

Decision Record

Special Recreation Permit, Colorado Mountain College / Bruce Kime

Sonoran Desert National Monument, Arizona

NEPA No.: DOI-BLM-AZ-P040-2010-003-DNA

Case File No.: N/A

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 which stated, in part, that “[t]he Sonoran Desert National Monument is a magnificent example of untrammeled Sonoran desert landscape. The area encompasses a functioning desert ecosystem with an extraordinary array of biological, scientific, and historic resources.” Continuing, the proclamation directed that “[t]he Secretary of the Interior shall manage the monument through the Bureau of Land Management, pursuant to applicable legal authorities, to implement the purposes of this proclamation.”

Primary among legal authorities governing the management of public lands administered by the Bureau of Land Management is the “Federal Land Policy and Management Act of 1976,” which declared Congress’ intent that “the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values....and that will provide for outdoor recreation....” Thus, the Bureau of Land Management is directed to manage public lands for the multiple use and sustained yield of various resources, including the enjoyment of those resources through recreational activities.

Bruce Kime, PhD., faculty member from Colorado Mountain College (Glenwood Springs, CO), proposes to conduct a one-time commercial guided camping, hiking, and educational class event in the North Maricopa Mountains Wilderness, Sonoran Desert National Monument. The program is offered to seven (7) students enrolled in the Associate Degree in Outdoor Education and Outdoor Recreation leadership and Colorado Mountain College. The group will include two staff / guides, bringing the group total to nine (9). The group will leave up to two (2) vehicles parked at the Margies Cove Trail, West Trailhead and will hike into wilderness for a four-night backpacking trip that will feature educational content on desert orienteering, leave-no-trace practices, camping skills, and natural history. No packstock are to be used; meals will be prepared with stoves – no campfires are proposed. The dates of operation on site are from March 16, 2010-March 19, 2010. The two staff are trained in first aid and cardio-pulmonary

resuscitation.

Plan Conformance

The proposed action is in conformance with the land use plan (LUP), even though it is not specifically provided for, because it is clearly consistent with the following LUP decision:

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 South Maricopa Mountains Wilderness was included in the *Maricopa Complex Wilderness Management Plan, Environmental Assessment and Decision Record*. The proposed action is in conformance with the wilderness plan, as follows:

The *Maricopa Complex Wilderness Management Plan, Environmental Assessment and Decision Record* provided that “activities and services authorized under the special recreation use permit regulations...[must] conform with the plan’s policies and do not degrade the monitoring standards identified” (p. 39). The plan also stated, “Base camps will be prohibited within the wilderness” (p. 39). Two standards for detection of degradation resulting from off-trail use of wilderness were established: 1. “No detectable evidence of new surface disturbance, including trails or campsites” (p. 33); and 2) “Maintain off-trail encounter standards at two encounters per day with a maximum of two individuals per encounter and no more than four individuals per day. NOTE: This may be exceeded six days per year” (p. 39).

The plan’s glossary defines a “base camp” as “a temporary staging location which serves as the primary loading and unloading point for the wilderness visitor or outfitter and its clients” (p. 127). The primary loading and unloading point for the proposed action is at a developed trailhead where vehicles will be parked and is located outside of wilderness. The staff is highly experienced in wilderness camping methods, with the project proposal conveying a strong sense of dedication to “Leave No Trace” wilderness use. No detectable evidence of new surface disturbance is expected to result from authorization of the proposed action. Due to the location and timing of the proposed project, other individuals or groups may be expected to use the authorized area at the same time; however, the vehicles will be restricted to one site at the trailhead. Encounters with other groups in wilderness are expected to number zero to one. The group size standard put forward by the Maricopa Complex Wilderness Management Plan is five (5), although this can be exceeded six (6) times per year (p. 39). The proposed action would occur within these standards; however, BLM will ask the class to divide into two separate groups if other parties are encountered or expected in the authorized area.

The SDNM was established by Executive Order 7397 with the provision that “...all motorized and mechanized vehicle use off road will be prohibited, except for emergency or authorized administrative purposes.”

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,. 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.

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 wilderness, 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. This review (“Documentation of NEPA Adequacy, NEPA No. AZ-240-2008-002”) determined that there were no substantive differences in the actions proposed and potential resultant impacts, nor was there new information or circumstances that would render the existing analysis invalid.

Based on the analysis of potential environmental impacts contained in the environmental analysis (NEPA No. AZ-931-93-001) and the subsequent review (NEPA No. DOI-BLM-AZ-P040-2010-002-DNA), attached to and incorporated herein; public involvement throughout the development of the analysis; and all other information available to me, it is my determination that impacts are not expected to be significant; therefore, an environmental impact statement is not required.

Decision and Rationale on Action

I have decided to issue a commercial special recreation permit for Bruce Kime of Colorado Mountain College to conduct a one-time guided camping and hiking event for up to nine participants to the North Maricopa Mountains Wilderness in the areas specified on the attached map (“Special Recreation Permit”). This authorization will be effective from March 01, 2010 through March 31, 2010.

The issuance of this commercial special recreation permit recognizes the dual role of the Bureau of Land Management in protecting the natural resources of the SDNM while also providing for outdoor recreational enjoyment of those resources. Per interim monument management guidance, the issuance of this commercial special recreation permit is not expected to pose impacts to monument resources and is consistent with the purpose of protecting monument

resources.

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.

This action is being taken pursuant to 43 CFR 2932. Failure to comply with the provisions of this permit as stipulated below will subject the permit holder to penalties described at 43 CFR 2932.57.

The following stipulations will be included as a condition of implementation:

1. All standard stipulations for commercial special recreation permits described on BLM Form 2930-1.
2. All standard stipulations for commercial special recreation permits as described in "Special Recreation Permits for Commercial Recreation Activities on Public Lands in Arizona" (E.A. No. AZ-931-93-001), August, 1993 and attached hereto.

Implementation Date

This special recreation permit will be effective for the period March 01, 2010 through March 31, 2010.

_____/s/_____
Rich Hanson, Manager
Sonoran Desert National Monument

_____/02/24/2010_____
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: Rich 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 Rich Hanson, Manager, or David Scarbrough, Outdoor Recreation Planner; Sonoran Desert National Monument; 21605 North 7th Avenue; Phoenix, AZ 85027; (623) 580-5500.

Worksheet

Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA)

U.S. Department of the Interior
Bureau of Land Management (BLM)

A. BLM Office: AZ-P040, Sonoran Desert National Monument
NEPA No.: DOI-BLM-AZ-P040-2010-003-DNA
Case File No.: N/A

Proposed Action Title/Type: Special Recreation Permit

Applicant (if any): Bruce Kime / Colorado Mountain College

Location of Proposed Action: North Maricopa Mountains Wilderness, Sonoran Desert N.M.;
see attached map.

Description of the Proposed Action: Bruce Kime, PhD., faculty member of Colorado Mountain College (Leadville, CO), proposes to conduct a one-time commercial guided camping, hiking, and educational class event in the North Maricopa Mountains Wilderness, Sonoran Desert National Monument. The program is offered to seven (7) students enrolled in the Associate Degree in Outdoor Education and Outdoor Recreation leadership and Colorado Mountain College. The group will include two staff / guides, bringing the group total to nine (9). The group will leave up to two (2) vehicles parked at the Margies Cove Trail, West Trailhead and will hike into wilderness for a four-night backpacking trip that will feature educational content on desert orienteering, leave-no-trace practices, camping skills, and natural history. No packstock are to be used; meals will be prepared with stoves – no campfires are proposed. The dates of operation on site are from March 16, 2010-March 19, 2010. The two staff are trained in first aid and cardio-pulmonary resuscitation.

B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans

LUP Name*: *Lower Gila South RMP/EIS* Date Approved: *June, 1988*

LUP Name*: *Approved Amendment to the...Lower Gila South Resource Management Plan and Decision Record* Date Approved: *July, 2005*

Other document**: *Maricopa Complex Wilderness Management Plan, Environmental Assessment and Decision Record* Date Approved: *June, 1995*

*List applicable LUPs (e.g., Resource Management Plans or applicable amendments).

**List applicable activity, project, management, water quality restoration, or program plans.

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 (objectives, terms, and

conditions) and, if applicable, implementation plan decisions:

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* focused on four recreation components—off-highway and special recreation vehicle designation and management; designation of special and extensive recreation management areas; development, management, and maintenance of camping and camping facilities and stay limits; and development and management of recreation facilities for special uses and scarce opportunities. The amendment was silent on special recreation permitting.

The *Maricopa Complex Wilderness Management Plan, Environmental Assessment and Decision Record* provided that “activities and services authorized under the special recreation use permit regulations...[must] conform with the plan’s policies and do not degrade the monitoring standards identified” (p. 39). The plan also stated, “Base camps will be prohibited within the wilderness” (p. 39). Two standards for detection of degradation resulting from off-trail use of wilderness were established: 1. “No detectable evidence of new surface disturbance, including trails or campsites” (p. 33); and 2) “Maintain off-trail encounter standards at two encounters per day with a maximum of two individuals per encounter and no more than four individuals per day. NOTE: This may be exceeded six days per year” (p. 39).

The proposed action is in conformance with the wilderness plan. The plan’s glossary defines a “base camp” as “a temporary staging location which serves as the primary loading and unloading point for the wilderness visitor or outfitter and its clients” (p. 127). The primary loading and unloading point for the proposed action is at a developed trailhead where vehicles will be parked and is located outside of wilderness. The staff is highly experienced in wilderness camping methods, with the project proposal conveying a strong sense of dedication to “Leave No Trace” wilderness use. No detectable evidence of new surface disturbance is expected to result from authorization of the proposed action. Due to the location and timing of the proposed project, other individuals or groups may be expected to use the authorized area at the same time; however, the vehicles will be restricted to one site at the trailhead. Encounters with other groups in wilderness are expected to number zero to one. The group size standard put forward by the Maricopa Complex Wilderness Management Plan is five (5), although this can be exceeded six (6) times per year (p. 39). The proposed action would occur within these standards; however, BLM will ask the class to divide into two separate groups if other parties are encountered or expected in the authorized area.

C. Identify the applicable NEPA document(s) and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action.

1. “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 wilderness, 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.

List by name and date other documentation relevant to the proposed action (e.g., source drinking water assessments, biological assessment, biological opinion, watershed assessment, allotment evaluation, rangeland health standard’s assessment and determinations, and monitoring the report).

None.

D. NEPA Adequacy Criteria

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed?

The proposed action—a guided, non-motorized hiking and camping tour with access by existing vehicle routes open to public use—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 current proposed action, given current environmental concerns, interests, resource values, and circumstances?

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 no detectable lasting impact to the soils and vegetation of the area proposed for use will result, 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 BLM (*Instruction Memorandum No. 2002-008; Bureau of Land Management, Sonoran Desert National Monument, Current Management Guidance, May, 2002*) guides the issuance of new authorizations. This guidance provided that “[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).

3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances (including, for example, riparian proper functioning condition [PFC] reports; rangeland health standards assessments; Unified Watershed Assessment categorizations; inventory and monitoring data; most recent Fish and Wildlife Service lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the 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. No new information resulting from that planning effort and environmental impact statement have resulted.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

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.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document sufficiently analyze site-specific impacts related to the current proposed action?

The direct and indirect impacts of the proposed action are substantially unchanged from those identified in the existing NEPA documents specified above.

6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)?

No discernable incremental cumulative impact to natural resources of the SDNM is expected to result from the proposed action.

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequately 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. Interdisciplinary Analysis: Identify those team members conducting or participating in the preparation of this worksheet.

<u>Name</u>	<u>Resource</u>	<u>Title</u>	<u>Represented</u>
David Scarbrough	Outdoor Recreation Planner		Recreation, Wilderness

F. Mitigation Measures: List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures must be incorporated and implemented.

1. All standard stipulations for commercial special recreation permits described on BLM Form 2930-1.
2. All standard stipulations for commercial special recreation permits as described in “Special Recreation Permits for Commercial Recreation Activities on Public Lands in Arizona” (E.A. No. AZ-931-93-001), August, 1993 and attached hereto.

CONCLUSION

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

_____/s/_____
Signature of the Responsible Official

_____/02/24/2010_____
Date

