted on similar previous events. This event and the area being used are recurring, with all previous considerations provided by these individuals incorporated into this permit.

David Scarbrough, BLM Arizona	Recreation, Wilderness, VRM
Steve Bird, BLM Arizona	Wildlife
Byron Lambeth, BLM Arizona	Range Conservation, Soil
Cheryl Blanchard, BLM Arizona	Cultural Resources

Decision and Rationale on Action

I have decided to issue a Special Recreation Permit to the Church of Jesus Christ of Latter Day Saints, Maricopa Stake, care of Don Smith, for a commercial, non-competitive event to take place December 27-30, 2010, SDNM. The permit will provide authorization for up to 135 event participants to camp at Christmas Camp, Wayside Camp (“Laser Camp”), “Main Camp”, and Butterfield Camp (Gap Well) and to complete a “handcart” trek between those points, as described above. Prior to the event, access to the campsites and travel route (located within an area of temporary closure to motor vehicles) is authorized for up to four visits by three vehicles each.

I have reviewed the plan conformance statement and have determined that the proposed action is consistent with the approved land use plan and related management guidance and that no further environmental analysis is required.

This action is being taken pursuant to 43 CFR 2932.

The following mitigation measure will be included as a condition of implementation:

1. The attached “Phoenix District Office BLM Standard Stipulations for Commercial, Non-motorized Special Recreation Permits” are incorporated herein and made a part of the SRP issued.

Implementation Date

This Special Recreation Permit will be valid for the period December 27-30, 2010.

/ signed /

/ 10-13-2010 /

Richard B. Hanson, Manager
Sonoran Desert National Monument

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: Richard B. Hanson, 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 Richard B. Hanson, Manager, or David L. Scarbrough, Outdoor Recreation Planner; Sonoran Desert National Monument; 21605 North 7th Avenue; Phoenix, AZ 85027; (623) 580-5500.

**PHOENIX DISTRICT BLM
STANDARD STIPULATIONS FOR
COMMERCIAL SPECIAL RECREATION PERMITS**

In addition to the conditions and stipulations listed on page 2 of the Special Recreation Application and Permit form, the Washington Office and Phoenix District Bureau of Land Management (BLM) have established the following additional stipulations designed to protect the lands and resources involved, reduce user conflicts, and/or minimize health and safety hazards. The stipulations will be made part of the permit. Failure to comply with these stipulations may result in the loss of permit privileges. These stipulations may be changed at any time upon notice and this permit may be revoked at the discretion of the BLM at any time upon notice.

- **BLM Contact: Dave Scarbrough at 623-580-5651**
- **Law Enforcement Dispatch for reporting illegal activities: 1-800-637-9152 or 623-580-5515 (Dial 9-1-1 for life threatening emergencies)**

General Administrative:

1. Estimated fee payments, or the minimum non-refundable annual fee, whichever is applicable, will be submitted in advance to the BLM authorized officer prior to issuance or validation of the permit. Any additional use fees will be due at the end of the six month reporting period in which the fees were accrued. Overpayment of fees will be applied to the following year's estimated use fees. **Use fees for commercial permits are 3% of gross revenue or the minimum annual fee of \$95, whichever is greater.**
2. Post-use reports and estimated fee payments for annual and multi-year permits will be submitted to the BLM on a fiscal year semi-annual basis. They are due within 15 days after the six month use period (**April 15 and October 15**).
3. The permittee shall comply with all Federal, State, and local laws, ordinances, regulations, orders, postings, or written requirements applicable to the area or operations covered by the Special Recreation Permit. The permittee shall ensure that all persons operating under the authorization have obtained all required Federal, State, and local licenses or registrations. The permittee shall make every reasonable effort to ensure compliance with these requirements by all agents of the permittee and by all clients, customers, participants, or spectators under the permittee's supervision.
4. A Special Recreation Permit (SRP) authorizes special uses of the public lands and related waters and, should circumstances warrant, the permit may be modified by the BLM at any time, including modification of the amount of use. The authorized officer may suspend or terminate a SRP if necessary to protect public resources, health, safety, the environment, or because of noncompliance with permit stipulations. Actions by the BLM to suspend or

- terminate a SRP are appealable.
5. No value shall be assigned to or claimed for the permit, or for the occupancy or use of Federal lands or related waters granted thereupon. The permit privileges are not to be considered property on which the permittee shall be entitled to earn or receive any return, income, price or compensation. The use of a permit as collateral is not recognized by the BLM.
 6. Unless expressly stated, the SRP does not create an exclusive right of use of an area by the permittee. The permittee shall not interfere with other valid uses of the Federal land by other users. The United States reserves the right to use any part of the area for any purpose.
 7. The permittee or permittee's representative may not assign, contract, or sublease any portion of the permit authorization or interest therein, directly or indirectly, voluntarily or involuntarily. However, contracting of equipment or services may be approved by the authorized officer in advance, if necessary to supplement a permittee's operations. Such contracting should not constitute more than half the required equipment or services for any one trip and the permittee must retain operational control of the permitted activity. If equipment or services are contracted, the permittee shall continue to be responsible for compliance with all stipulations and conditions of the permit.
 8. All advertising and representations made to the public and the authorized officer must be accurate. Although the addresses and telephone numbers of the BLM may be included in advertising materials, official agency symbols may not be used. The permittee shall not use advertising that attempts to portray or represent the activities as being conducted by the BLM. The permittee may not portray or represent the permit fee as a special Federal user's tax. The permittee must furnish the authorized officer with any current brochure and price list if requested by the authorized officer.
 9. In the event of default on any mortgage or other indebtedness, such as bankruptcy, creditors shall not succeed to the operating rights or privileges of the permittee's SRP.
 10. The permittee must present or display a copy of the Special Recreation Permit to an authorized officer's representative, or law enforcement personnel upon request. If required, the permittee must display a copy of the permit or other identification tag on equipment used during the period of authorized use.
 11. The authorized officer, or other duly authorized representative of the BLM, may examine any of the records or other documents related to the permit, the permittee or the permittee's operator, employee, or agent for up to 3 years after expiration of the permit.
 12. The permittee must assume responsibility for inspecting the permitted area for any existing or new hazardous conditions, e.g., trail and route conditions, land slides, avalanches, rocks, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous wildlife, or other hazards that present risks for which the permittee assumes responsibility.

13. The permittee is responsible for ensuring the safety of all clients and support personnel and providing for appropriate emergency attention.
14. The permittee is required to contact private landowners and other governmental agencies whose property is affected by the use associated with the permit (this includes the Arizona State Land Department for state trust lands). Evidence that authorization has been obtained must be available to the BLM authorized officer upon request.
15. Any changes to the approved Plan of Operations must first be approved by the BLM authorized officer. This includes the use of subcontractors.
16. The permittee is required to provide the BLM authorized officer with a copy of a valid Certificate of Insurance covering the periods of use. The U.S. Government must be named as a co-insured party on the policy. Minimum general liability limits are: \$500,000 per occurrence and \$1,000,000 annual aggregate for bodily injury, and \$30,000 property damage.
17. **It is the responsibility of the permittee to ensure valid insurance coverage, including general public liability, with the limits listed above, is provided for all equipment and services supplied by subcontractors.** A copy of the valid insurance coverage must be made available to the BLM authorized officer upon request.
18. Any violation of the permit terms, conditions and stipulations may be subject to penalties prescribed in 43 CFR 2933.33, which may include fines up to \$1,000 and/or imprisonment up to 12 months. Additionally, any such violation may result in permit probation, suspension or revocation. Examples which can lead to permit violations include, but are not limited to; delinquent post use reports and/or payments, deviations to operating plan not approved by authorized official, violation of laws and regulations, significant resource damage and public endangerment.
19. All signs on public lands must be authorized by the BLM in writing.
20. The permittee shall notify the authorized officer of any accident which occurs while involved in activities authorized by this permit which result in: death, personal injury requiring hospitalization or emergency evacuation, or in property damage greater than \$2,500 (lesser amounts if established by State law). Reports should be submitted within 48 hours in the case of death or injury, or 10 days in accidents involving property damage.
21. Annual permits remain valid if the permittee is in good standing by complying with all terms, conditions and stipulations including timely submission of post use reports, and applicable use fee payments. For multi-year permits, an annual review is done at the beginning of each fiscal year (October 1) and permits are validated for the upcoming fiscal year. For a permit to be validated, the permittee must be in good standing by complying with all terms, conditions and stipulations including timely submission of post use reports, and applicable use fee payments. In addition, certificates of insurance need to be current, and operating plans must be reviewed and updated with any changes before a permit will be

validated for the upcoming fiscal year.

Resource Protection:

1. **All activities are to remain on the approved roads, trails, washes, camping and staging areas.** No deviation to these routes is permitted without prior approval from the BLM authorized officer. Motorized vehicles are not permitted in riparian areas or in running washes except at road crossings.
2. **Employees and clients will be instructed that it is unlawful to disturb, deface, excavate or remove any archaeological or paleontological objects or structures. Simply, look but don't touch! Rock art may be photographed but not touched. Collection of prehistoric or historic artifacts is not allowed.** Any prehistoric or historic cultural site or human remains discovered by the permittee, employees or clients will be left undisturbed and reported as soon as possible to the BLM authorized officer.
3. Permittee must notify the BLM authorized officer of any specific archaeological sites proposed for inclusion on tours. Tours to sites are subject to BLM approval and protective stipulations.
4. **Historical mine sites should not be disturbed. Collecting artifacts from these sites is strictly prohibited.**
5. **Stay out and Stay Alive! Abandoned mines are extremely dangerous and BLM policy is to avoid entry. All persons operating under this SRP, including subcontractors, are prohibited from entering abandoned mines.**
6. Harassment of livestock, wildlife, wild horses or burros, or destruction of private and public improvements such as fences and gates is prohibited. All gates and fences shall be left as found. The taking of any threatened or endangered plant or animal is prohibited.
7. Do not park vehicles or camp in locations that will interfere with use of livestock facilities (such as corrals) or ongoing livestock operations. No use of livestock permittee's management facilities is authorized without prior permission from the livestock permittee.
8. Proposed activities will be conducted in a manner that will not interfere with mining or exploration operations. No minerals are to be collected from areas encumbered by active mining claims unless authorized by the claimant(s).
9. Cutting or removal of live vegetation is not permitted. Trimming of branches up to 4 inches in diameter may be allowed with prior authorization from the BLM.
10. Collection, harassment and disturbance of desert tortoises and Gila monsters is prohibited by

Arizona State Law. If encountered on roads or trails they should be avoided. If a desert tortoise is encountered and cannot be avoided, it should be carefully moved to safety by carrying it horizontal to the ground, not tilted, and placed in the shade the minimum distance needed to remove it from harm's way. Gila monsters should be avoided and not handled. They are venomous and can inflict a serious and painful bite.

11. If the volume of use is determined to be adversely impacting soils or riparian condition through erosion, bank alteration or other means, the BLM may restrict use of affected areas or routes to allow restoration and recovery of degraded areas. During wet periods, certain road and trail segments may be closed to all traffic. The BLM will consider the applicant's needs when designing and implementing restrictions or watershed restoration efforts that could influence the operation.
12. In order to minimize the importation or spread of noxious weeds, before entering public land, all vehicles are to be washed thoroughly (including the undercarriage and engine compartment) to remove all soil and vegetation debris (including seeds and seed heads) acquired from previous use. This washing should occur at the home base of operations of the permittee before traveling to public lands. All vehicles used for activities approved by this permit are subject to inspection by the BLM.
13. The permittee must take reasonable precautions to prevent wildland fires. Build your fire away from trees, shrubs and other vegetation. Do not build fires next to rock and avoid the need to encircle your fire with stones. Use smaller firewood that will burn more completely. Make certain the fire is dead out (run your fingers through the ash), scatter the ash, and "naturalize" the area.
14. The permittee will be committed to preserving and protecting the public lands by learning, practicing and promoting the Leave No Trace principles listed below:
 - ▶ Plan ahead and prepare.
 - < Travel and camp on durable surfaces.
 - ▶ Dispose of waste properly.
 - ▶ Leave what you find.
 - ▶ Minimize campfire impacts.
 - ▶ Respect wildlife.
 - ▶ Be considerate of other visitors.

Base Camp or Overnight Use (if applicable):

1. Permittee employees, volunteers and participants are restricted to camp in the designated base camp area(s). No dispersed camping is authorized.
2. The permittee cannot, unless specifically authorized, erect, construct, or place any building, structure, or other fixture on public lands. Upon leaving, the lands must be restored as

nearly as possible to pre-existing conditions.

3. Arizona Revised Statute 17-308 states that it is unlawful for a person to camp within one-fourth mile of a natural water hole containing water or a man-made watering facility containing water *in such a place that wildlife or domestic stock will be denied access to the only reasonable available water.*
4. In other places where access is not denied to wildlife or domestic stock, camps will be located at least 200 feet from water holes, live water sources (springs and streams), or man-made watering facilities.
5. All base and reserve camps will be located at least 200 feet from any archaeological sites, including prehistoric camps, rock shelters, caves, and historic buildings.
6. The base camp(s) and individual use areas will be maintained in a neat and clean condition with no litter.
7. All noncombustible refuse and all unburned combustible refuse must be carried out of the area and disposed of in a county approved disposal site. Burying garbage is prohibited.
8. Permittee is responsible for providing adequate sanitary portable toilets and refuse containers at the base camp(s) and is responsible for ensuring that all local, county and state health and safety standards are met.
9. When breaking camp(s), scatter manure to aid decomposition and discourage flies, and remove excess hay and straw as they do not deteriorate and leave an unsightly mess.

Motorized Vehicle Use:

1. **No motorized vehicles of any type are permitted in riparian areas or in running washes except at road crossings. Substantiated reports of unauthorized use in these areas will result in immediate probation and possible suspension or revocation of permit privileges.**
2. All motor vehicle use will comply with existing BLM and state motorized vehicle laws and regulations on public lands relating to use, standards, registration, operation and inspection. The Code of Regulations (CFRs) govern off-road vehicle use and regulations are prescribed in section 43 CFR 8341.1 and include, but are not limited to, the following:
 - A. No person shall operate an off-road vehicle on public lands:
 1. Without a valid State operator's license or learner's permit where required by State or Federal law;
 2. In a reckless, careless or negligent manner;
 3. In excess of established speed limits;
 4. While under the influence of alcohol, narcotics or drugs;

Determination of NEPA Adequacy (DNA)
U.S. Department of Interior
Bureau of Land Management

OFFICE: *Sonoran Desert National Monument (SDNM)*

NEPA/TRACKING NUMBER: DOI-BLM-AZ-P040-2010-006-DNA

CASEFILE/PROJECT NUMBER: N/A

PROPOSED ACTION TITLE/TYPE: Special Recreation Permit

LOCATION/LEGAL DESCRIPTION: Sonoran Desert National Monument, Mormon Battalion Trail

APPLICANT (if any): Don Smith, Church of Jesus Christ of Latter Day Saints, Maricopa

A. Description of the Proposed Action and any applicable mitigation measures

The proposed action provides for the issuance of a commercial, non-competitive Special Recreation Permit (“SRP”) to the Church of Jesus Christ of Latter Day Saints, Maricopa Stake, care of Don Smith. Mr. Smith proposes to supervise a three night educational and camping event to commemorate a migration event of historical importance to the Mormon faith. Approximately 135 participants will push two-wheeled wooden carts by foot on the primitive road between "Christmas Camp" and "Butterfield Camp" (see map), transporting camping equipment and supplies, to re-enact an event in Mormon history. The event organizers will provide “port-a-john” toilets and trash receptacles at the camp sites, and first aid qualified individuals will accompany the participants. The permit would provide for one motor vehicle to accompany the participants on the trek over the Mormon Battalion Trail (Anza National Historic Trail) to provide emergency water, first aid supplies, and transportation. Motorized access to the area of the proposed campsites and handcart trek for the purposes of pre-event planning would also be permitted.

B. Land Use Plan Conformance

Land Use Plan (LUP) Name: Lower Gila South RMP/EIS

Date Approved/Amended: **6/1/1988**

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

The Lower Gila South RMP/EIS provided that “Although recreation in the Lower Gila South RMP/EIS area was not identified as a major issue...Visual resource management, management of off-road vehicle (ORV) use, and other recreation resource management will continue as recreation programs” (p. 12).

The Approved Amendment to the Lower Gila North Management Framework Plan and the Lower Gila South Resource Management Plan and Decision Record provided for the establishment of the “Gila Trail Recreation Management Area” (p. 20) encompassing the area of the proposed action. This amendment authorized recreation facilities and maintenance, establishment of non-motorized trails, and the inventory and designation of all off-highway vehicle routes.

The SDNM was established by Executive Order 7397 with the provisions that “...all motorized and mechanized vehicle use off road will be prohibited, except for emergency or authorized administrative purposes.” No off road travel is to be authorized under the proposed action.

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

“Special Recreation Permits for Commercial Recreation Activities on Public Lands in Arizona” (E.A. No. AZ-931-93-001), August, 1993. This document analyzed the environmental effects of commercial recreation permitting on public lands in Arizona, including “base camps of 14 days or less,” and established a standard set of “Arizona BLM stipulations for commercial special recreation permits.” These stipulations were designed to protect the lands or resources involved, reduce user conflicts, and minimize health and safety hazards, and are made a part of the permit.

The document titled Bureau of Land Management, Sonoran Desert National Monument, Current Management Guidance, May, 2002, stated that “One special recreation permit for touring the Butterfield Overland Stage route was issued before the Monument was designated, with an expiration date of September 30, 2002. We will generally defer issuing new special recreation permits until the Monument plan is complete to ensure that no options are foreclosed in the planning process. Existing permits will be renewed yearly if they are consistent with the purposes of protecting Monument resources” (p. 7). Internal discussions with the BLM Arizona State Office since completion of this guidance document have led to an informal policy of issuing SRP’s in the SDNM on a case-by-case basis (Kelleher, personal communication).

D. NEPA Adequacy Criteria

- 1. Is the proposed action a feature of, or essentially similar to, an alternative analyzed in the existing ENPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the exiting NEPA document(s)? If there are differences, can you explain why they are not substantial?**

The proposed action—the establishment of a single site base camp to be used for a period of less than 14 consecutive days, non-mechanized and non-motorized camp activities, and hiking in the adjacent public lands—is substantially the same type of action for which the environmental analysis “Special Recreation Permits for Commercial Recreation Activities on Public Lands in Arizona” (E.A. No. AZ-931-93-001), August, 1993 was completed. All activities will remain within the scope of this document, and all standard commercial special recreation permit stipulations referenced in the environmental analysis will be attached to, and made a part of, the special recreation permit issued. No additional stipulations specific to this commercial use of the SDNM were identified by Phoenix District BLM staff specialists.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Standards for Rangeland Health were incorporated into all state Land Use Plans through a statewide amendment in May, 1997; therefore, the proposed action was reviewed to determine conformance with the approved standards. Since all activities included in the proposed action will occur on existing motor vehicle routes and no new areas of surface disturbance will ensue, it has been determined that the proposed action will not impact watershed functional condition or the desired plant communities of riparian and upland areas in the affected area.

The SDNM was designated (January, 2001) since completion of the programmatic environmental assessment covering commercial special recreation permitting in Arizona (“Special Recreation Permits for Commercial Recreation Activities on Public Lands in Arizona,” August 1993). This designation specified that “the Secretary of the Interior shall prepare a management plan that addresses the actions, including road closures or travel restrictions, necessary to protect the objects identified in this proclamation.” Until such time as this management plan is completed, interim management guidance prepared by Arizona BLM may call into question whether the resources for which the monument was designated have been adequately analyzed; however, the interim guidance for management of the SDNM specified that existing permits may be renewed annually if such renewal is consistent with protecting monument resources. No adverse impact to monument resources has been identified by BLM staff resource specialists. Additionally, informal discussion with the BLM Arizona State Office on the subject of commercial special recreation permitting has led to the policy of allowing additional commercial use permitting in the SDNM until planning decisions are completed.

3. Is the existing analysis valid in light of new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

No new information or circumstances with regard to the potential environmental impacts of the proposed action are known. The Phoenix District is in the process of preparing a new

land use plan that will encompass the SDNM. To date, no new information resulting from that planning effort and environmental impact statement have been brought forward that would indicate the existing environmental analysis is inadequate in light of the proposed action.

During June, 2008 the BLM Phoenix District closed to motorized use 88 miles of the SDNM due to continued off-road damage caused by off-highway-vehicles, including the routes and campsites to be used under this proposed permit (Federal Register 73:27844-27845). As stipulated by that decision, up to ten (10) special recreation permits may be issued annually to accommodate group events such as that described and proposed to be permitted under this analysis.

The process used in the development of the programmatic environmental assessment covering commercial special recreation permitting in Arizona (“Special Recreation Permits for Commercial Recreation Activities on Public Lands in Arizona,” August 1993) is the agency standard for this type of action.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

The direct and indirect impacts of the proposed action are substantially unchanged from those identified in the existing NEPA documents specified above. The activities proposed to be authorized by special recreation permit are limited to existing disturbed areas and vehicle routes. No discernable incremental cumulative impact to natural resources of the SDNM is expected to result from the proposed action.

5. Are the public involvement and interagency review associated with existing NEPA documents(s) adequate for the current proposed action?

During the ongoing land use planning process, extensive public outreach and opportunity for public comment have been provided. No public or interagency concerns about existing commercial recreation permitting on the SDNM have been made evident. As the proposed action has not changed substantially from previously permitted activities, the level of public involvement is believed adequate.

E. Persons/Agencies/BLM Staff Consulted

<u>Name</u>	<u>Title</u>	<u>Resource/Agency Represented</u>
???	???	
??	??	
??		
??		

Note: Refer to the EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents

CONCLUSION:

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

David L. Scarbrough

Leah Baker

Richard B. Hanson, Manager

Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.