

*Director's Protest Resolution Report*

**Ironwood Forest  
National Monument  
Resource Management Plan**

February 25, 2013



*Table of Contents*

Reader’s Guide..... 3

List of Commonly Used Acronyms ..... 4

Protesting Party Index..... 5

Issue Topics and Responses..... 6

NEPA ..... 6

    Range of Alternatives..... 6

    Public Comments ..... 8

    Length of Protest Period..... 10

    Accurate, Complete Information..... 11

    Need for Supplemental EIS..... 13

    Impacts Analysis ..... 14

FLPMA ..... 15

    Presidential Proclamation..... 15

    Local Agencies ..... 19

Climate Change..... 20

Special Status Species..... 22

Livestock Grazing..... 24

Recreational Target Shooting ..... 29

Renewable Energy ..... 34

Travel Management ..... 35

Visual Resource Management ..... 36

Water..... 37

Wilderness Characteristics..... 38

## Reader's Guide

### *How do I read the Report?*

The Director's Protest Resolution Report is divided into sections, each with a topic heading, excerpts from individual protest letters, a summary statement (as necessary), and the Bureau of Land Management's (BLM) response to the summary statement.

### **Report Snapshot**

**Issue Topics and Responses**  
NEPA

**Topic heading**

**Submission number**

**Issue Number:** PP-CA-ESD-08-0020-10  
**Protest issue number**

**Organization:** The Forest Initiative  
**Protesting organization**

**Protester:** John Smith  
**Protester's name**

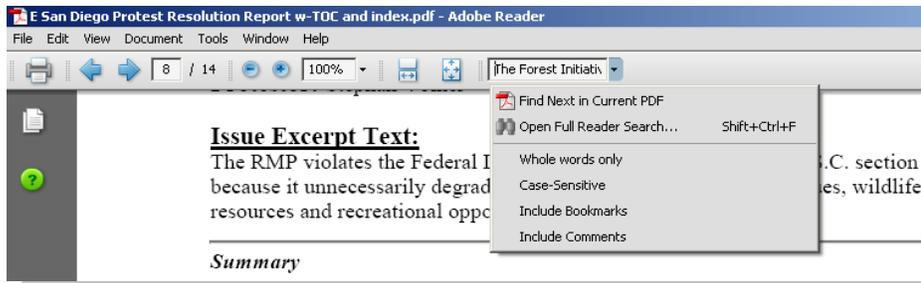
**Issue Excerpt Text:**  
Rather than analyze these potential impacts, as required by NEPA, BLM postpones analysis of renewable energy development projects to a future case-by-case analysis.  
**Direct quote taken from the submission**

**Summary**  
General statement summarizing the issue excerpts (optional).  
There is inadequate NEPA analysis in the PRMP/FEIS for renewable energy projects.

**Response**  
BLM's response to the summary statement or issue excerpt if there is no summary.  
Specific renewable energy projects are implementation-level decisions rather than RMP-level decisions. Upon receipt of an application for a renewable energy project, the BLM would require a

### *How do I find my Protest Issues and Responses?*

1. Find your submission number on the protesting party index which is organized alphabetically by protester's last name.
2. In Adobe Reader search the report for your name, organization or submission number (do not include the protest issue number). Key word or topic searches may also be useful.



## List of Commonly Used Acronyms

ACEC	Area of Critical Environmental Concern	NEPA	National Environmental Policy Act of 1969
APD	Application for Permit to Drill	NHPA	National Historic Preservation Act of 1966, as amended
BA	Biological Assessment	NOA	Notice of Availability
BLM	Bureau of Land Management	NOI	Notice of Intent
BMP	Best Management Practice	NRCD	Natural Resource Conservation District
BO	Biological Opinion	NRHP	National Register of Historic Places
CAA	Clean Air Act	NSO	No Surface Occupancy
CEQ	Council on Environmental Quality	OHV	Off-Highway Vehicle (has also been referred to as ORV, Off Road Vehicles)
CFR	Code of Federal Regulations	PRMP	Proposed Resource Management Plan
COA	Condition of Approval	RFDS	Reasonably Foreseeable Development Scenario
CSU	Controlled Surface Use	RHE	Rangeland Health Evaluation
CWA	Clean Water Act	RMP	Resource Management Plan
DM	Departmental Manual (Department of the Interior)	ROD	Record of Decision
DOI	Department of the Interior	ROW	Right-of-Way
EA	Environmental Assessment	SHPO	State Historic Preservation Officer
EIS	Environmental Impact Statement	SO	State Office
EO	Executive Order	T&E	Threatened and Endangered
EPA	Environmental Protection Agency	USC	United States Code
ESA	Endangered Species Act	USGS	U.S. Geological Survey
FEIS	Final Environmental Impact Statement	VRM	Visual Resource Management
FLPMA	Federal Land Policy and Management Act of 1976	WA	Wilderness Area
FO	Field Office (BLM)	WSA	Wilderness Study Area
FWS	U.S. Fish and Wildlife Service	WSR	Wild and Scenic River(s)
GIS	Geographic Information Systems		
IB	Information Bulletin		
IM	Instruction Memorandum		
MOU	Memorandum of Understanding		
IFNM	Ironwood Forest National Monument		

**Protesting Party Index**

<b>Protester</b>	<b>Organization</b>	<b>Submission Number</b>	<b>Determination</b>
Parameswaran, Krishna	ASARCO LLC	PP-AZ-IRONWOOD-12-0001	Denied—Issues and Comments
Saba, Don		PP-AZ-IRONWOOD-12-0002	Denied—Issues and Comments
[Name withheld at the protester's request.]		PP-AZ-IRONWOOD-12-0003	Denied—Issues and Comments
Hanceford, Phil	The Wilderness Society, Sierra Club – Grand Canyon Chapter, Friends of Ironwood Forest, Arizona Wilderness Coalition, Arizona Zoological Society, Center for Biological Diversity, Coalition for Sonoran Desert Protection	PP-AZ-IRONWOOD-12-0004	Denied—Issues and Comments
Voyles, Larry D.	Arizona Game and Fish Department	PP-AZ-IRONWOOD-12-0005	Denied—Issues and Comments
Anderson, Greta	Western Watersheds Project, Sierra Club – Grand Canyon Chapter, Friends of Ironwood Forest, Arizona Zoological Society, Arizona Native Plants Society	PP-AZ-IRONWOOD-12-0006	Denied—Issues and Comments
Michel, C.D.	National Rifle Association	PP-AZ-IRONWOOD-12-0007	Denied—Issues and Comments
Brown, Lahsha	Friends of Ironwood Forest	PP-AZ-IRONWOOD-12-0008	Denied—Issues and Comments

## Issue Topics and Responses

---

### NEPA

#### *Range of Alternatives*

**Issue Number:** PP-AZ-Ironwood-12-01-13

**Organization:** ASARCO LLC

**Protester:** Krishna Parameswaran

**Issue Excerpt Text:** 2(719) - SBM commented that insufficient variations are identified between management alternatives B, C and D. BLM explains that there is little variability because "BLM is given virtually no latitude in management of energy and mineral resources, as the Proclamation prohibits new mining". This is an entirely incorrect statement because the Proclamation specifies that it is subject to valid existing rights.

BLM acknowledges elsewhere that valid mining claims that could be developed under 43 C.F.R. Part 3809 plans of operations. The standards for approval of such plans of operations should vary ranging from properly applying the 1970 and 1980 Mineral Policy and Development Acts to 3809 plans on one hand, to an extreme requirement of disapproving plans of operations unless they contain the most severe surface management protections.

**Issue Number:** PP-AZ-Ironwood-12-06-5

**Organization:** Western Watersheds Project

**Protester:** Greta Anderson

**Issue Excerpt Text:** I. We protest the failures to comply with NEPA, 42 U.S.C. § 4321 et seq.

A. The PRMP/EIS fails to analyze a range of reasonable alternatives. NEPA also requires that the BLM consider a range of management alternatives, which is "the heart of the environmental impact statement." 40 C.F.R. § 1502.14. NEPA requires BLM to "rigorously explore and objectively evaluate" a range of alternatives to proposed federal actions. See 40 C.F.R. §§ 1502.14(a) and 1508.25(c).

We requested that the BLM analyze an alternative that would have provided for ephemeral authorizations on the IFNM, given the current state of knowledge about the impacts of perennial livestock grazing in the Sonoran Desert. Comment #12231 at 3. We also expressed concern that the DRMP/DEIS did not analyze a range of alternatives based on the site-specific circumstances of each allotment. Ibid.

We requested that the agency select Alternative B, the complete cessation of grazing on the monument.

We note that the U.S. Environmental Protection Agency echoed this suggestion. PRMP/EIS as J-117. Still, the PRMP/EIS carries forward this failure to analyze a range of alternative by instead assessing the original four alternatives, three of which continue status quo livestock grazing throughout the monument and one of which discontinues it completely. PRMP/EIS at 2-49. There are no alternatives that consider either shifting the grazing management or season of use, closing sensitive areas (such as wildlife habitat, special vegetation areas, sensitive soil areas) to livestock use, or any other management parameters that might have reduced or mitigated the known impacts of livestock on monument resources. There are no alternatives that close allotments automatically upon voluntary relinquishment.

**Issue Number:** PP-AZ-Ironwood-12-06-6

**Organization:** Western Watersheds Project

**Protester:** Greta Anderson

**Issue Excerpt Text:** The BLM dismissed another alternative that would have removed livestock immediately from the lands of the IFNM. PRMP/EIS at 2-3. The agency justifies this decision by stating that it would be "unreasonable in terms of costs to BLM and IFNM lessees, manageability, enforcement and various other issues." Ibid. This ignores the evidence that federal land livestock grazing programs run at an annual deficit to the agency. The costs are unexplained and the rationale unjustified, and BLM doesn't explain why, if closing the allotments immediately was cost prohibitive (as it claims in response to comments, PMRP/EIS at J-34) it believes that deferring their closure under Alternative B will somehow make it more affordable. Rather, in responding to our comments, the agency claims that it will rely on the Arizona Rangeland Health Standards and Guidelines for Grazing Administration (henceforth, "S&Gs") to determine whether or not to implement adaptive management. PRMP/EIS at J-34. This doesn't suffice to explain why it didn't take a "hard look" at the proposed action or a reasonable range of alternatives in the PRMP/EIS, or at the

integrity of the methods and the adequacy of the information.

**Issue Number:** PP-AZ-Ironwood-12-06-7  
**Organization:** Western Watersheds Project  
**Protester:** Greta Anderson

**Issue Excerpt Text:** Moreover, because the BLM has already renewed the grazing permits in advance of the completion of the RMP, even the "No Grazing" alternative (Alt. B) doesn't differ significant from allowing livestock grazing to continue under any of the other three alternatives. The "No Grazing" alternative allows livestock grazing to continue until the permits expire. Permits on the IFNM were renewed in 2010 until 2020, and thus, even the "No Grazing" alternative allows grazing to continue for nine more years. Decisions of RMPs are usually intended to govern the subject landscapes for 10 to 15 years. As such, the BLM is de facto comparing grazing impacts for ten years with grazing impacts for ten to fifteen years. In no case does it afford the monument objects short-term reprieve from this generally deleterious activity, and it most definitely

doesn't reflect a range of alternatives. Without an actual "No Grazing" alternative, the PRMP/EIS lacks a benchmark against which to compare the effects of the action alternatives.

**Issue Number:** PP-AZ-Ironwood-12-06-73  
**Organization:** Western Watersheds Project  
**Protester:** Greta Anderson

**Issue Excerpt Text:** 1. The PRMP/EIS contains inaccurate and misleading information regarding current grazing authorizations on the IFNM.

The PRMP/EIS misleads the public and the decision-maker when it claims that the permits on the IFNM allotments are valid through 2012 to 2020. PRMP/EIS at 3-48. In fact, the BLM has simply reissued the permits without a full NEPA review under the Rescissions Rider, pending the completion of the NEPA review. By renewing the permits without a full environmental review, the BLM has also skewed the comparison of alternatives, particularly Alternative B under which permitted grazing would cease when the permits expire.

---

### **Summary**

The Proposed Resource Management Plan/Final Environmental Impact Statement (PRMP/FEIS) fails to analyze a reasonable range of alternatives regarding management of valid existing mining claims and management of livestock grazing.

---

### **Response**

When preparing an Environmental Impact Statement (EIS), the National Environmental Policy Act of 1969 (NEPA) requires an agency to rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, to briefly discuss the reasons for their having been eliminated (40 CFR 1502.14(a)).

Regarding mining, the Ironwood Forest National Monument (IFNM or "Monument") Proclamation withdrew all Federal lands and interests in Federal lands within the boundaries of the Monument from location, entry, and patent under the mining laws (subject to valid existing rights). Mineral resources are covered in all alternatives in that all valid existing claims are to be administered on a case-by-case basis. Table 2-12 addresses management of energy and mineral resources. "Where there is little variability between alternatives, it is often due to the management requirements or constraints of the Proclamation. For example, the BLM is given virtually no latitude in management of energy and mineral resources, as the Proclamation prohibits new mining claims, mineral leases, or sales. The BLM did not develop alternatives that would be illegal to implement or that fall outside the purpose and need of the Resource Management Plan (RMP) (Appendix J-46)." "New mining claims" refer to those that are not valid existing rights. The PRMP/FEIS's consideration of alternatives regarding mining was adequate.

Regarding grazing, the IFNM proclamation states that laws, regulations, and policies followed by the BLM in issuing and administering grazing permits or leases on all lands under its jurisdiction shall continue to apply with regard to lands in the Monument.

Rangeland health evaluations (RHE) provide a metric for determining if livestock grazing is compatible with other resources. The results of RHEs were the primary driver for developing alternatives for livestock grazing. If an RHE indicates that land health standards are not being met, commensurate reductions in lands available for grazing may be warranted. In the IFNM, however, RHEs indicated that all 11 allotments are meeting rangeland health standards. Instead of immediate removal of livestock grazing from the IFNM, the BLM considered an alternative that would eliminate livestock grazing on the IFNM as existing permits expire. The BLM determined that this alternative would provide an option for protection of Monument objects and would be more feasible to implement than immediate removal of livestock.

The BLM considered but eliminated an alternative that would immediately remove livestock grazing from the IFNM. The BLM determined this alternative to be unreasonable in terms of costs to the BLM and IFNM lessees, near-term manageability (due to intermingled land ownership, primarily with State trust lands), and enforcement (2-3). In order to implement an immediate elimination of grazing, all State trust land within the boundary of the IFNM would have to be fenced apart from the BLM lands. This would be cost prohibitive. This alternative would not eliminate all grazing, as grazing would still occur on intermingled lands. Prohibiting grazing and requiring fencing to prevent trespass onto BLM lands would make leasing of the State trust lands impractical. The BLM eliminated this alternative from detailed analysis because it was economically infeasible.

The RMP-level decisions are meant to provide a broad framework for long-term land use planning. Adjustments in stocking rates, seasons of use, etc., could be made under any of the alternatives, but would be addressed under a subsequent implementation-level NEPA analysis. Livestock grazing practices would be adjusted when necessary to comply with the Arizona Standards for Rangeland Health and Guidelines for Grazing Administration (Appendix J-127). The BLM did not consider an alternative that would have provided for ephemeral authorizations of grazing because the allotments in the IFNM do not meet the criteria for ephemeral use. The allotments produce more than 25 pounds per acre of desirable grass species, and the community is composed of more than five percent desirable forage species (Appendix J-129).

## *Public Comments*

---

**Issue Number:** PP-AZ-Ironwood-12-03-11

**Protester:** [Name Withheld]

**Issue Excerpt Text:** Furthermore, [name withheld] have already been harmed by the BLM in that their views are blatantly misrepresented in the PRMP/FEIS. Specifically on Page J-72, comment 8(SR299) is falsely attributed to the [name withheld]. The comment attributed to them not only blatantly misrepresents but in fact opposes the views expressed in the comments they submitted. This violation of the Data Quality Act and the [name withheld]'s First

Amendment rights, taken alone, is sufficient that we demand the BLM withdraw and correct the PRMP/FEIS.

**Issue Number:** PP-AZ-Ironwood-12-03-13

**Protester:** [Name Withheld]

**Issue Excerpt Text:** Furthermore, [name withheld] have already been harmed by the BLM in that their views are blatantly misrepresented in the PRMP/FEIS.

Specifically on Page J-72, comment 8(SR299) is falsely attributed to the [name withheld]. The comment attributed to them not only blatantly misrepresents but in fact opposes the views expressed in the comments they submitted. This violation of the Data Quality Act and the [name withheld]'s First Amendment rights, taken alone, is sufficient that we demand the BLM withdraw and correct the PRMP/FEIS.

**Issue Number:** PP-AZ-Ironwood-12-03-19  
**Protester:** [Name Withheld]

**Issue Excerpt Text:** Furthermore, [name withheld] have already been harmed by the BLM in that their views are egregiously misrepresented in the PRMP/FEIS. Specifically on Page J-72, comment 8(SR299) is falsely attributed to the [name withheld]. The comment attributed to them not only blatantly misrepresents but in fact opposes the views expressed in the comments they submitted. This violation of the Data Quality Act and the [name withheld]'s First Amendment rights, taken alone, is sufficient that we demand the BLM withdraw and correct the PRMP/FEIS.

**Issue Number:** PP-AZ-Ironwood-12-03-26  
**Protester:** [Name Withheld]

**Issue Excerpt Text:** Furthermore, [name withheld] have already been harmed by the BLM in that their views are egregiously misrepresented in the PRMP/FEIS. Specifically on Page J-72, comment 8(SR299) is falsely attributed to the [name withheld]. The comment attributed to them not only blatantly misrepresents but in fact opposes the views expressed in the comments they submitted. This violation of the Data Quality Act and the [name withheld]'s First Amendment rights, taken alone, is sufficient that we demand the BLM withdraw and correct the PRMP/FEIS.

**Issue Number:** PP-AZ-Ironwood-12-07-8  
**Organization:** National Rifle Association  
**Protester:** C.D. Michel

**Issue Excerpt Text:** BLM Failed to Solicit Public Comments at the First Five Meetings. It is our understanding that BLM did not take oral comments from the public at its first five meetings, but instead broke the audience up into informal groups so that they could ask questions of individual BLM staff members. Those conversations were not recorded in the public comment record. This failure to provide a forum for on-the record public comments during the meetings violates NEPA.

---

### **Summary**

The PRMP should be rejected because a public comment was falsely attributed, misrepresenting several parties, and because the BLM failed to take oral comments at its first five public meetings.

---

### **Response**

The NEPA does not require a forum for on-the-record public comments during all public meetings. Rather, NEPA requires the BLM, upon publishing a draft EIS, to request comments from the public and to affirmatively solicit comments from those persons or organizations who may be interested or affected (40 CFR 1503.1(a)(4)). Upon publication of the Draft RMP/EIS, the BLM announced in the Federal Register that it would accept and record oral comments at public meetings held during the comment period. The first five meetings referred to by the protester occurred on October 12, 2000; February 8, 2001; December 11, 2001; March 13, 2002; and June 21, 2002, prior to publication of the Draft RMP/EIS on March 2, 2007. These were informational meetings where notes were taken but no comments were formally recorded.

The Appendix J revision was made in response to the discovery that there was an error in Appendix J from the processing of comments, resulting in errors assigning comments to the appropriate commenter. The BLM regrets this error.

## *Length of Protest Period*

---

**Issue Number:** PP-AZ-Ironwood-12-01-4

**Organization:** ASARCO LLC

**Protester:** Krishna Parameswaran

**Issue Excerpt Text:** Notably absent from the list of fifteen other Executive Orders is the President's Executive Order 13563 dated January 18, 2011 entitled "Improving Regulation and Regulatory Review". Among the requirements of that Executive Order is that "each agency shall afford the public a meaningful opportunity to comment . . . on any proposed regulation, with a comment period that should generally be at least 60 days". Considering that the planning process for the IFNM has extended over 10 years, incorporating all of the pages and legal documents referred to above, a period of 30 days or even 60 days, is far from adequate to fully consider, comment and lodge protest on the PRMP and FEIS explaining why the State Director's decision is wrong.

**Issue Number:** PP-AZ-Ironwood-12-03-33

**Protester:** [Name Withheld]

**Issue Excerpt Text:** The 30 day comment period began several days before any of us received copies of the PRMP/FEIS. The notice was published in the Federal Register September 23. That was a Friday but notifications of the release of the rule copies of the plan were not received until the following Tuesday. I was informed the BLM did not put copies of the proposed rule into the mail until Monday September 26, with just 25-26 days left in the comment period. Clearly this rule is

far too massive in volume and file size for the BLM to reasonably expect everyone to have equal capability to download it in its entirety from the internet, and in addition, unfairly burdens members of the public, including ourselves, who have limited access to the internet, slow internet connections including dial-up, broadband use limits per contracts with internet service providers, and rural citizens who have no internet connection and live more than 25 miles from the nearest public library. The BLM can make the claim that the plan was "available" but that claim is founded on unrealistic and unfair assumptions.

On the tail end of this supposed "30 day" comment period is the fact that October 23 falls on a Sunday when no post office is open and following Saturday when most post offices have shortened hours. Therefore the alleged "30 day" comment period is at best only a 28 day comment period.

**Issue Number:** PP-AZ-Ironwood-12-03-35

**Protester:** [Name Withheld]

**Issue Excerpt Text:** The comment period has been insufficient for us to thoroughly research and gather all the supportive documentation we feel is appropriate to protest this PRMP/FEIS. The unreasonably short public comment period, combined with the BLM's refusal to honor our request for an extension on the public comment period for the DRMP/EIS violates our First Amendment rights and prohibits our full participation in the planning process.

---

### *Summary*

The PRMP should be rejected because the 30-day protest period is insufficient.

---

### *Response*

The BLM complied with applicable policy regarding the length of the protest period. The BLM planning regulations require protests to be filed within 30 days of the date the Environmental Protection Agency (EPA) publishes the notice of receipt of the FEIS in the Federal Register. The EPA published this notice on September 23, 2011. The PRMP/FEIS was posted on the internet on September 23, 2011. The BLM accepted protest letters postmarked by October 24, 2011 (the Monday following the close of the protest period).

## *Accurate, Complete Information*

---

**Issue Number:** PP-AZ-Ironwood-12-06-20  
**Organization:** Western Watersheds Project  
**Protester:** Greta Anderson

**Issue Excerpt Text:** Each of these eight cases demonstrates that BLM failed to take a site-specific hard look at the evidence it did have (including public comments) that there were serious and substantive issues with the determinations of the S&Gs regarding rangeland health, and instead, glossed over the inadequacies and uncertainties to move ahead with the PRMP/EIS. This fails NEPA's mandate that, "Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA." 40 C.F.R. § 1500.1(b). By not disclosing the problems with the S&Gs or even summarizing the site-specific findings of the recent evaluations, the BLM has not met this essential component.

**Issue Number:** PP-AZ-Ironwood-12-06-69  
**Organization:** Western Watersheds Project  
**Protester:** Greta Anderson

**Issue Excerpt Text:** We raised the issues regarding a lack of information regarding threats to the tortoise in our comments. Comment #12231 at 6-7. We were concerned about the lack of information regarding tortoise on the IFNM even before a legal determination that this species is at risk of extinction, and we remain concerned because the only measure of threats to this species on the monument are the S&G evaluations, which do not explicitly measure tortoise habitat, food needs, or population. Because the PRMP/EIS relies on inaccurate and incomplete information regarding the threats of the proposed livestock management on Sonoran desert tortoise, we protest the PRMP/EIS.

**Issue Number:** PP-AZ-Ironwood-12-06-8  
**Organization:** Western Watersheds Project  
**Protester:** Greta Anderson

**Issue Excerpt Text:** The BLM's response to comments about the lack of a range of alternatives limiting management flexibility once again cites to the S&Gs to provide evidence of a need to adjust grazing management. PMRP/EIS at J-118. This neglects the fact that S&Gs are conducted sporadically, and don't focus on comparing rangeland health across pastures, in relation to utilization (BLM

doesn't have utilization data on these allotments; Exhibit A-G), or relative to specific wildlife habitats (including desert bighorn sheep). Without quantitative and consistent data such as these, the PMRP/EIS is idealizing the process and the product of the S&G analyses. Further, claims that adjustments will be made in subsequent NEPA processes neglect the fact that those NEPA processes are not now and might never be completed, as the permits have already been renewed for another decade. PMRP/EIS at 3-48. The EIS therefore violated NEPA's requirement to "present complete and accurate information to decision makers and the public to allow an informed comparison of the alternatives considered in the EIS." *NRDC v. U.S. Forest Service*, 421 F.3d 797, 813 (9th Cir. 2005).

**Issue Number:** PP-AZ-Ironwood-12-08-6  
**Organization:** Friends of Ironwood Forest  
**Protester:** Lahsha Brown

**Issue Excerpt Text:** In fact, it appears that the BLM has made most of its proposed alternative recommendations based on a lack of information necessary to make informed decisions (4.2.2). The PRMP states "Assumptions are made in the analysis regarding level of land use activity, resource condition, and resource response. Potential impacts and their significance are determined based on these assumptions." The PRMP also assumes that, "Funding would be available to implement the alternatives, restrictions or prohibitions on activities in specific areas would protect sensitive resources, and mitigation requirements would prevent or limit direct impacts associated with land use activities, or would result in reclamation of the land after the activity has been completed." There is no justification given for any of these assumptions. At 4.2.3 we read the "Council on Environmental Quality (CEQ) regulations implementing National Environmental Policy Act (NEPA) require that agencies evaluating reasonably foreseeable significant adverse effects on the human environment in an environmental impact statement (EIS) identify incomplete or unavailable information, if that information is essential to a reasoned choice among alternatives (43 CFR 1502.22)." The BLM goes on to state, "However, certain information was unavailable for use in developing this plan, usually because inventories have not been conducted or are incomplete. The following types of data are unavailable for the entire planning area:

- Field inventory of soils and water conditions
- Field inventory of wildlife and special status species occurrence and condition
- Comprehensive inventory of traditional cultural properties
- Surveys for cultural or paleontological resources
- Specific hazards associated with former and existing mines”

We protest that determining the extent of, and planning and implementing the protection and preservation of the Monument’s objects of national significance, as noted in the Proclamation, cannot be accomplished based on the BLM’s self-admitted inadequate information combined with its inadequate funding and inadequate staffing, and we protest the conclusions the BLM has recklessly, arbitrarily, and capriciously made over the last decade as a result.

---

### ***Summary***

The PRMP should be rejected because it relies on incomplete and inaccurate information regarding:

- Resource inventories and surveys,
- Threats of livestock grazing on the Sonoran desert tortoise, and
- Determinations of rangeland health.

---

### ***Response***

The purpose of the Council on Environmental Quality (CEQ) regulations at 40 CFR 1502.22 is to advance decision-making in the absence of complete information regarding environmental effects associated with the proposed action. The prerequisite level of information necessary to make a reasoned choice among the alternatives in an EIS is based on the scope and nature of the proposed decision. A land use planning-level decision is broad in scope and, therefore, does not require an exhaustive gathering and monitoring of baseline data. For this reason, analysis of land use plan alternatives is typically broad and qualitative rather than quantitative or focused on site-specific actions. Although the BLM realizes that more data could always be gathered, the baseline data provides the necessary basis to make informed land use plan-level decisions.

The IFNM PRMP/FEIS acknowledged that certain information was unavailable for use in plan development because inventories were incomplete. These included: field inventory of soils and water conditions, field inventory of wildlife and special status species occurrence and condition, comprehensive inventory of traditional cultural properties, surveys for cultural or paleontological resources, and specific hazards associated with former and existing mines (4-3). For these resources, the BLM used estimates based on previous surveys and existing knowledge. The BLM also contracted for a complete literature review of livestock grazing effects on the Sonoran desert tortoise during this planning process, which was used along with reference libraries to analyze potential effects of livestock grazing on Sonoran desert tortoise in the IFNM. Appendix D of the Biological Assessment (BA) provides additional information and analysis of the Sonoran desert tortoise. (For more information regarding the Sonoran desert tortoise, refer to the Special Status Species response.) Ongoing inventory efforts within the planning area will continue to update and refine information that will be used to implement this plan. The BLM will continue to work with Federal, State and local agencies, as well as universities and other organizations to conduct the needed inventories, surveys, and monitoring data collection to provide the best information for management of IFNM. Additionally, the BLM will focus data collection based on allotment categorization and priorities for future processing of grazing permits. The BLM continues to retain its discretion to revisit the terms and conditions of a

permit or lease at any time (even if a permit was recently renewed) using existing processes in the grazing regulations. *See, e.g.*, 43 CFR 4130.3-3. For more information regarding determinations of rangeland health, refer to the Livestock Grazing response.

## *Need for Supplemental EIS*

---

**Issue Number:** PP-AZ-Ironwood-12-07-9

**Organization:** National Rifle Association

**Protester:** C.D. Michel

**Issue Excerpt Text:** Appendix I Was Not Available to the Public During the Comment Period. Appendix I, which provides BLM's analysis of the feasibility of recreational shooting on the IFNM, and the factual basis for its decision to ban or severely limit recreational shooting on the monument, was added to the RMP/EIS when the PRMP/FEIS was issued. It was not part of the original DRMP/DEIS. The DRMP/DEIS was deficient because it failed to explain the basis for banning recreational target shooting under Alternatives B and C.

Since recreation is an important use in the IFNM and target shooting is a popular and important form of

recreation, as well as a form traditionally allowed on the monument, the information in Appendix I serves an important public-information purpose. Once Appendix I became available, it should have been included in a supplemental EIS, which would have allowed for public comments on Appendix I and on how it supports or fails to support the stances taken with respect to recreational shooting in the EIS' four alternatives. Failure to allow adequately-informed public comment on BLM's proposed ban of recreational target shooting violates NEPA.

---

## *Summary*

The DRMP/DEIS was deficient because it failed to explain the basis for banning recreational target shooting and Appendix I Was Not Available to the Public During the Comment Period. Failure to allow adequately-informed public comment on BLM's proposed ban of recreational target shooting violates NEPA.

---

## *Response*

The NEPA requires agencies to prepare supplements to either draft or final EIS's if the agency makes substantial changes on the proposed action that are relevant to environmental concerns; or there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts (40 CFR 1505.9(c)). "Substantial changes" in the proposed action relevant to environmental concerns are changes that would result in significant effects outside the range of effects analyzed in the draft or final EIS (BLM H-1790-1, page 29). Supplementation may be required when a new alternative is added that is outside the spectrum of alternatives already analyzed and not a variation of an alternative already analyzed (BLM H-1790-1, page 29).

The BLM received many comments both in favor of and against the closure of the Monument to recreational target shooting in the preferred alternative of the Draft RMP/EIS for the IFNM. Based on this high level of public interest, the BLM conducted a detailed study to determine if it was practical to designate specific areas within IFNM for recreational target shooting. The analysis determined that only two sites within the IFNM were potentially suitable. The

PRMP/FEIS modifies Alternative D from allowing recreational target shooting throughout the IFNM (outside of developed areas) to allowing recreational target shooting on these two sites in Alternative D and analyzes the environmental effects of this management action (2-63). Alternative A of the PRMP/FEIS preserves the original management action of allowing recreational target shooting throughout the IFNM outside of developed areas.

Alternative D of the PRMP/FEIS is variation of an alternative already analyzed in the Draft RMP/EIS. It is within the spectrum of the alternatives in the Draft RMP/EIS, and its effects are likewise within the range of effects already analyzed in the Draft RMP/EIS. The range of alternatives analyzed in the Draft RMP/EIS spanned from a Monument-wide closure to recreational target shooting to allowing this activity anywhere in the Monument outside of developed areas. The Draft RMP/EIS described the effects of shooting on public safety as creating a public health and safety risk from accidental shootings and increasing the risk of lead contamination to soil from the increased presence of spent shell casings (DRMP 4-126). The effects of shooting under Alternative D of the PRMP are within this range. Public safety concerns would be reduced throughout most of the IFNM, with the exception of the two shooting sites (PRMP 4-145). This change to Alternative D is not substantial and does not trigger NEPA's supplementation requirements.

Likewise, the material presented in Appendix I of the PRMP/FEIS does not constitute significant new circumstances or information relevant to requiring supplementation. Rather, this appendix documents the BLM's methodology and re-examination of its determination that the IFNM is generally unsuitable for recreational target shooting. Additionally as stated above, Alternative D of the PRMP/FEIS would not result in significant effects outside the range of effects already analyzed. Because Appendix I is not significant new information, supplementation is not required.

## *Impacts Analysis*

---

**Issue Number:** PP-AZ-Ironwood-12-03-5

**Protester:** [Name Withheld]

**Issue Excerpt Text:** Here, the BLM's failure to perform an EIS under NEPA prior to proposing this rule prevented the required reasonable evaluation, analysis, "hard look at," and disclosure of the harms of implementing the designation of ephemeral classification on the two allotments to human health and safety, the human environment, and other environmental values. Where required, as here, an EIS is intended to disclose environmental effects of a proposed action and consider alternative courses of action. (42 U.S.C. Sec. 4332(2)(C)). Moreover, here, the BLM has completely abdicated its responsibility to consider and analyze reasonable alternatives (to the unjustified and illegal classification of ephemeral) that would not only protect monument resources, but would also minimize the adverse impacts that the adoption of this now-pending rule would inflict on humans and the human environment. The result is the

promulgation of a one-sided, single-purpose proposed rule that would inflict harmful consequences on ranching use of the Ironwood Forest National Monument, a situation that NEPA specifically prohibits. As a result, this proposed rule must be withdrawn because it is also in fundamental violation of NEPA.

**Issue Number:** PP-AZ-Ironwood-12-03-9

**Protester:** [Name Withheld]

**Issue Excerpt Text:** In addition, the arbitrary, capricious and illegal classification of the Morningstar and Tejon Pass allotments in the PRMP/FEIS as "Ephemeral" despite the failure of these two allotments to conform to the Ephemeral Rule, and absent any NEPA analysis supporting the ephemeral classification renders the market value of these two grazing leases and all of the Kile family's investments in those two allotments worthless

because grazing leases are market-valued on grazing preference, which in this case is zero. Moreover the illegal classification of ephemeral degrades the value all other BLM allotments including the El Tiro allotment because it is arbitrary, capricious, and illegal, and if allowed to stand threatens all other

BLM grazing allotments across the United States of America with similar arbitrary, capricious and illegal classifications. This matter alone is sufficient that we demand the BLM withdraw and correct the PRMP/FEIS.

---

### ***Summary***

The BLM failed to perform an EIS prior to proposing this rule and did not perform NEPA analysis supporting the ephemeral classification of two allotments.

---

### ***Response***

The NEPA directs Federal agencies to prepare an environmental impact statement for every “major Federal action significantly affecting the quality of the human environment (42 USC 4332(2)(c)).” The BLM planning regulations require preparation of an EIS when developing an RMP: Approval of a resource management plan is considered a major Federal action significantly affecting the quality of the human environment. The environmental analysis of alternatives and the proposed plan shall be accomplished as part of the resource management planning process and, wherever possible, the proposed plan and related environmental impact statement shall be published in a single document.

43 CFR 1601.0-6. The BLM complied with these requirements by preparing an EIS for the IFNM RMP. The EIS analyzes the effects of the alternatives on the human environment throughout Chapter 4. Regarding the ephemeral allotments proposed in Alternative C, the PRMP/FEIS explained the reason for this change from the Draft RMP/EIS: The preferred alternative (Alternative C) in the Draft RMP/EIS proposed that two grazing allotments, Tejon Pass and Morning Star, be reclassified as perennial allotments from their current status as ephemeral allotments. This reclassification requires that forage capacity be identified, which was not done or analyzed in the Draft RMP/EIS. The BLM is conducting additional monitoring to determine appropriate forage capacity; therefore, the decision to reclassify these allotments is being deferred until the BLM can collect the data necessary to support and identify an appropriate forage capacity level and conduct an associated environmental analysis. As a result of this deferral, the proposed plan incorporates the “no action” alternative for these two allotments, meaning they will continue to be classified as ephemeral at this time (S-19).

### ***FLPMA***

#### ***Presidential Proclamation***

---

**Issue Number:** PP-AZ-Ironwood-12-06-10  
**Organization:** Western Watersheds Project  
**Protester:** Greta Anderson

**Issue Excerpt Text:** The PRMP regards the

monument Proclamation and the Antiquities Act as having set a high standard of protection for objects within the monument, "prohibiting injury, destruction, or removal of any feature in the monument." Ibid., emphasis added. The BLM found

that "because of the magnitude and intensity of the activity, [target shooting] is causing damage to monument objects in localized areas and presenting conflicts with other monument users." Ibid. The BLM completed a comprehensive analysis of shooting in the monument, evaluating the impacts of shooting on natural and cultural resources, desert tortoise, significant vegetation, rare plants, vegetation habitat management areas, desert bighorn sheep, cultural sites, and visual resources from primary roads. PMRP/EIS at 1-2 to 1-4. The BLM's analysis and proposed plan suggest that to protect the monument objects at and in the vicinity of the concentrated target shooting sites, this activity must be banned. We do not disagree with this conclusion and support BLM's decisions to keep target shooting out of the monument. We do have concerns as to how it will be enforced and how toxic-to-wildlife lead ammunition and other detritus will be cleared from the monument and safely disposed of. However, the BLM failed to take the same approach when it evaluated the impacts of livestock grazing. In fact, instead of looking at the livestock concentration areas (water developments, salt licks, etc.), the BLM specifically chooses sites distant from areas of concentrated impacts to evaluate the effects of livestock. Key areas are intentionally located at a remove from concentration areas, ensuring that BLM is only measuring dispersed impacts. This is exactly the opposite approach it used in analyzing shooting. The BLM also applies a different standard than it employs in evaluating the effects of shooting in determining whether livestock grazing harms monument objects, by dismissing impacts measurable "only in localized areas" (e.g. PMRP/EIS at 4-32) as being insignificant, contrary to its focus on target shooting's "damage to monument objects in localized areas and presenting conflicts with other monument users." PMRP/EIS at I-I. There is no explanation as to why injury, destruction, and removal of monument features are allowed by livestock. See Photos 2-6. We protest this inconsistency.

We raised many examples of scientifically-documented harm caused by livestock grazing in our comments; neither the PRMP nor the EIS respond with sufficient evidence to demonstrate those harms aren't occurring on monument lands, nor did the agency undertake a comprehensive and geographically-complete analysis in order to understand the implications of this activity.

**Issue Number:** PP-AZ-Ironwood-12-06-13  
**Organization:** Western Watersheds Project  
**Protester:** Greta Anderson

**Issue Excerpt Text:** If the BLM had held livestock grazing to the same standard as it holds recreational shooting under the Proclamation and the Antiquities Act thereby, "prohibiting injury, destruction, or removal of any feature in the monument" (PMRP/EIS at I-I) it would have also had to disallow the very noticeable and concentrated impacts of livestock at water developments, localized impacts such as trampled and damaged vegetation and cultural resources, and widespread impacts such as impaired wildlife habitat, soils, recreation, and air quality. It did not, and we protest the BLM's failure to use a similar standard for grazing as it did for shooting, and without evidence of a well-reasoned decision for why these different standards apply, the decision is arbitrary and baseless.

**Issue Number:** PP-AZ-Ironwood-12-06-78  
**Organization:** Western Watersheds Project  
**Protester:** Greta Anderson

**Issue Excerpt Text:** II. We protest the failures to comply with FLPMA, 43 U.S.C. § 1701 et seq. FLPMA declares that "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; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use." 43 U.S.C. §1701(a)(8). The BLM uses this as the basis of its perceived "multiple use" mandate, seeming to believe that this preamble provides for a balance of ecological and human uses. This misinterpretation of the agency obligation was brought forth in timely comments. Comment #12232 at 4-5.

Indeed, FLPMA contains an exception to this overarching prescription for BLM lands: Multiple-use management applies, except " ...where a tract of such public land has been dedicated to specific uses according to any other provisions of law it shall be managed in accordance with such law" (FLPMA, as amended, Public Law No. 94-579, Title III, Sec. 302(a)). The BLM has interpreted this exemption thusly: "That means in some places, conservation may be elevated over development or production if a law identifies conservation as the primary use for which the land is designated. On the protection end of the multiple-use spectrum, NLCS areas are designated by act of Congress or presidential proclamation (in accordance with the 1906 Antiquities Act) to conserve, protect, and restore

specified natural and cultural values" and on lands within the NLCS, the BLM intends to, "Limit discretionary uses to those compatible with conservation, protection, and restoration of the values for which NLCS lands were designated," and in order to do this, BLM will "Use the best available science to conduct capacity studies, establish specific, measurable, attainable, relevant and time-specific (SMART) objectives, and develop monitoring plans for compatible uses to ensure the NLCS values are protected, consistent with the designation legislation or presidential proclamation." 15-Year Strategy for the NLCS at 10.

This clarity of vision for the NLCS lands should have extended to the IFNM PMRP/EIS. It did not. Instead, the BLM maintains its focus on deleterious multiple uses, justifying the impacts that livestock do have on monument objects under the wrong statutory basis. The failures of the PMRP/EIS under NEPA (as outlined above) also constitute violations of FLMPA's mandate to consider management on lands identified for their special resource values.

**Issue Number:** PP-AZ-Ironwood-12-07-4  
**Organization:** National Rifle Association  
**Protester:** C.D. Michel

**Issue Excerpt Text:**

Target Shooting is Arbitrarily Singled Out Among Resource-Harming Uses

The DEIS/RMP provided little rationale for why target shooting was singled out for banning in Alternative C, while other uses that harm natural resources, such as grazing and camping, were allowed. All three uses inevitably harm IFNM natural resources to some degree. For example, BLM chooses the Alternative D decision for grazing over the Alternative B decision, thereby opting to allow grazing on all public lands within the 11 allotments instead of prohibiting grazing, even though this will result in damage to rangeland resources. Why is this damage allowed, but not the damage to range

resources resulting from target shooting? BLM's proposal to ban recreational shooting is arbitrary and capricious, since the PRMP/FEIS fails to explain why BLM proposes to ban shooting while allowing other activities that also harm natural resources within the IFNM

**Issue Number:** PP-AZ-Ironwood-12-08-10  
**Organization:** Friends of Ironwood Forest  
**Protester:** Lahsha Brown

**Issue Excerpt Text:** Secretarial Order 3308

The Proposed RMP does not comply with Secretarial Order 3308, issued on 11.15.10. The Order, effective immediately, was issued to provide clarity and direction on how to prioritize the management of the National Landscape Conservation System (NLCS). As it's first direction, the Order states, "BLM shall ensure that the components of the NLCS are managed to protect the values for which they were designated, including, where appropriate, prohibiting uses that are in conflict with those values. If consistent with such protection, appropriate multiple uses may be allowed, consistent with the applicable law and the relevant designations under which the components were established." (emphasis added)

This language is explicitly clear that the BLM shall manage to protect, first and foremost, the values for which the area was specially designated. And only if it is consistent with protecting those values, will other uses be allowed and considered. The analysis of alternatives in the PRMP did not use the criteria set forth in Secretarial Order 3308 to prioritize protection of values first, before consideration of other uses is allowed. Instead, the range of alternatives included those such as D that should not have been carried forward from Draft to Final based on the direction of the Secretarial Order. Even alternative B, allows for significant other uses, before working towards protection of values for which the area was designated.

---

## **Summary**

The PRMP should be rejected because:

- It fails to prioritize the management of the IFNM for the protection of the objects for which it was designated over traditional multiple use.
- It applies a more protective management standard to recreational shooting without also doing so for livestock grazing. This inconsistency is arbitrary.

## ***Response***

According to Section 302(a) of FLPMA, the National System of Public Lands is to be managed under the principles of multiple use and sustained yield “except that where a tract of such public land has been dedicated to specific uses according to any other provisions of law it shall be managed in accordance with such law.” This section of FLPMA directs that when an area of public land is set aside by a Presidential Proclamation issued under the Antiquities Act of 1906, the designating language is the controlling law (see BLM Instruction Memorandum, No. 2009-215). The land use plan and management direction for such a designation must comply with the purposes and objectives of the proclamation regardless of any conflicts with the FLPMA’s multiple-use mandate. The BLM’s general management mandate as set forth in FLPMA provides the remaining management direction where it is not inconsistent with the Presidential Proclamation.

The PRMP acknowledges that the overall management purpose is derived principally from the Proclamation as well as FLPMA(1-5). The Proclamation for the Ironwood Forest mandates the protection of objects of historic and scientific interest within the Monument, such as drought-adapted vegetation of the Sonoran Desert, geological resources, and abundant archaeological resources. The BLM specifically identified the objects referenced in the Proclamation in Table 1-2 of the PRMP/FEIS. Table 1-2 also identifies object indicators and protection thresholds. In addition to these thresholds, the PRMP defined protection of Monument objects as "maintaining the objects over time, such that any human-caused change or impact on the known biological, geological, and archaeological Monument object(s) would be undetectable or measurable only in small and localized areas and the integrity of the object(s) would be conserved for future generations (Page 1-7).” Table 1-2 references the resource management category in which each of the objects is addressed in the plan. The PRMP/FEIS has developed the management goals, objectives, and actions with the purpose of protecting Monument objects. This is also consistent with Secretarial Order 3308’s direction to manage units of the National Landscape Conservation System (NLCS) to protect the values for which they were designated and allowing multiple uses where consistent with such protection.

**Regarding Livestock Grazing, Recreational Shooting, and their Respective Impacts on Monument Objects:** The PRMP/FEIS states that the proposed plan’s approach to livestock grazing would result in disturbance to objects of the Monument that would be undetectable or measurable only in localized areas (such as small disturbed areas immediately adjacent to livestock water developments) and would not reduce the viability or result in the loss of a population of objects, a vegetative community, or the natural range of variation in vegetation communities (4-32). The PRMP/FEIS concludes that the localized nature of vegetative impacts would be consistent with protection of the Monument objects, i.e., the integrity of the objects would be conserved for future generations.

Alternative D of the proposed plan would allow recreational shooting at two designated areas. The PRMP/FEIS states that this concentrated shooting activity would result in long-term, significant vegetation damage in the two designated shooting areas (4-34). The BLM has documented the vegetation damage that has already occurred from historic recreational shooting in these areas. The PRMP/FEIS concluded that the localized nature of these impacts would be greater than those described under Alternatives B or C, but consistent with protection of the Monument objects.

Unlike livestock grazing, the PRMP/FEIS also identified recreational shooting impacts on public health and safety. Alternative A's allowance of dispersed recreational shooting throughout the Monument would continue to create a public health and safety risk (4-141). Continued dispersed shooting throughout the Monument could result in lead contamination of surface water and increased solid waste and litter. Lack of adequate slope, backstop surface, and backstop size, combined with the BLM's responsibility to protect resources and the objects of the Monument significantly reduce the acreage in which recreational shooting can be safely accommodated within the IFNM (4-141).

The PRMP/FEIS explains that the public health and safety risk would increase under Alternative D even though the two designated shooting sites have natural backstops (4-145). This is because the current volume of recreational shooting could be expected to concentrate at these sites, resulting in a greater risk of crossfire among shooting parties. Alternative D would also increase the potential for accidental shootings given the proximity of these sites to roads, trails, and water and communication facilities.

The PRMP/FEIS does not apply differing standards to protection of Monument objects regarding livestock grazing and recreational shooting. The BLM has selected Alternative C as the Proposed Plan because it affords protection of Monument objects at or near the level of Alternative B, while allowing for increased public uses in the monument (S-3). The Proposed Plan closes the Monument to recreational target shooting because of its greater potential to damage Monument objects in combination with the risks this activity poses to public health and safety.

## *Local Agencies*

---

**Issue Number:** PP-AZ-Ironwood-12-03-28

**Organization:**

**Protester:** [Name Withheld]

**Issue Excerpt Text:** The Pima NRCDC is harmed by the rule because the BLM did not consult with them as required by law regarding the sudden unexpected decision in the PRMP/FEIS to change the Preferred Alternative and arbitrarily, capriciously and illegally classify the Morningstar and Tejon Pass allotments as ephemeral. The BLM never notified the Pima NRCDC by mail, as had been previously agreed to, nor did they send the PNRCD a requested copy of the PRMP/FEIS. In view of these facts the BLM's response to comment 24(817) is a blatant misrepresentation and in itself justifies our demand that the BLM withdraw the PRMP/FEIS. The Pima NRCDC had no knowledge of the dramatic, change of the Preferred Alternative to arbitrarily, capriciously and illegally reclassify the Morningstar and Tejon Pass allotments to ephemeral use without consulting first with the PNRCD or any other cosigner of the Coordinated Resource Management Plans governing

the management of those two allotments. We were given no opportunity to comment on that change.

**Issue Number:** PP-AZ-Ironwood-12-03-30

**Organization:**

**Protester:** [Name Withheld]

**Issue Excerpt Text:** This PRMP/FEIS illegally conflicts with and runs roughshod over the PNRCD's land management policies in violation of the Council on Environmental Quality Regulation 1506.2 (d), among all the other laws we quoted in our previous comments. The BLM made no effort whatsoever to coordinate Ironwood Forest National Monument policies with existing land use plans involving the PNRCD.

**Issue Number:** PP-AZ-Ironwood-12-03-34

**Organization:**

**Protester:** [Name Withheld]

**Issue Excerpt Text:** The BLM has unexpectedly, and without consulting first with the Pima NRCDC or

the local NRCS office (as required by NEPA, FLPMA and the 1977 Soil and Water Conservation Act) to determine how local policies and our ability to honor signed contracts might be affected, made significant and unexpected changes to the Preferred Alternative that directly harms each of us by unexpectedly, arbitrarily and capriciously designating ephemeral status for the Morningstar and Tejon Pass Allotments.

**Issue Number:** PP-AZ-Ironwood-12-03-37

**Organization:**

**Protester:** [Name Withheld]

**Issue Excerpt Text:** In addition neither the Pima NRCD nor the NRCS received notification from the

BLM that the PRMP had been released, much less did they receive any copies of such, costing them valuable time also during the comment period. The PNRCD Board of Supervisors meets once a month, has only one parttime employee already occupied with other business, and simply cannot discuss, review and prepare an adequate response in such a restricted time frame with no advance warning that the PRMP/FEIS would finally be released. The BLM's failure to notify, much less consult, cooperate and coordinate with Pima NRCD as is required by FLPMA, NEPA and the Soil and Water Conservation Act of 1977, is inconsistent with the blatant misrepresentation that is printed in the PRMP/FEIS with regards to the BLM's alleged cooperation and consultation with the Pima NRCD and NRCS (see comment).

---

### *Summary*

The BLM failed to coordinate and consult with the Pima Natural Resource Conservation District (NRCD) in preparing the PRMP/FEIS.

---

### *Response*

The BLM policy does not require it to consult the Pima NRCD prior to making changes to the preferred alternative. The BLM planning regulations do, however, direct the BLM to coordinate with local agencies to provide for their meaningful public involvement, and to strive for consistency with their plans and policies where possible (43 CFR 1610.3-1; 1610.3-2). The BLM extended cooperating agency invitations to the Natural Resource Conservation Service (NRCS) and the Natural Resource Division of the Arizona State Land Department (of which the NRCD is a subdivision). The NRCS and Pima NRCD (as a subdivision of the Arizona State Land Department) are each on the distribution list for the IFNM PRMP/FEIS (Section 5.8). Additionally, two commenters on the Draft RMP identified themselves as commenting on behalf of the Pima NRCD. The BLM considered and responded to these comments. The Tucson office of the NRCS provided technical expertise in the development of soils maps used throughout the planning process.

---

### *Climate Change*

**Issue Number:** PP-AZ-Ironwood-12-04-15

**Organization:** The Wilderness Society

**Protester:** Phil Hanceford

**Issue Excerpt Text:** The PRMP does not demonstrate how it is managing lands within the broader landscape to promote ecological connectivity and resilience in the face of climate change and as is directed in Secretarial Order 3289

(<http://www.doi.gov/archive/climatechange/SecOrder3289.pdf>), which require that the BLM “consider and analyze potential climate change impacts when undertaking long range planning exercises ... (and) developing multi-year management plans.” There is no analysis of the cumulative carrying capacity for the region and how the monument fits into that picture. There are also no decisions regarding managing the landscape during periods of stress so

that the monument objects and ecological function and condition will not be irreversibly harmed.

**Issue Number:** PP-AZ-Ironwood-12-06-77

**Organization:** Western Watersheds Project

**Protester:** Greta Anderson

**Issue Excerpt Text:** The PMRP/EIS fails to adequately address climate change relative to current grazing authorizations on the IFNM.

The Secretary of Interior has issued a Secretarial Order requiring that the BLM "consider and analyze potential climate change impacts when undertaking long range planning exercises ... (and) developing multi-year management plans. We raised this issue in our comments, including the need to consider grazing impacts in context of worsening and ongoing drought conditions. Comment #12231 at 9. While all of the impacts, the degree of the impacts and the timing of the impacts from climate change cannot be specifically modeled, modeling and other tools can give us a clear enough picture of what a future impacted by climate change will look like. The impacts of climate change will exacerbate existing stresses on habitat such as from livestock grazing.

Managing lands in a "climate smart" manner can help ecological systems, and the human communities that depend on them, adapt to the direct impacts of climate change.

Climate smart management encompasses a wide range of practices that sustainably increase the lands productivity, the resilience of species and processes, sequesters carbon and enhances achievement of national conservation goals. Managing land uses to limit or eliminate non-climate impacts on natural resources is a critical component of climate smart management. Consideration of livestock grazing and the need to limit it in light of the impacts of climate change was not addressed in the PMRP/EIS, and the "hard look" mandated by NEPA was not provided.

**Issue Number:** PP-AZ-Ironwood-12-08-12

**Organization:** Friends of Ironwood Forest

**Protester:** Lahsha Brown

**Issue Excerpt Text:** Global Climate Change and Drought

We protest that the BLM does not specifically address the measurement, monitoring or adaptive management and mitigation strategies that will be employed to address the reasonably foreseeable adverse impacts of global climate change to IFNM in compliance with Secretarial Order 3289 (<http://www.doi.gov/archive/climatechange/SecOrder3289.pdf>), which requires that the BLM "consider and analyze potential climate change impacts when undertaking long range planning exercises ... (and) developing multi-year management plans."

---

### **Summary**

The PRMP does not satisfy the requirement of Secretarial Order 3289 to consider and analyze potential climate change impacts when undertaking long range planning exercises.

---

### **Response**

Secretarial Order 3289 directs the BLM to consider and analyze potential climate change impacts when undertaking long-range planning exercises, developing multi-year management plans, and making major decisions regarding potential use of resources. In Section 3.1.1.6, the PRMP/FEIS discusses global climate change from the perspective of the affected environment. This discussion acknowledged the uncertainty regarding how climate change may affect different regions and that increased concentrations of greenhouse gases are likely to accelerate the effects of climate change. The PRMP/FEIS further discusses the effects of climate change in Section 4.3.1. The PRMP/FEIS for the IFNM satisfies the requirements of Secretarial Order 3289.

## Special Status Species

---

**Issue Number:** PP-AZ-Ironwood-12-01-20

**Organization:** ASARCO LLC

**Protester:** Krishna Parameswaran

**Issue Excerpt Text:** 9(706) - Pima County's identification of protected species should not be implemented by BLM.

SBM objected to BLM protecting "special status species" identified by Pima County because Pima County has no regulatory authority under Federal law to protect "special status species" on BLM land. BLM responded: "Per regulation, BLM's management of the IFNM will be consistent with Pima County's plans and policies ... so long as they are consistent with Federal policy and law". To apply Pima County's policy of protecting "special status species" and impose surface use requirements for that protection would be inconsistent with Federal policy and law under the Endangered Species Act, and under the 1970 and 1980 Mineral Policy and Development Acts.

**Issue Number:** PP-AZ-Ironwood-12-01-23

**Organization:** ASARCO LLC

**Protester:** Krishna Parameswaran

**Issue Excerpt Text:** 9(587) - Pygmy owl as special status species.

SBM commented that the pygmy owl should be removed as a protected special status species. BLM responded that the owl and its habitat are to be protected as a sensitive species because it is listed by the Arizona Game & Fish Department as a wildlife species of special concern and because BLM lists it as a "sensitive species". This would be an unauthorized expansion of the Endangered Species Act. Further, on October 5, 2011 the U.S. Fish and Wildlife Service determined that the pygmy owl is not a listable species either as a western subspecies of the cactus pygmy-owl or as a distinct population segment because the western subspecies "is not a valid taxon". 76 F.R. 61856.

**Issue Number:** PP-AZ-Ironwood-12-06-66

**Organization:** Western Watersheds Project

**Protester:** Greta Anderson

**Issue Excerpt Text:** G. The PMRP/EIS fails to update the knowledge, science, and legal status of sensitive species within the monument.

The EIS violated NEPA's requirement to "present complete and accurate information to decision makers and the public to allow an informed comparison of alternatives considered in the EIS." NRDC v U.S. Forest Service, 421 F 3rd 797,813 (9th Circuit 2005). Here, in addition to the numerous inaccuracies and insufficiencies of the S&G process as described in the plan, the BLM doesn't even get basic facts straight about the status of imperiled species it is supposed to be protecting.

While the PMRP/EIS notes that the Sonoran desert tortoise is considered a wildlife species of concern by the Arizona Game and Fish Department (PMRP/EIS at 3-25, 3-28) it fails to acknowledge the Sonoran desert tortoise is a federal candidate species, after a "warranted but precluded" determination last year. 75 FR 78094-78146, December 14, 2010. This continues its status as a BLM Sensitive Species.

**Issue Number:** PP-AZ-Ironwood-12-06-70

**Organization:** Western Watersheds Project

**Protester:** Greta Anderson

**Issue Excerpt Text:** The PRMP/EIS makes a similar mistake regarding Tucson shovel-nosed snake when it assigns it "Priority Vulnerable" status rather than "Federal Candidate." PRMP/EIS at 3-26. The species was petitioned for listing in December 2004. We noted this in our comments on the DRMP. Comment #12231 at 19. The species was recognized as warranting protection in March 2010. 75 FR 16050-16065. The agency failed to update the information in the PRMP or in the response to comments. PRMP/EIS at J-80. It is entirely unclear how the agency can claim to have evaluated current threats to the species when it hasn't even updated its understanding of the severity of those threats.

**Issue Number:** PP-AZ-Ironwood-12-06-80

**Organization:** Western Watersheds Project

**Protester:** Greta Anderson

**Issue Excerpt Text:** B. The PMRP/EIS fails to protect Special Status Species in accordance with its own policies.

The BLM's Special Status Species Policy requires that "sensitive" species be afforded, at a minimum, the same protections as candidate species for listing

under the Endangered Species Act. The policy declares that BLM managers must "obtain and use the best available information deemed necessary to evaluate the status of special status species in areas affected by land use plans...." See Policy at § 6840.22.A. It goes on to provide specific direction for land use planning, specifying that land use plans "shall be sufficiently detailed to identify and resolve significant land use conflicts with special status species without deferring conflict resolution to implementation-level planning." Id.

The objectives of the policy are, "To initiate proactive conservation measures that reduce or eliminate threats to Bureau sensitive species to minimize the likelihood of and need for listing of these species under the ESA." § 6840.2.B.

Recent case law pertaining to RMP's emphasized this special obligation of the BLM to adhere to its own policies and the national strategy when managing sensitive species. BLM's own policies stress the need to avoid waiting for the site-specific project to consider habitat protections, and to consider those issues in the programmatic land use planning process. In the case of the Sonoran desert tortoise, which has over 80,000 acres of habitat on the IFNM, the BLM has failed to provide appropriate conservation measures or analysis of impacts. We submitted comments expressing our concern that the DRMP did

not specifically describe impacts to the species from the proposed action or any of the five alternatives, and we expressed our belief that the agency had failed to provide the appropriate level of protection to this monument object. Comment #12231 at 19.

The PRMP/EIS fails to correct these deficiencies. The PMRP/EIS admits that, under the preferred alternative, livestock removal of vegetation "will further degrade the resource" and decrease wildlife habitat quality. PMRP/EIS at 4-44. This fails to meet the proactive standard laid out in the BLM's own policy.

**Issue Number:** PP-AZ-Ironwood-12-08-31

**Organization:** Friends of Ironwood Forest

**Protester:** Lahsha Brown

**Issue Excerpt Text:** Special Status Species and Wildlife Habitat

The Friends note and protest that neither the Tucson Shovel-nosed snake nor the Sonoran Desert Tortoise are properly characterized as to species status in the Proposed RMP/FEIS nor do their respective proposed management actions adequately address their candidate species designation under the federal Endangered Species Act.

---

## **Summary**

The PRMP should be rejected because:

- It erroneously affords special status species protection to the pygmy owl and to those identified by Pima County.
- It fails to include the Sonoran desert tortoise and the Tucson shovel-nosed snake as special status species and manage them as such.
- It fails to meet the protective standard laid out in its special status species policy for the Sonoran desert tortoise.

---

## **Response**

The BLM's special status species policy aims to ensure that actions authorized by the BLM shall further the conservation and/or recovery of federally listed species and conservation of BLM sensitive species. The BLM sensitive species will be managed to promote its conservation and to minimize the likelihood and need for listing under the Endangered Species Act (ESA) (BLM Manual 6840). The PRMP identifies a goal of conserving special status species and, where necessary, enhancing or restoring their habitats (2-23). The objectives of the PRMP in this regard are to manage land uses to sustain adequate habitat for special status and to restore large disturbed areas within special status species habitats within ten years. Table 2-6 lists the management actions intended to achieve these goals and objectives.

Special status species include federally listed or proposed species, Federal candidate species, and delisted species within five years of delisting. Special status species also include BLM-designated sensitive species. Sensitive species are those that require special management consideration to avoid potential future listing under the ESA. Sensitive species are designated as such by each BLM State Director.

Inclusion of the cactus ferruginous pygmy-owl as a special status species is appropriate because it has been designated as BLM sensitive (3-30). Pima County's list of Priority Vulnerable Species is included in its Sonoran Desert Conservation Plan (3-21). These species were erroneously included in the special status species section of the IFNM RMP. Only one of these species, the Tucson shovel-nosed snake, is known to occur in the IFNM (3-26). However, the Tucson shovel-nosed snake is appropriately included as a special status species because it became a Federal candidate species on March 31, 2010 (75 Fed. Reg. 16,050). Appendix D of the BA provides technical assistance and analysis of the Tucson shovel-nosed snake. The Record of Decision (ROD) for the IFNM RMP will clarify that species on Pima County's list of Priority Vulnerable Species are not BLM special status species. The BLM included this information in the PRMP in the interest of coordinating with local governments as required by BLM planning regulations (see 43 CFR 1610.3-1).

The PRMP includes the Sonoran desert tortoise as a special status species because it is a BLM sensitive species (3-28). The PRMP designates 58,810 acres of Sonoran desert tortoise habitat categories I and II as priority habitat. The PRMP also directs the BLM to implement measures to conserve Sonoran desert tortoise habitat (as prescribed in Desert Tortoise Habitat Management on Public Lands: A Rangelwide Plan). Appendix E to the PRMP/FEIS also includes specific conservation measures to be implemented for the benefit of the Sonoran desert tortoise. The analysis of the effects of these management actions concluded that the disturbance to objects of the Monument resulting from management actions would range from undetectable to measureable at a local scale and would not cause the loss of special status species from the Monument (4-58). This management approach meets the protective standard laid out in the BLM's special status species policy. Appendix D of the BA provides further technical assistance and analysis of the Sonoran desert tortoise. The ROD for the IFNM RMP will clarify that the Sonoran desert tortoise became a candidate species as of December 14, 2010.

## *Livestock Grazing*

---

**Issue Number:** PP-AZ-Ironwood-12-06-16

**Organization:** Western Watersheds Project

**Protester:** Greta Anderson

**Issue Excerpt Text:** Not only is this insufficient for resource protection on the IFNM, but it ignores the agency's own policy that cautions against this improper use of S&G assessments to make grazing and other management decisions. The BLM's "Interpreting Indicators of Rangeland Health" states that the technique should be used in association with quantitative monitoring and inventory information, and "is designed to ... provide a preliminary

evaluation of soil/site stability, hydrologic function, and integrity of the biotic community ... help land managers identify areas that are potentially at risk of degradation." and be used as a communication tool with a wide range of audiences. BLM Technical Reference 1734-6 at 1.6

The Technical Reference explicitly states, "The approach is NOT to be used to: Identify the cause(s) of resource problems; Make grazing or other management decisions; Monitor land or determine trend; Independently generate national or regional assessments of rangeland health." Ibid., emphasis added. Here, BLM's relies on the S&G process to

assessing everything from livestock impacts to cultural resources, wildlife, sensitive species habitat, etc. Moreover, the BLM relies on compliance with S&Gs to claim that livestock are not degrading the objects protected by the monument Proclamation and to maintain status quo livestock grazing under the proposed action. This application, without any quantitative data to support it, is inappropriate and contrary to the BLM's own guidance.

**Issue Number:** PP-AZ-Ironwood-12-06-25  
**Organization:** Western Watersheds Project  
**Protester:** Greta Anderson

**Issue Excerpt Text:** There is no support in the S&G to conclude that the public lands show no detriment from livestock grazing and that Standard 3 is being met. Standard 3 requires that the BLM identify a site-specific plant community that is used to indicate ecosystem and rangeland health. To determine whether or not the allotment is meeting this standard, the BLM must determine whether the composition, structure, and distribution of native vegetation appropriate to the site. The statement, "Range and watershed trend appears to be stable with little change expected in the future," is bald; trend is not being measured on the Agua Blanca allotment

**Issue Number:** PP-AZ-Ironwood-12-06-27  
**Organization:** Western Watersheds Project  
**Protester:** Greta Anderson

**Issue Excerpt Text:** Moreover, the rangeland health surveys for the Agua Blanca allotment were conducted in May 2001, ten years prior to the issuance of the PRMP/EIS. Exhibit A at 7. BLM's claims in the PRMP/EIS that "all of the allotments have been evaluated ... in the past few years" is really stretching the common definition of "few" and misleading the public that it has accurate and current information about the on-the-ground conditions of this allotment. PRMP/EIS at 3-48. We protest this misrepresentation of conditions on the IFNM.

**Issue Number:** PP-AZ-Ironwood-12-06-34  
**Organization:** Western Watersheds Project  
**Protester:** Greta Anderson

**Issue Excerpt Text:** The S&G admits, "Non-native Mediterranean grass and buffelgrass were noted as being present during the S&G review which led to lower biotic group ratings." Exhibit D at 10. However, the BLM does not describe or analyze the

impacts of these species on sensitive species, despite the increased flammability these species bring to the landscape. It also fails to assess whether livestock are having an impact on the distribution and intensity of these species, despite our having raised this in earlier comments. Comment #12231 at 4.

**Issue Number:** PP-AZ-Ironwood-12-06-42  
**Organization:** Western Watersheds Project  
**Protester:** Greta Anderson

**Issue Excerpt Text:** The actual extent of these deleterious impacts is important to assess in the context of the Sonoran desert tortoise. The Morning Star allotment is approximately 40 percent Category I habitat and 10 percent Category II habitat for this species. Exhibit E at 4. The S&G admits that no utilization or actual use data are available for the allotment. Id. at 8. There was no assessment completed that supports the statement, "Present diversity and condition of the plant community is more than adequate to sustain the wildlife species that occur in the area." Id. at 10. In truth, neither the S&G nor the PMRP/EIS take a hard look at how this species and its preferred forage are affected by livestock on this allotment.

**Issue Number:** PP-AZ-Ironwood-12-06-44  
**Organization:** Western Watersheds Project  
**Protester:** Greta Anderson

**Issue Excerpt Text:** There are other problems with the S&G, including the conclusion that "Range and watershed trend appears to be stable with little change expected in the future." Ibid. On the very same page, the BLM admits, "There has not been a previous evaluation conducted." Ibid. We protest all claims regarding "trend" that are based on a single visit; neither the S&G nor the PMRP/EIS should rely on such speculation when it comes to determining impacts to monument objects, The S&Gs are not designed nor intended to measure trend.

**Issue Number:** PP-AZ-Ironwood-12-06-49  
**Organization:** Western Watersheds Project  
**Protester:** Greta Anderson

**Issue Excerpt Text:** There is no support in the S&G to conclude that the public lands show no detriment from livestock grazing and that Standard 3 is being met. Standard 3 requires that the BLM identify a site-specific plant community that is used to indicate ecosystem and rangeland health. To determine

whether or not the allotment is meeting this standard, the BLM must determine whether the composition, structure, and distribution of native vegetation appropriate to the site. Without any actual quantifiable data or monitoring that measures these attributes, the BLM cannot simply assert, "Present diversity and condition of the plant community is more than adequate to sustain the wildlife species that occur in the area." Exhibit Gat 11. It is also not enough to ensure no harm is being caused to monument objects.

**Issue Number:** PP-AZ-Ironwood-12-06-57  
**Organization:** Western Watersheds Project  
**Protester:** Greta Anderson

**Issue Excerpt Text:** The PMRP/EIS and the proposed decision also rely on S&Gs to ensure against livestock damage to the cultural resources of the allotment. Comments were submitted protesting that this was not the intended use of S&Gs nor sufficient to protect cultural resources, BLM dismissed this concern stating that S&Gs were just a small part of management and that impacts would be assessed through the development of specific objectives in the S&G process and in the grazing lease process. PMRP/EIS at 1-87. This ignores the evidence that no specific objectives for measuring or managing cultural resources were developed in the extant S&Gs, and that the current permits were renewed without a full NEPA analysis for another decade. Id. at 3-48. In fact, in each of the eight S&G evaluations that we have reviewed, the cultural resources "analysis" are identical, suggesting a cursory cut-and-paste for compliance only. Exhibits A-G. Claims such as, "Impacts on cultural resources are also considered during the standards and guidelines process," (Id. at 1-95) are bald. This response to comments is insufficient, and we protest the failure to take a "hard look" at impacts and establishment of meaningful measures to protect cultural resources in the PRMP/EIS.

**Issue Number:** PP-AZ-Ironwood-12-06-72  
**Organization:** Western Watersheds Project  
**Protester:** Greta Anderson

**Issue Excerpt Text:** H. The determination of what impacts are allowed on vegetation is arbitrary and capricious.

The PMRP/EIS lists goals and objectives for vegetation on the IFNM. PMRP/EIS at 2-14. These include maintaining vegetation communities, maintaining priority species and habitats, and

restoring the diversity and distribution of existing plant communities in disturbed areas. Id. To accomplish this, the proposed plan prohibits the removal and/or use of living or dead and down native plant materials except when specifically authorized in such situations as Native American traditional use/collection, seed collection for revegetation in IFNM, specially authorized scientific use, administrative vegetation treatments, and consumption by wildlife. PMRP/EIS at 2-15. The proposed plan allows for perennial, yearlong removal of all types of vegetation by livestock. Id. The PMRP/EIS does not explain why it makes the exception for livestock, nor does it quantify the level of direct vegetation removal it is authorizing with this exception: 6,274,400 lbs of vegetation each year. 13 Our comments discussed the various harms this activity is known to cause, and yet nowhere did the BLM take a "hard look" at whether they are actually happening on the ground at IFNM. Instead, the BLM defers all analysis to the S&Gs (insufficient for the reasons outlined above) and fails to explain why it allows for vegetation removal at all.

**Issue Number:** PP-AZ-Ironwood-12-06-82  
**Organization:** Western Watersheds Project  
**Protester:** Greta Anderson

**Issue Excerpt Text:** C. The PMRP/EIS fails to prevent unnecessary and undue degradation of these public lands.

FLPMA mandates that BLM "shall, by regulation or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands." 43 U.S.c. §1732(b). BLM's duty to prevent unnecessary or undue degradation under FLPMA is mandatory, and BLM must, at a minimum, demonstrate compliance with the degradation standard. See, e.g., *Sierra Club v. Hodel*, 848 F.2d 1068,1075 (10th Cir. 1988)

The BLM admits that the continuation of livestock grazing will have adverse impacts on the air quality and soil resources. PRMP/EIS at 4-38. It admits that range infrastructure will compact and damage soils. Id. at 4-21. It admits that livestock grazing could lead to the destruction of stream and wash banks, removal of vegetation, and long-term changes in the vegetation communities. Id. at 4-24. It admits that impacts to special status species could include increased competition for forage and water. PMRP/EIS at 4-49. It admits it might affect fire regimes and decrease low intensity fires, replacing them with high intensity fires. PMRP/EIS at 4-64. It admits it will affect the visual experience of the

landscape. PMRP/EIS at 4-80. In each case, allowing livestock grazing is more likely to degrade the monument's resources than not allowing livestock grazing to continue.

The PMRP/EIS does not provide any justification for these impacts, or describe why they are necessary or "due" on this national monument. As stated in the this protest's introduction, the retention or preservation of livestock grazing is not one of the monument objects, nor is the recent cultural history of livestock

ranching, and nor is the region's agricultural economy (if one can believe that ranching on the IFNM contributes to that). The preservation of individuals, families, and social groups connection to ranching on the IFNM is irrelevant. PMRP/EIS at 4-134. Nowhere does the Proclamation claim that the maintenance of livestock grazing on the monument is necessary or a primary purpose for its having been set aside. Therefore, any degradation caused by this use is by definition unnecessary.

---

### ***Summary***

The PRMP/FEIS should be rejected because:

- Its use of the Standards and Guidelines assessments to make grazing management decisions and to assess everything from livestock impacts to cultural resources, wildlife, sensitive species habitat, etc., is improper and contrary to BLM policy.
- It fails to analyze the impacts of livestock grazing on cultural resources and on the spread of non-native vegetation (and the subsequent effect on special status species).
- It does not justify the exception to the prohibition on removal of vegetation for livestock grazing.
- It allows livestock grazing, a use not provided for as an object of the Proclamation, to continue despite potential impacts.

---

### ***Response***

The purpose of the standards and guidelines at 43 CFR Part 4180 is to provide a measure (Standard) to determine land health, and methods (Guidelines) to improve the health of the public rangelands (BLM Handbook, H-4180-1). The standards establish acceptable resource conditions and are used to communicate current and desired resource conditions. Each of the 11 allotments in the IFNM is either meeting land health standards or livestock grazing is not a significant causal factor for not meeting the standards (3-47). Current livestock grazing management on all of the 11 allotments in the IFNM is in conformance with the Arizona Guidelines for Grazing Administration (3-47).

The BLM utilized a variety of information from multiple sources to develop the affected environment section of the IFNM RMP/EIS. This includes: the Eastern Arizona Grazing EIS, NRCS soil surveys, the allotment management plan for the Agua Dulce/Cocoraque allotments, rangeland monitoring on the Cocoraque, Agua Dulce, Morning Star, Tejon Pass, and Agua Blanca allotments (1990-2009), standards and guidelines short form assessments on all IFNM allotments (1999-2001), and allotment evaluations on Agua Dulce,-Cocoraque, Blanco Wash, Silverbell, Clafin and Morning Star allotments (2008-2009). The BLM also utilized Geographic Information Systems (GIS) data to inform the analysis, including vegetation data from the Arizona Game and Fish Department and the USGS's Gap Analysis Program, Sonoran desert tortoise habitat mapping, allotment boundaries, and structural features in the IFNM derived from route inventory data. Several of the references cited in the PRMP/FEIS pertain to livestock grazing and livestock grazing impact analysis.

The protester is correct that the technical reference, *Interpreting Indicators of Rangeland Health*, states that it is not to be used as a monitoring tool, nor is it to be used as the sole source of information to make grazing or other management changes. The technical reference states that an assessment is conducted by gathering and interpreting information from observations or data from inventories and monitoring to characterize the status of resource conditions. An evaluation conducts an analysis and interpretation of the findings resulting from the assessment to evaluate the degree of achievement of land health standards and causal factors. The technical reference can be used in rangeland health assessments to assist in ascertaining if appropriate standards for rangeland health are being met. The technical reference was not the sole source of information considered in analyzing livestock grazing or assessing potential management changes, as noted above.

The PRMP/FEIS analyzes the impact of the livestock grazing on cultural resources on page 4-67. The dispersed nature of livestock grazing creates difficulties in applying Section 106 to all areas of potential disturbance due to livestock. Areas where livestock congregate and livestock trailing occurs at or crosses cultural resource sites could impact cultural resources by altering their context. Cattle congregating and rubbing could damage standing structures and abrade rock art panels. Trampling at water sources and along stream banks, as well as trailing, could remove protective vegetation cover and increase compaction, creating indirect impacts on cultural resources by accelerating natural erosion and exposing artifacts to illegal surface collection and vandalism. These types of impacts would be localized to individual sites. Impacts on specific areas would be identified and mitigated through the leasing process on a case-by-case basis.

The PRMP/FEIS analyzes the impacts of livestock grazing on invasive and non-native vegetation:

- The analysis used the assumptions that (1) incidental noxious and invasive weeds would continue to be introduced and spread as a result of livestock grazing and other activities; and (2) weed and pest control would be carried out in coordination with the appropriate county weed and pest control district and owners of adjacent property (4-23).
- Facility development could have indirect impacts as a result of greater use by or for livestock, recreation, and administration at the site and along roads and fences. Increased use could compact soils, reduce vegetation cover in localized areas, cause plant mortality or reduction in vigor, and produce conditions favorable to the establishment and spread of noxious weeds and invasive species (4-24).
- Depending on location and density, livestock and wildlife grazing could affect the density and composition of vegetation communities. If foraging activities were concentrated in small areas or along fence lines, soil disturbance and vegetation removal from trampling and grazing would be greater in those areas, increasing the potential for establishment of noxious weeds and invasive species (4-24).
- Eliminating or controlling the establishment and spread of noxious weeds would improve or maintain natural vegetation composition and structure by decreasing invasive and noxious weed reproduction and competition for limited resources. In the long term, this could increase the percent cover of desirable plant species in and adjacent to treated areas. Controlling the establishment and spread of noxious weeds would improve the overall ecological health of vegetation communities through increases in habitat productivity, species diversity, and disease/pest resistance in treated areas (4-24).

- In turn, the PRMP/FEIS analyzed the impacts of invasive species on special status species at page 4-49.

The PRMP/FEIS analyzed the impacts of livestock grazing on vegetation in the IFNM, concluding that the nature of these impacts would be consistent with protection of Monument objects as defined in Section 1.3.1 (4-32). The Proclamation designating the IFNM does not prohibit livestock grazing, but rather directs the BLM to continue to follow laws, regulations, and policies in administering grazing permits and leases in the IFNM. The multiple-use principles of FLPMA continue to apply where they are not inconsistent with the management direction of the Proclamation (IM 2009-215). Refer to the Presidential Proclamation response for more information. It is the policy of the BLM that properly managed livestock grazing is congressionally mandated and provides economic and social benefits to many western communities (BLM Manual 4100). The PRMP/FEIS allows vegetation removal by livestock because the BLM has determined that properly managed livestock grazing is consistent with protection of Monument objects.

### Recreational Target Shooting

---

**Issue Number:** PP-AZ-Ironwood-12-02-3

**Protester:** Don Saba

**Issue Excerpt Text:** The PRMP/FEIS is flawed because of the faulty analysis used in Appendix I and the false and unsupported allegations that were propagated throughout the discussion of the alternatives.

The Shooting Analysis of Appendix I is particularly flawed because it constantly states the effects that recreational shooting may have, thus statements like "can have" detrimental effects or "could result" in habitat degradation or would "have the potential" for conflict with other recreational activities and constantly being made throughout Appendix I without adequate supporting evidence...

Particularly flawed is the section of shooting noise where ARS 17-602 A & B is completely misunderstood and misrepresented. The analysis of Appendix I is based on the completely false assumption that an Level of 64 dBA is typically reached at a distance of one mile from the site of a shooting range. Actually the sound is far less than that level. Furthermore, the assumption that the limited amount of shooting at recreational sites in IFNM are equivalent to the sound emission of a formal shooting range is completely wrong and extremely naive. If Appendix I had been available for public comment these facts would have become apparent.

**Issue Number:** PP-AZ-Ironwood-12-02-6

**Protester:** Don Saba

**Issue Excerpt Text:** The Appendix I unreasonably blames recreational shooters for possible negative impacts while other recreational users are ignored. Strangely, no mention is made of the potential impact of hunting, when many hunters are welcome in all four alternatives to traverse anywhere they choose in their shooting activities.

**Issue Number:** PP-AZ-Ironwood-12-05-10

**Organization:** Arizona Game and Fish Department

**Protester:** Larry D. Voyles

**Issue Excerpt Text:** It circumvents BLM's management responsibility to enforce existing laws and regulations (e.g., illegal littering and destruction of monument resources) by prohibiting the public from practicing a lawful and constitutionally protected recreational activity.

**Issue Number:** PP-AZ-Ironwood-12-05-11

**Organization:** Arizona Game and Fish Department

**Protester:** Larry D. Voyles

**Issue Excerpt Text:** The BLM's decision does not follow the spirit and intent of the Federal Lands Hunting, Fishing, and Shooting Sports Roundtable

Memorandum of Understanding (Attachment IV) which is to "develop and expand a framework of cooperation... for planning and implementing mutually beneficial projects and activities related to hunting, fishing, and shooting sports conducted on federal lands".

**Issue Number:** PP-AZ-Ironwood-12-05-2  
**Organization:** Arizona Game and Fish Department  
**Protester:** Larry D. Voyles

**Issue Excerpt Text:** In Appendix I of the PRMP, the BLM summarizes results of the IFNM Shooting Analysis. This shooting analysis appears designed to eliminate the possibility of a positive finding for the use of firearms on the monument. The BLM used Geographic Information System (GIS) analysis to eliminate all but 2.3% of the land area. Although The Department agrees that GIS analysis was a proper first step in analyzing the situation, we question the assumptions the analysis and data used to preclude areas from being suitable for firearms use. The BLM's entire analysis is biased by the underlying assumption that the only solution to the problems associated with shooting is complete closure of those areas impacted. No other scenario (such as enforcement, caliber restrictions, restricted definition of legal shooting, etc.) is evaluated.

**Issue Number:** PP-AZ-Ironwood-12-05-5  
**Organization:** Arizona Game and Fish Department  
**Protester:** Larry D. Voyles

**Issue Excerpt Text:** The Department does not concur that any amount of firearm use is a threat to the tortoise, and believes this impact is mitigable with increased enforcement and implementation of less restrictive prescriptions on shooting. In addition, GIS data layers used to determine use and discharge of firearms suitability such as "high diversity of vegetation (jojoba is listed)," "raptor nesting sites in area," and "cultural resources present" again assumes high levels of concentrated shooting and fails to consider the Department's recommended mitigation measures of increased law enforcement and means of reducing shooter impacts without complete firearm elimination.

**Issue Number:** PP-AZ-Ironwood-12-05-8  
**Organization:** Arizona Game and Fish Department  
**Protester:** Larry D. Voyles

**Issue Excerpt Text:** The Department believes the

Arizona State Director's decision to 'prohibit the use and discharge of firearms within the IFNM, except for permitted or authorized hunting activities conducted in accordance with AGFD hunting regulations' is arbitrary and/or an abuse of discretion for the following reasons:

- It relies on analysis built on assumptions (that presence of monument objects must preclude firearms use) that are incorrect and/or fail to consider reasonable alternative solutions which would not completely prohibit firearm use, but would restrict, reduce, or mitigate impacts through enforcement of existing laws and increased regulation.
- The BLM's justification for closing the monument to firearms use to protect monument objects while simultaneously finding that all alternatives (including those allowing continued firearm use) adequately protect monument objects is arbitrary and capricious.
- The BLM has failed to demonstrate that dispersed recreational shooting is in conflict with the monument proclamation, or that shooting presents risks to public safety or monument objects so significantly or immitigably that prohibition against discharge of firearms throughout the monument is necessary.
- The BLM has failed to consider less restrictive alternatives including measures that will effectively negate the vast majority of impacts from firearm use.

**Issue Number:** PP-AZ-Ironwood-12-05-9  
**Organization:** Arizona Game and Fish Department  
**Protester:** Larry D. Voyles

**Issue Excerpt Text:** It is not supported by BLM's own public process results (outlined in the IFECR report) and dismisses the public's recommendation to continue to allow dispersed recreational shooting opportunities while finding alternative solutions to safety and resource damage concerns. The BLM's decision to use only those results that supported total elimination of firearm use, while dismissing the overwhelming public recommendation and findings (i.e. "No one that we interviewed advocated elimination of shooting opportunities, even if they did not use, or particularly support the use of firearms. All recognized the Second Amendment guarantee of the right to bear arms. We also repeatedly heard from individuals across every interest group that the vast majority of recreational shooters behave responsibly, and that it is their perception that a small minority of irresponsible, unorganized shooters causes the problems with safety and vandalism that have been reported on public

lands. All interviewees expressed the desire for resolution of issues rather than elimination of shooting activities ") is arbitrary and capricious.

**Issue Number:** PP-AZ-Ironwood-12-07-5

**Organization:** National Rifle Association

**Protester:** C.D. Michel

**Issue Excerpt Text:** BLM Has Not Performed Required Balancing of Harms Against Benefits of Recreational Shooting

The Federal Land Policy and Management Act (FLPMA) requires BLM to manage its public lands so as to provide for outdoor recreation. Land use plans must "use and observe the principles of multiple use and sustained yield. Multiple use essentially requires a balancing so that public lands "are utilized in the combination that will best meet the present and future needs of the American people." In the PRMP/FEIS, BLM has not attempted to perform the required balancing to show that the benefit to the American people of prohibiting target shooting on the IFNM outweighs the substantial benefits of target shooting on the IFNM. Appendix I contains information about the damage to natural resources caused by a small minority of irresponsible shooters. The PRMP/FEIS makes no attempt to balance these damages against the huge economic value of recreation to the region, or the recreation benefits provided, as evidenced by the intensity of target shooting on the monument.

**Issue Number:** PP-AZ-Ironwood-12-07-7

**Organization:** National Rifle Association

**Protester:** C.D. Michel

**Issue Excerpt Text:** PRMP/FEIS Omits Discussion of Feasible Methods of Mitigation Damage from Recreational Shooting.

The PRMP/FEIS also contains no discussion of an important and feasible mitigation measure for recreational shooting's adverse effects. NEPA regulations require the EIS to discuss "the means to mitigate adverse environmental impacts." The impacts of recreational target shooting could be substantially mitigated by active management of the shooting sites by the BLM. Many of the environmentally damaging actions complained of in Appendix I, e.g. shooting at cacti and rock outcroppings, and dumping refrigerators and CRTs on the IFNM for use as targets, violate current laws; persons performing such actions could be cited. Clearly, increased enforcement of such laws would reduce recreational shooting's adverse effects. The PRMP/FEIS contains no discussion of active management of shooting areas as a mitigation measure and, in this omission, violates NEPA.

In response to this argument, BLM claims that "extensive damage is also caused by the sheer number of shooters who concentrate in certain areas of the monument, and who may be following applicable laws." There is no factual support in the PRMP/FEIS for this claim of extensive damage caused by large numbers of legal shooters concentrated in certain areas, and no documentation of the type of damage purportedly done by such shooters. For that reason, this response is inadequate.

---

## *Summary*

The PRMP's closure of the IFNM to recreational target shooting is inappropriate because:

- It fails to follow the Federal Lands Hunting, Fishing, and Shooting Sports Roundtable Memorandum of Understanding (MOU).
- It circumvents the BLM's responsibility to enforce existing laws and regulations by prohibiting the activity.
- It fails to consider mitigation measures to reduce shooting impacts instead of complete closure.
- It justifies the closure to protect Monument objects while arbitrarily finding that alternatives allowing continued firearm use would protect Monument objects and continues to allow hunting.

- It dismisses the public's recommendation to allow dispersed recreational target shooting.
  - It is inconsistent with allowing other uses that harm Monument objects, such as livestock grazing.
  - The assumption equating noise at recreational shooting sites to a shooting range is flawed.
- 

### ***Response***

**MOU:** The purpose of the Federal Lands Hunting, Fishing, and Shooting Sports Roundtable MOU is to develop and expand a cooperative framework among parties at the national, regional, and local levels for planning and implementing mutually beneficial projects and activities related to hunting, fishing, and shooting sports conducted on public lands. The MOU acknowledges that the parties have common interests in “providing public access to Federal lands ...[to] engage in shooting sports activities in a safe and environmentally sound manner.” The parties mutually agree in the MOU that the agencies [including the BLM] “must be cognizant of the demands of all segments of the public for opportunities to use and enjoy Federal lands, and in particular of the expansion of urban and suburban development in some areas that may affect opportunities for ...shooting sports activities.”

The MOU was signed in 2006, during development of the IFNM RMP, and was considered during the planning process. The PRMP proposes to close the IFNM to recreational shooting because of its potential to damage Monument objects in combination with the risks this activity poses to public health and safety. The shooting analysis contained in Appendix I determined that only two sites within the IFNM were potentially suitable for recreational shooting. Increased shooting at these sites would create significant problems related to increased environmental impacts and visitor safety, rendering them unsuitable (Appendix I-16). Closure of the IFNM to recreational shooting due to associated environmental impacts on Monument objects and safety risks to Monument visitors is not inconsistent with the MOU. Refer to the Presidential Proclamation response for additional information.

The BLM's responsibility to enforce existing laws and regulations: continuing target shooting throughout the Monument and preventing resource damage and public safety problems by enforcing existing regulations were considered under Alternative A. This issue was also addressed in the response to comments:

“The purpose of the RMP is to establish a framework for managing the land, resources, and uses within the Monument as established in the Proclamation and in accordance with FLPMA. Under this framework, the BLM manages the land and enforces current laws, regulations, and policies. The decisions within the RMP define what types of activities or uses are allowed or prohibited within all or part of the Monument. Enforcement activities are a component of the BLM's management but cannot be used as a substitute for proactive land management, just as management decisions are not made as a substitute for law enforcement activities. Also note that legal uses of public lands can inadvertently cause resource damage, depending on the intensity of the use and other factors, which is one of the primary reasons why the BLM develops allowable use restrictions and other management prescriptions.

“Law enforcement within the Monument requires and includes coordination with other agencies, and is heavily influenced by current staffing and funding. Employing additional law

enforcement personnel is a question of funding appropriated by the U.S. Congress, and congressional funding legislation is beyond the scope of this RMP/EIS. Rather than making assumptions regarding future levels of congressional funding, the RMP/EIS attempts to address resource needs and identify actions to protect those resources, which can have the effect of making existing law enforcement resources more efficient by simplifying regulations. This strategy is intended to help protect natural and cultural resources and enables BLM rangers to devote more of their time to dealing with illegal dumping and other law enforcement issues” (Appendix J-48).

**Mitigation Measures:** The BLM considered mitigation measures to reduce shooting impacts instead of complete closure of the IFNM. For example, Alternative D would designate two potentially suitable target shooting areas as an alternative to allowing target shooting throughout the Monument. The shooting analysis in Appendix I also evaluated limiting shooting to specific sites or to specific zones (Appendix I-21).

**Protection of Monument Objects and Hunting:** Alternative D would permit recreational shooting to occur at two designated sites in the IFNM. The impacts analysis in Chapter 4 concluded that the impacts of shooting on Monument objects would range from undetectable to measureable at a localized scale and would not reduce the viability or result in the loss of a population of objects indicators, a vegetative community, or the natural range of variation in vegetation communities (4-35). However, the localized nature of impacts on vegetative objects of the Monument would be greater than those described under Alternatives B or C (4-35). Closing the IFNM to recreational shooting affords a greater level of protection to objects of the Monument than continuing to allow this use. Additionally, the closure of the IFNM to recreational shooting is not based solely on the potential for damage to Monument objects. The closure is also based on property damage, public health, and safety factors (Appendix J-43).

As noted in the response to comments: While both target shooting and hunting involve the use of firearms, these are distinct activities that have very different effects on the ground and on management. For example, Appendix I states that the intensity at which shooting is now occurring is causing noticeable new impacts, reaching levels that Monument resources may not be able to sustain (Appendix I-1). Thus, the rationale and criteria used to analyze the effects of target shooting do not generally apply to hunting. Furthermore, managing hunting is a responsibility of Arizona Game and Fish Department (AGFD) (Appendix J-144). The Proclamation states: “The establishment of this Monument is subject to valid existing rights. Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Arizona with respect to fish and wildlife management.” It is the responsibility of the AGFD to determine game species, enforce hunting regulations, and set standards for ammunition use on the IFNM (Appendix J-75). The PRMP proposes to prohibit the use and discharge of firearms within the IFNM, “except for permitted or authorized hunting activities conducted in accordance with AGFD hunting regulations (2-63).”

**Public Comments:** Contrary to the protester’s assertion, public input regarding shooting was divided. The BLM received many comments both in favor of and against the closure of the Monument to recreational target shooting (Appendix I-1). The BLM considered these comments in preparing the PRMP/FEIS and responded to substantive comment in Appendix J.

Regarding the alleged inconsistency with other uses that impact Monument objects, refer to the Monument Proclamation response.

**Noise:** Appendix I described the rationale for its use of A.R.S. 17-602's noise limitation for outdoor shooting ranges: While this law applies to shooting ranges and not dispersed, undeveloped shooting activity, recreational target shooting on the IFNM is typically concentrated to select areas, and noise emitted from these areas can be comparable to shooting ranges during high points of activity. Noise measurements are variable depending upon various factors including type of firearm being used (which is not regulated on public lands) and specific characteristics of the area. Exceptions will exist where an hourly average of 64 dBA is reached well before and beyond one mile. For example, while shooting on the IFNM would not generally be at the same intensity of a shooting range, ambient noise levels on the Monument are much lower than those typically associated with developed areas where ranges would be located. Recognizing the variable nature of these measurements, the BLM has used the one-mile measurement from A.R.S. 17-602 as a standard for noise measurement" (Appendix I-6).

This approach is reasonable, given the concentration of shooting activity in select areas of the IFNM and the typically lower ambient noise levels on the IFNM than in developed areas.

For additional information regarding the shooting closure refer to the response to comments 18(SR20), 18(SR21), and 18(SR901).

## Renewable Energy

---

**Issue Number:** PP-AZ-Ironwood-12-01-25

**Organization:** ASARCO LLC

**Protester:** Krishna Parameswaran

**Issue Excerpt Text:** 15(474) - Solar energy development within the IFNM.

SBM supports solar energy development within IFNM (as well as elsewhere), and recommended inclusion of such alternative. The BLM responded that this issue was not addressed because it was not identified as a planning issue during scoping, because any solar energy development would be incompatible with the purposes of the IFNM, and because such development would require access rights-of-way that would not be allowed. This is contrary to principles of green energy development and multiple use principles promoted by BLM and required by Section 302(a) of FLPMA that: "The Secretary [of the Interior] shall manage the public lands under principles of multiple use and sustained yield" with an exception that should not be applicable here.

**Issue Number:** PP-AZ-Ironwood-12-04-17

**Organization:** The Wilderness Society

**Protester:** Phil Hanceford

**Issue Excerpt Text:** IV. BLM MUST MAKE IT CLEAR THAT RENEWABLE ENERGY IS PROHIBITED IN THE MONUMENT

The PRMP mentions in several places that renewable energy development could occur within the monument. For example, within the column of "reasonably foreseeable future actions," Table 4-20 states the following:

There is potential for renewable energy resources such as solar to occur in the decision area, and BLM has received an application for a solar energy generation station on 1,600 acres of land located about 3 miles north of the monument. There is some small-scale commercial solar energy testing activity on private land in Arizona. A renewable energy production plant has been proposed for construction in west Pinal County. PRMP at 4-152.

In fact, other than valid existing rights, this type of development is prohibited in the monument. BLM has clear policy that states "[a]pplications for solar and wind energy development projects that are within specially designated areas that are closed to right-of-way applications or within BLM National Landscape Conservation System units (other than the California Desert Conservation Area) will not be accepted and will be rejected." IM 2011-061.

The PRMP makes the entire monument an "avoidance area" for rights-of-way. PRMP at Table 2-15, p. 2-71. Also, the response to comment 15(474) states that future authorizations of solar energy development in the monument are "unlikely" due to the BLM designating the monument as an avoidance

area. BLM has misapplied its policy and must change its decision from an avoidance area to exclusion area

for renewable energy development and rights-of-way.

---

### **Summary**

The PRMP should be rejected because:

- Solar energy development must be allowed in the IFNM because it is required by Section 302(a) of FLPMA.
- Pursuant to BLM policy, the IFNM is an exclusion area for renewable energy development, rather than an avoidance area as in the PRMP.

---

### **Response**

The PRMP's treatment of solar energy development is consistent with applicable policy. Management direction for the IFNM comes first from the IFNM Proclamation and the principles of multiple-use management operate where they are consistent with the Proclamation. Contrary to the protesting party's assertion, the exception to Section 302(a) of FLPMA does apply to the IFNM because the Proclamation dedicates this tract of public land to specific uses. Instruction Memorandum 2011-061 requires the BLM to reject renewable energy right-of-way applications within units of the NLCS. This does not require the BLM to designate National Monuments as exclusion areas.

---

### **Travel Management**

**Issue Number:** PP-AZ-Ironwood-12-04-10

**Organization:** The Wilderness Society

**Protester:** Phil Hanceford

**Issue Excerpt Text:** II. THE PROPOSED RMP DOES NOT MANAGE MOTORIZED TRAVEL IN ACCORDANCE WITH BLM'S LEGAL AND POLICY OBLIGATIONS

The Proclamation establishing the Ironwood Forest National Monument contains clear and unequivocal direction relative to roads and motorized use in the monument. It mandates that “[f]or the purpose of protecting the objects identified above, the Secretary of the Interior shall prohibit all motorized and mechanized vehicle use off road, except for emergency or authorized administrative purposes.”

The monument was created to protect the diverse array of resources described by the Proclamation, which recognizes that the impact of roads must be reduced to a level where objects in the monument will be safeguarded. Those objects include highly tangible features such as wildlife, geological wonders, and cultural and historic sites, as well as

more intangible but equally important features such as remoteness, wildness, and solitude.

Transportation management is a crucial and all-encompassing element of sound stewardship for the Ironwood Forest National Monument. The monument Proclamation specifically calls upon the BLM to “... prepare a transportation plan that addresses the actions, including road closures or travel restrictions, necessary to protect the objects identified by this proclamation.”

As stated in the proclamation, closures and restrictions on travel are necessary due to the direct and real impacts on monument objects of interest. These impacts are recognized throughout the EIS. For example, “OHV travel can cause damage to soils and vegetation and impact wildlife by destroying and fragmenting habitat, causing direct mortality of wildlife or plants, or alter behavior and reproduction through stress and disturbance. OHV travel can imperil local populations of desert tortoises from

collisions and cause loss or damage to habitat.” PRMP at 4-49. According to the EIS, the use of motorized vehicle use is expected to continue to grow in the region. PRMP at 4-158.

By BLM’s own admission in the PRMP, the preferred alternative does not seek to protect

monument objects as required by the proclamation, but rather would allow for more motorized activities under BLM’s traditional multiple use mandate, without acknowledging the special status of the monument. The following are remedial actions that BLM should take to address the flaws in the PRMP.

---

### ***Summary***

The PRMP would violate BLM policy by allowing motorized travel according to the BLM’s multiple-use mandate without acknowledging the special status of the Monument.

---

### ***Response***

The PRMP/FEIS acknowledges the special status of the IFNM and proposes to manage the IFNM in accordance with direction from the Proclamation. “The overall management purpose is derived, principally from the Proclamation, as well as FLPMA” (1-5). The purpose of the IFNM is to “preserve, protect, and manage the biological cultural and geological resources, and other objects of this area for future generations” (1-5).

The Proclamation directs the BLM to prohibit all motorized and mechanized vehicle use off road, except for emergency and authorized administrative purposes. The PRMP/FEIS defines "road" as a "linear route declared a road by the owner, managed for use by low-clearance vehicles having four or more wheels, and maintained for regular and continuous use," and defines a primitive road as “a linear route managed for four-wheel drive or high-clearance vehicles” (Glossary-14). Off-road motorized travel is not permitted in the IFNM. There are zero acres of open areas (2-77). Motorized travel in the IFNM is limited to designated roads open to public use or designated open for administrative access. These limited areas comprise 117,520 acres. Additionally, 10,880 acres are closed to motorized use. Designation of individual routes is an implementation-level decision that is appealable to the IBLA and is not protestable to the BLM Director.

---

### ***Visual Resource Management***

**Issue Number:** PP-AZ-Ironwood-12-01-10  
**Organization:** ASARCO LLC  
**Protester:** Krishna Parameswaran

**Issue Excerpt Text:** 7(SR223) -SBM commented that the draft RMP did not include a definition of "enhance" with respect to enhancement of "outstanding vistas", omission of which would lead to uncertainty and litigation.

At page 5 of the Glossary, a definition of term "enhance" was added to mean: "To improve the activity or quality of resources or resource uses". SBM maintains that a policy requiring enhancement of visual attributes is not within the authority of the

IFNM Proclamation, and that any such authority is limited to "protecting the objects" of the IFNM.

**Issue Number:** PP-AZ-Ironwood-12-01-9  
**Organization:** ASARCO LLC  
**Protester:** Krishna Parameswaran

**Issue Excerpt Text:** BLM protection of vistas outside of the IFNM is neither authorized nor appropriate.

BLM responds by referring to a phrase in the Proclamation stating the "monument presents a quintessential view of the Sonoran Desert". First, the BLM response and the Proclamation could in no way

authorize BLM to restrict activities outside of the IFNM to protect views from within the IFNM onto other lands outside of the IFNM.

Second, BLM justifies its views by quoting a policy statement in Section 102(a)(8) of FLPMA that "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 stating that the Proclamation and FLPMA are what guide BLM's management for the IFNM. While selecting that portion of FLPMA, BLM incorrectly ignores the equal statement of policy in Section 102(a)(12) of FLPMA that "the public lands be managed in a

manner which recognizes the Nation's need for domestic sources of minerals ... from the public lands including implementation of the Mining and Minerals Policy Act of 1970 (84 Stat. 1876, 30 U.S.C. 21(a)". Among the policies stated in the 1970 Minerals Policy Act is that "it is the continuing policy of the Federal government in the national interest to foster and encourage private enterprise in (1) the development of economically sound and stable domestic mining, mineral, metal and mineral reclamation industries, (2) the orderly and economic development of domestic mineral resources". Selective recognition of some policies while ignoring others in FLPMA is arbitrary and capricious.

---

### ***Summary***

Neither enhancement of visual resources within the IFNM nor the BLM protection of vistas outside of the IFNM is appropriate.

---

### ***Response***

FLPMA provides the BLM with the authority to manage scenic values. Section 102(a)(8) directs the BLM to manage the public lands in a manner that will protect the quality of scenic and other values. BLM Manual 8400, Visual Resource Management, provides further authority for the enhancement of scenic values on public lands. The BLM has reasonably interpreted the Proclamation's reference to the Monument presenting a "quintessential view of the Sonoran desert" as one of the objects requiring protection (1-6). The land use allocations, designations, and management prescriptions in the PRMP/FEIS (including visual resource management classifications) apply only to public lands and mineral estate administered by the BLM within the boundaries of the IFNM (1-2). The PRMP does not apply to areas outside of the IFNM. The PRMP's management of visual resources is appropriate.

---

### **Water**

**Issue Number:** PP-AZ-Ironwood-12-01-16

**Organization:** ASARCO LLC

**Protester:** Krishna Parameswaran

**Issue Excerpt Text:** SBM objected to the principle of restoring water quantity because water quantity is a function of rainfall. BLM explains that restoration of water quantity would be carried out by soil and vegetation treatments and that "BLM could pursue a Federal reserved water right". This is contrary to the Proclamation stating that it "does not reserve water as a matter of Federal law".

**Issue Number:** PP-AZ-Ironwood-12-01-18

**Organization:** ASARCO LLC

**Protester:** Krishna Parameswaran

**Issue Excerpt Text:** SBM commented that Management Action 4 indicates the possibility of BLM taking private surface water and groundwater rights for the IFNM and that the Proclamation states specifically that it "does not reserve water as a matter of Federal law". BLM's response is that it may assert other Federal water rights within the IFNM that were reserved prior to the Proclamation, but does not identify any such reservation. That position is contrary to the Proclamation and should be retracted by BLM.

---

## **Summary**

The PRMP should be rejected because its statements that the BLM could pursue a Federal reserved water right are contrary to the Proclamation.

---

## **Response**

The IFNM Proclamation states that it does not reserve water as a matter of Federal law. The water policy of the BLM is to acquire and perfect the water rights necessary to carry out public land management purposes through State law and administrative claims procedures unless a Federal reserved water right is otherwise available. A Federal reserved water right is not available in this case. The statements in the response to comments that the BLM could pursue a Federal reserved water right are in error. Nevertheless, the management actions in Table 2-3 do not propose to pursue such a right. This will be clarified in the ROD for the IFNM RMP. The State of Arizona has primacy of control of water resources. The BLM will work closely with the Arizona Department of Water Resources concerning water use and water rights within the IFNM.

---

## **Wilderness Characteristics**

---

**Issue Number:** PP-AZ-Ironwood-12-01-14

**Organization:** ASARCO LLC

**Protester:** Krishna Parameswaran

**Issue Excerpt Text:** 14(114), 14(115), 14(SR286), 14(SR116) and 14(SR306) – SBM commented that BLM has no authority to manage the IFNM to protect "wilderness characteristics".

SBM objected to BLM's statement in Section 2.2.1 that it has the authority to preserve "wilderness characteristics". In its response to comment 14 (114), BLM states that it has the authority to "management for wilderness characteristics". The issue of establishing and preserving new Wilderness Study Areas under the changed name of inventorying and managing for "wilderness characteristics" has evolved into a controversial issue in Congress, in the Administration and among public land users. This management doctrine is contrary to the April, 2003 settlement agreement between DOI and the State of Utah agreeing that BLM's authority to designate and manage lands for wilderness in its planning process expired in 1993. BLM's three new manuals (6301, 6302 and 6303) directing BLM to prevent land uses from "impairing such wilderness characteristics" have been withdrawn by BLM. Therefore, references to management of areas within the IFNM to protect wilderness characteristics should be deleted throughout the PRMP/FEIS.

**Issue Number:** PP-AZ-Ironwood-12-03-2

**Organization:**

**Protester:** [Name Withheld]

**Issue Excerpt Text:** 1. BLM is attempting an illegal end-run around the 1964 Wilderness Act to create a de-facto National Wilderness Area inside the Ironwood Forest National Monument. Obviously the BLM is attempting to create an expanse of land having "wilderness characteristics" large enough to meet the minimum size requirements for Congress to designate a new National Wilderness Area, since past surveys have proven no such area currently exists within the Ironwood Forest National Monument.

BLM is attempting to obfuscate this plan by citing management guidelines that allow the BLM to manage "wilderness characteristics" as a "multiple use." The BLM, however, has far exceeded its legal authority in doing so. The BLM has designated a swath of land covering a substantial portion of the Tejon Pass Allotment as having "wilderness characteristics." Obviously the BLM intends to acquire adjacent State School Trust lands, remove them also from productive economic use and likewise manage them under this classification of alleged "multiple use." That still does not supply enough contiguous land to measure up to the minimum

requirements of the 1964 Wilderness Act definition of a wilderness area, so the BLM has obviously decided to create "wilderness characteristics" where they do not presently exist by removing developed, perfectly good, taxpayer-funded ranching infrastructure beginning with a road that is used almost daily by the grazing lessee and his associates and which has vital water infrastructure underneath, and which is the most direct link between two key shipping corrals. The BLM has no authority to create "wilderness characteristics." The guidance issued in Instruction Memorandum No. 2003-275, "Consideration of Wilderness Characteristics in Land Use Plans (Excluding Alaska) states,

"Lands with wilderness characteristics may be managed to protect and/or preserve some or all of those characteristics. This may include protecting certain lands in their natural condition of providing opportunities for solitude, or primitive and unconfined types of recreation." [emphasis added] Nothing in the above statement gives the BLM authority to create lands with wilderness characteristics by destroying existing developments currently in productive use in violation of valid existing rights and contracts.

We reiterate that only Congress has the authority to designate National Wilderness Areas per the 1964 Wilderness Act and any de-facto change such as substantially reducing the useful life of existing infrastructure by prohibiting necessary access for maintenance and repairs, is unquestionably a corrupt, perverse and unethical attempt by BLM to create a new de-facto national Wilderness area within an area that does not measure up to the minimum standards of the 1964 Wilderness Act.

**Issue Number:** PP-AZ-Ironwood-12-04-4  
**Organization:** The Wilderness Society  
**Protester:** Phil Hanceford

**Issue Excerpt Text:** In response to our comment on

the draft RMP that BLM should protect all of the lands it found to possess wilderness characteristics as lands managed for protection of wilderness characteristics, BLM stated the following: "The comment that BLM should reassess its decision to not protect all 36,990 acres identified as possessing wilderness characteristics is noted. The decision must be weighed against the tradeoff with other uses and resource effects." PRMP at J-100. The factors to be weighed in this balancing test are set out in IM 2011-154, att. 2. This policy guidance states that BLM must give consideration to the "benefits that may accrue to other resource values and uses as a result of protecting wilderness characteristics" as well as any adverse effects to other uses. Thus, BLM erred in only documenting the negative consequences as the rationale for not protecting additional lands with wilderness characteristics.

**Issue Number:** PP-AZ-Ironwood-12-04-6  
**Organization:** The Wilderness Society  
**Protester:** Phil Hanceford

**Issue Excerpt Text:** As provided in IM 2011-154, att. 2, "[i]n areas where the management decision is not to protect wilderness characteristics, consider measures to minimize impacts on those characteristics." However, the PRMP allows for some of the lands with wilderness characteristics to be open to the exact opposite use in some instances. For example, the PRMP states that under the preferred alternative, "a small proportion of the areas managed to protect wilderness characteristics would be located within Roaded Natural or Semi-Primitive Motorized zones, where degradation of naturalness and opportunities for solitude could occur as a result of motorized uses and increased numbers of visitors in those areas." PRMP at 4-96. BLM should reconsider these decisions not to afford proper protection of lands with wilderness characteristics as they are contrary to current policy guidance.

---

## Summary

The PRMP should be rejected because:

- The BLM lacks authority to create wilderness characteristics or to manage the IFNM to protect wilderness characteristics. This management violates the 2003 settlement agreement between the Department of the Interior and the State of Utah.
- The BLM only documented the negative consequences as the rationale for not protecting additional lands with wilderness characteristics.

- Decisions allowing motorized uses in areas managed to protect wilderness characteristics are contrary to current policy guidance.

---

***Response***

The PRMP complies with applicable law and policy regarding lands with wilderness characteristics. Section 201 of FLPMA requires the BLM to maintain on a continuing basis an inventory of all public lands and their resources and other values. This inventory requirement includes wilderness characteristics. Section 202 of FLPMA requires the BLM to rely on resource inventories in the development and revision of land use plans, including inventory information regarding wilderness characteristics. The 2003 settlement agreement between the Department of the Interior and the State of Utah acknowledged that the BLM's authority to designate WSAs pursuant to Section 603 of FLPMA expired in 1993. The BLM has not designated any WSAs as part of the planning process for the IFNM.

The BLM considered both the positive and negative effects of protecting lands with wilderness characteristics in Chapter 4 of the PRMP/FEIS. For example, "closing 36,990 acres of land managed to protect wilderness characteristics to motorized vehicle travel would promote naturalness and opportunities for primitive recreation" (4-94), and "designating 36,990 acres as VRM Class I ... would provide protection of portions of the Silver Bell Mountains, Sawtooth Mountains, Ragged Top, and Roskrige Mountains" (4-94).

The BLM's decision to allow limited motorized travel in small portions of lands managed to protect wilderness characteristics in the IFNM PRMP is consistent with BLM policy. Instruction Memorandum 2011-154, Attachment 2, includes limited motor vehicle use on designated routes as an example of a land use plan decision that could protect lands with wilderness characteristics. The PRMP allows motorized use only on designated routes for administrative purposes (to provide necessary access), which would result in minimal impact to wilderness characteristics.