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*Director's Protest Resolution Report*

**Sonoran Desert National  
Monument Proposed  
Resource Management Plan  
Amendment and Final  
Environmental Impact  
Statement (SDNM  
PRMPA/FEIS)**

March 5, 2018

BLM



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## 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-AZ-SONORAN-16-02

**Organization:** The Forest Initiative

**Protester:** John Smith

Protesting organization

Protester's name

**Issue Excerpt Text:**

Direct quote taken from the submission

Rather than analyze these potential impacts, as required by NEPA, the BLM postpones analysis of renewable energy development projects to a future case-by-case analysis.

**Summary**

General statement summarizing the issue excerpts.

The BLM inadequately analyzes NEPA for renewable energy projects in the PRMP/FEIS.

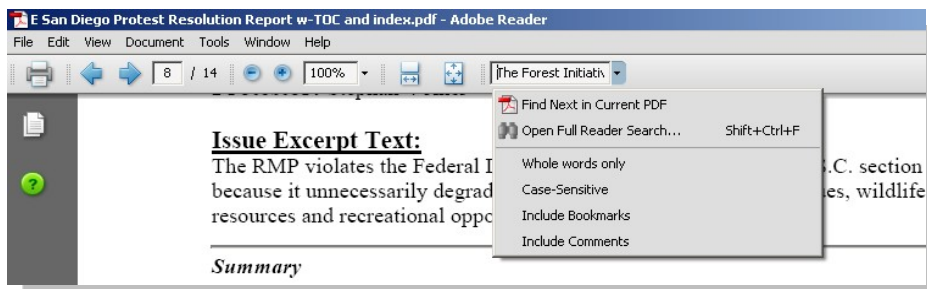
**Response**

The BLM's response to the summary statement.

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 site-specific NEPA analysis of the proposal before actions could be approved (FEIS, Section 2.5.2, p. 2-137). Project specific impacts would be analyzed at that time (including impacts to surrounding properties), along with the identification of possible alternatives and mitigation measures.

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

1. Find your submission number on the protesting party index which is organized in the order protest letters were received by the BLM.
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.



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## List of Most Commonly Used Acronyms

<b>BA</b>	Biological Assessment	<b>IB</b>	Information Bulletin
<b>BLM</b>	Bureau of Land Management	<b>IM</b>	Instruction Memorandum
<b>BO</b>	Biological Opinion	<b>MOU</b>	Memorandum of Understanding
<b>CEQ</b>	Council on Environmental Quality	<b>NEPA</b>	National Environmental Policy Act of 1969
<b>CFR</b>	Code of Federal Regulations	<b>NHPA</b>	National Historic Preservation Act
<b>CWA</b>	Clean Water Act	<b>NHT</b>	National Historic Trail
<b>DEIS</b>	Draft Environmental Impact Statement	<b>NOA</b>	Notice of Availability
<b>DM</b>	Departmental Manual (Department of the Interior)	<b>NOI</b>	Notice of Intent
<b>DOI</b>	Department of the Interior	<b>NRHP</b>	National Register of Historic Places
<b>EA</b>	Environmental Assessment	<b>PRMPA</b>	Proposed Resource Management Plan Amendment
<b>EIS</b>	Environmental Impact Statement	<b>RMZ</b>	Recreation Management Zone
<b>EO</b>	Executive Order	<b>ROD</b>	Record of Decision
<b>EPA</b>	Environmental Protection Agency	<b>ROW</b>	Right-of-Way
<b>ESA</b>	Endangered Species Act	<b>SDNM</b>	Sonoran Desert National Monument
<b>FEIS</b>	Final Environmental Impact Statement	<b>SHPO</b>	State Historic Preservation Office
<b>FLPMA</b>	Federal Land Policy and Management Act of 1976	<b>THPO</b>	Tribal Historic Preservation Officer
<b>FO</b>	Field Office (BLM)	<b>TMC</b>	Trail Management Corridor
<b>HPMP</b>	Historic Properties Management Plan		

## Protesting Party Index

<b>Protester</b>	<b>Organization</b>	<b>Submission Number</b>	<b>Determination</b>
Christopher Brennan	Individual	PP-AZ-SONORAN-17-01	No Standing
Phil Hanceford/Sandy Bahr/Danielle Murray/Elizabeth Merritt, Andy Laurenzi, Roger McManus, Tom Hannagan	The Wilderness Society/Sierra Club-Grand Canyon Chapter/Conservation Lands Foundation/National Trust for Historic Preservation/Archaeology SW/Friends of the Sonoran Desert/Friends of Ironwood Forest	PP-AZ-SONORAN-17-02	Denied / Issues and Comments
Kathleen Martyn Goforth	Environmental Protection Agency	PP-AZ-SONORAN-17-03	Dismissed / Comments Only
Mike Popejoy	Individual	PP-AZ-SONORAN-17-04	No Standing
Roger McManus	Friends of the Sonoran Desert	PP-AZ-SONORAN-17-05	Dismissed / Comments Only

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## Issue Topics and Responses

### *NEPA – Best Available Science*

**Issue Number:** PP-AZ-SONORAN-17-02

**Organization:** The Wilderness Society, et. al.

**Protester:** Mr. Phil Hanceford, et. al.

#### Issue Excerpt Text:

BLM’s decision to allow recreational target shooting throughout the large majority of the Monument is in violation of the law and agency policy. BLM did not adequately explain its reasoning for continuing to allow recreational target shooting in the majority of the Monument in contrast to previous factual findings.

Despite its length, BLM’s proposed RMPA does not suffice as a “detailed suitability analysis.” In fact, no new suitability analysis was undertaken. Nor does BLM provide a “reasoned explanation” for its new decision to authorize target shooting throughout the majority (approximately 80 percent) of the Monument.

Instead, in the proposed RMPA, BLM attempts to discredit the 2012 suitability analysis because it included “inherent assumptions that disregarded site-specific levels of impacts,” and, therefore, found to be irrelevant. Proposed RMPA B-1. The proposed RMPA mentions inventoried recreation impact sites from the 2012 analysis that used spatial data that could only identify the presence or absence of vegetation and wildlife habitat, rather than site-specific survey data (Proposed RMPA, C-31).

Additionally, “spatial data for natural slopes was at a scope unable to accurately identify adequate backstops.” Proposed RMPA C-31. According to the proposed RMPA, this resulted in an approach that “was unable to accurately determine which portions of the SDNM were suitable for recreational target shooting” (Proposed RMPA C-31).

We strongly disagree with the above reasoning and believe it to be insufficient to discount the thorough analysis BLM completed in 2012. In fact, this is in stark contrast to the BLM’s own statements about its methods for its 2012 analysis...

In the proposed RMPA/final EIS, BLM refutes that the suitability analysis was adequate due to the spatial analysis used. But this position disregards the fact that there were also on-site field visits...

The 2012 analysis represents the best available science on the impacts of target shooting on the Monument’s objects and, until replaced and updated, BLM cannot ignore its findings. At present, BLM’s decision to disregard its *more thorough and scientific* 2012 suitability analysis for a less complete and arbitrary rationale is arbitrary and inadequate. Thus, BLM must follow its initial direction to close the majority of the Monument to recreational target shooting based on the best science in the 2012 suitability analysis.

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**Issue Number:** PP-AZ-SONORAN-17-02

**Organization:** The Wilderness Society, et. al.

**Protester:** Mr. Phil Hanceford, et. al.

## **Issue Excerpt Text:**

In the RMP, BLM performed a scientific analysis of recreational target shooting suitability in the SDNM. 2012 Proposed RMP, Appendix G. BLM applied criteria that looked at resources and monuments objects, visitor safety and nearby uses and facilities, motor vehicle accessibility, and physical suitability of sites for target shooting. The analysis concluded that while there may be a few sites where target shooting may not be as big a risk to Monument objects and resources, the use of these areas was not safe for public visitors to the Monument.

Thus, based on BLM's own scientific analysis and years of public comment on the RMP, the preferred alternative in the Draft RMP was to make the entire Monument unavailable to recreational target shooting due to incompatibility of the discretionary use with the conservation and visitor safety of the Monument. This analysis has never been discredited or overturned.

We recommend that BLM use the analysis it has already done through the RMP process, which involved many opportunities for public comment and represents the best available science on the subject. BLM may supplement this analysis through additional data or high quality analysis of the issue.

However, BLM should build upon the data it already has and not completely start over. Also, BLM cannot replace this analysis of recreational target shooting in the Monument with lower quality data or data that serves to justify an outcome with little basis for that outcome.

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## **Summary:**

The Sonoran Desert National Monument Proposed Resource Management Plan Amendment and Final Environmental Impact Statement (SDNM PRMPA/FEIS) fails to consider the best available science by not using its own 2012 scientific analysis of recreational target shooting, or at the very least, building upon its existing suitability analysis.

## **Response:**

The Council on Environmental Quality's (CEQ) regulations implementing NEPA require that agencies use "high quality information" (40 CFR 1500.1(b)). NEPA regulations require the BLM to "insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements" (40 CFR 1502.24).

The BLM NEPA Handbook also directs the BLM to "use the best available science to support NEPA analyses, and give greater consideration to peer-reviewed science and methodology over that which is not peer-reviewed" (BLM Handbook H-1790-1, p. 55). Under the BLM's guidelines for implementing the Information Quality Act, the BLM applies the principle of using the "best available" data in making its decisions (BLM Information Quality Act Guidelines, February 9, 2012).

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The BLM is not carrying the 2012 analysis of the impacts of recreational target shooting forward into this proposed plan amendment because it determined that it was an inadequate basis on which to make shooting closure decisions. On page 3-59 of SDNM PRMPA/FEIS, the BLM explains why it did not carry forward the 2012 suitability assessment methods:

*“...the BLM attempted to forecast the suitability of recreational target shooting with respect to impacts on Monument objects across the SDNM. The approach used included inherent assumptions that disregarded site-specific levels of impacts. For example, for many inventoried recreation impact sites it relied on spatial data that could only identify the presence or absence of vegetation and wildlife habitat, rather than site-specific survey data. In addition, spatial data for natural slopes was at a scale unable to accurately identify adequate backstops. As a result, the approach was unable to accurately determine which portions of the SDNM were suitable for recreational target shooting. The approach also did not consider potential impacts to all Monument objects. Instead, it only focused on Palo Verde/mixed cacti, Sonoran desert tortoise, and the Juan Bautista de Anza [National Historic Trail] NHT corridor. For these reasons, the previous suitability method is not being carried forward for use in this RMPA/EIS.”*

Additionally, the SDNM 2012 ROD and associated analysis for recreational target shooting were vacated by the court. As a result, the BLM developed new analysis of recreational target shooting. The rationale for this proposed alternative is summarized on pages 2-10 and 2-13 of the PRMPA/FEIS, which considers potential impacts to all Monument objects, rather than just a few select ones as previously studied in the 2012 analysis. The 2012 analysis was also broad in its assumptions and did not take the user into account. As a result, the BLM analyzed safety concerns, and cultural and natural resource protections, as discussed in the PRMPA/FEIS. The BLM’s proposed amendment would make recreational target shooting unavailable in the Juan Bautista de Anza (“Anza”) National Historic Trail (NHT) Recreation Management Zone (RMZ) and Trail Management Corridor (TMC), a 53,000-acre area that is the most visited area in the National Monument. The remaining 433,100 acres, the Desert Back Country Recreation Management Zone, would be open to recreational target shooting.

Chapter 5 of the SDNM PRMPA/FEIS discusses in further detail the cumulative analysis methodology and model used by the BLM in the development of this amendment. The BLM considered five factors in its assessment which include: (1) Federal, nonfederal, and private actions; (2) the potential for synergistic effects or synergistic interaction among or between effects; (3) the potential for effects to cross political and administrative boundaries; (4) spatial and temporal characteristics of the affected resources; and (5) comparative scales of cumulative impacts across the alternatives. “Spatial and temporal boundaries used in the cumulative analysis are developed on the basis of resources of concern and action that might contribute to an impact. The spatial boundaries vary by resource and are summarized in Table 5-1 and displayed in Figure 5-1 to 5-3. The baseline date for the cumulative impacts analysis is 2016” (Chapter 5, p. 5-2).

Additionally, the BLM’s best available data used is its new monitoring and mitigation protocol (SDNM PRMPA/FEIS, Appendix B). Previous analysis does not take into account specific target shooting areas, the changes, and the recreational user. The BLM explains the process it developed in Appendix B:



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*“Effective recreation planning and management is adaptive in nature and includes a careful blend of scientific data, visitor values, and management objectives (‘carrying capacity framework’) that is implemented through field monitoring and defined responses. Recreational opportunities are defined as specifically and quantitatively as possible through management objectives and their associated indicators, including standards of quality. Indicator variables are monitored in the field to determine if existing conditions meet defined standards of quality and management action is taken when and where monitoring suggests that standards of quality have been violated or are in danger of being violated (Manning, 2011). This process is known as ‘Limits of Acceptable Change’” (SDNM PRMPA/FEIS, Chapter B, p. B-2).*

The BLM relies on high quality information and the best available data by developing a monitoring and mitigation protocol to analyze and mitigate for specific conditions related to recreational target shooting in the SDNM PRMPA/FEIS.

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## *NEPA – Impacts Analysis – Cultural Resources*

**Issue Number:** PP-AZ-SONORAN-17-02

**Organization:** The Wilderness Society, et. al.

**Protester:** Mr. Phil Hanceford, et. al.

### **Issue Excerpt Text:**

[O]ut of the more than 250 sites recorded in AZSITE, a Geographic Information System (GIS) that serves as a consolidated informational network of recorded cultural resources in Arizona that is maintained by Arizona State Museum and which the BLM contributes information and funds to support, 62 recorded sites are within 30 meters of roads within the SDNM.

The RMPA/EIS must show how these sites will be protected from adverse effects. At a minimum, BLM must assess the vulnerability of these sites based on their past or potential use as shooting site based on the resources (i.e., petroglyph sites, standing historic structures) or the site's suitability as a shooting site (physical backdrop, etc.).

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### **Summary:**

The Sonoran Desert National Monument Proposed Resource Management Plan Amendment and Final Environmental Impact Statement (SDNM PRMPA/FEIS) fails to:

- show how cultural resources in specific recorded sites will be protected from adverse effects from recreational target shooting; and
- assess the vulnerability of these sites regarding their potential use as target shooting sites.

### **Response:**

NEPA directs that data and analyses in an EIS must be commensurate with the importance of the impact (40 CFR 1502.15), and that NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail (40 CFR 1500.1(b)). The BLM is required to take a “hard look” at potential environmental impacts of adopting Sonoran Desert National Monument Proposed Resource Management Plan Amendment and Final Environmental Impact Statement (SDNM PRMPA/FEIS).

The level of detail of the NEPA analysis must be sufficient to support reasoned conclusions by comparing the amount and the degree of change (impact) caused by the proposed action and alternatives (BLM Handbook H-1790-1, Section 6.8.1.2). The BLM need not speculate about all conceivable impacts, but it must evaluate the reasonably foreseeable significant effects of the proposed action.

The BLM performed a thorough review of all known previous cultural inventories completed in the Monument. A total of 205 projects files located in the Phoenix District files were reviewed, which document the inventory of over 27,000 acres. The total number of cultural resource sites that have some level of documentation is 249. In April 2017, BLM staff made field visits to nine locations currently known to be recreational target shooting locales. This new inventory concentrated on those areas not previously surveyed. These inventories concluded that none of the areas are located within any cultural resource sites.

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In Appendix C, Section 2.6 of the SDNM PRMPA/FEIS, pp. C-13 – C-15, the BLM provides a comprehensive response to similar questions about the impacts to cultural resources and the data used for determination. “The BLM has added existing data on sites and surveys relative to the road buffers appropriate to a planning-level overview in the Final EIS. All sites emphasize avoidance. The adequacy of proposed protection measures was reviewed, and relevant existing survey and new survey data was incorporated into Section 3.2.2, Cultural and Heritage Resources” (SDNM PRMPA/FEIS, Appendix C, Section C.2.6, p. C-13). Additionally, site visits have indicated that the majority of intensively used recreational target shooting sites are situated near roads that do not require a four-wheel-drive vehicle. Recreational shooting areas are almost always on the slopes of hills or dirt banks. These areas are usually found in a convenient location to roads and developed areas. Based on the data to date, recreational target shooting has not been observed in wilderness areas because vehicle access is prohibited in these areas.

Because specific adverse effects cannot be predicted ahead of time, a critical piece of the management of cultural resources in the RMP is a systematic monitoring program. Much of the monitoring will occur along the driving routes, especially where sensitive sites are situated in proximity to routes in all of the Monument. This monitoring methodology is provided in Appendix B of the FEIS. Specific parameters, standardized criteria, and measurements of the areas of general resource impact will be collected so that a management response can be developed when and if impacts begin to appear in or near Register-eligible and priority cultural resource sites. The data generated by the monitoring program will help build a database of recreational sites with impacts and will include the level of intensity and the nature of the observed impacts. These impacts will be captured with quantifiable information that will be entered into a database.

The BLM has conducted Section 106 compliance, in coordination with the State Historic Preservation Office (SHPO), according to the process established in the BLM Arizona State Protocol Agreement (2014), which discusses how BLM Arizona will streamline its compliance with the National Historic Preservation Act (NHPA). This compliance has been, and will continue to be, through regular face-to-face meetings with the SHPO to ensure all obligations are satisfied. Through formal consultation with the SHPO, the BLM recommends 21 sites on the SDNM Eligible for the National Register of Historic Places (NRHP), based on site descriptions, site documentation, and first-hand knowledge. Approximately 42 unevaluated sites are considered eligible for inclusion in the NRHP for this RMPA. Additional analysis performed showed that these sites are not located in areas considered optimal for target shooting on the Monument. This is due to the fact that most of the eligible cultural sites are located in some of the more remote, less accessible locations.

Ongoing, formal monitoring of specifically identified, Register-eligible, and priority sites will continue at the same time, with the assistance of Arizona Site Stewards, Law Enforcement, and BLM staff. The list of sites for this level of monitoring will continue to be refined. This priority list will include the vulnerable sites, and those sites situated along or near routes will be monitored more often than sites in Wilderness areas or in remote locations. A patrol plan for the sensitive sites, especially those near camping and areas that show signs of public use will be developed, and new technology will be employed to assist as it becomes available. The majority of the locales on the Monument that are being currently observed have been used for target shooting. These areas are considered “heavy use” because they are visited by more than one group of individuals on

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multiple occasions, over the course of a number of years. The implementation of constant and systematic monitoring would allow the BLM to intervene before a level of adverse effect is reached.

*Following is the consultation chronology between the BLM and the SHPO:*

On March 23, 2016, the BLM sent a letter to the Arizona SHPO with an invitation to be a Cooperating Agency on the SDNM RMPA/EIS.

On April 14, 2016, BLM staff and managers met with SHPO staff to introduce the Lower Sonoran Field Manager and the SDNM Monument Manager. BLM managers presented the SDNM RMPA/EIS effort and timeline, and provided a summary of the types of analysis to be performed and incorporated into the Plan Amendment. At this meeting, the SHPO staff declined to participate as a Cooperating Agency, explaining that the role of the SHPO would be to assist the BLM in Section 106 compliance under the NHPA and to assist with advice on the EIS only.

On August 1, 2016, the BLM sent a letter to the SHPO with an invitation to participate in the Economic Strategies Workshop for preparation of the EIS. This workshop was open to Tribes, businesses, governments, and community organizations to provide an opportunity to discuss economic and social conditions and issues related to recreational target shooting.

On October 28, 2016, the BLM Field Office Manager, SDNM Monument Manager, and the Archaeologist met with the SHPO to update the SHPO staff on the progress of the Plan Amendment. Section 106 compliance for this project was discussed, and it was determined that a Class I document including a table with a list of known cultural sites with descriptions and a table with a list of previous inventory projects would need to be included in the Plan Amendment. Additionally, the SHPO recommended that the BLM provide documentation about the locations of traditionally used recreational shooting sites and the inventories of their associated footprints. The SHPO also recommended that the BLM include a “finding of effect” with the submission of the formal consultation package. The SHPO was pleased to hear that the BLM would prepare a monitoring and mitigation plan to address the long-term management of cultural sites on the SDNM.

On November 9, 2016, the BLM sent a letter initiating formal consultation with the Arizona SHPO on the SDNM PRMPA/FEIS. The letter included a description of the project, timelines, court directed parameters, and preliminary descriptions of the known information about the cultural resources on the SDNM. The BLM stated that it was not anticipating that a determination of adverse effect to any historic properties would be found under any of the Alternatives proposed.

On December 6, 2016, a response letter was received from SHPO to the BLM regarding the initiation of consultation and the invitation from prior meetings and letters asking them to participate, review, and comment on the Plan Amendment. The meetings have allowed the SHPO the opportunity to provide input on the analysis effort for this Plan Amendment. This response letter from the SHPO also asked for a review of documentation of the BLM’s efforts to identify historic properties for the Plan Amendment. The letter also stated that the anticipated tentative finding of No Adverse Effect would not be one the SHPO would accept at this time.

On December 9, 2016, the BLM provided a CD of the Draft RMPA/EIS to the SHPO for review and comment.

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On January 25, 2017, a response letter was received from SHPO to the BLM containing specific and detailed comments on the Draft RMPA/EIS. The SHPO provided recommendations on how the BLM could enhance the documentation for the Section 106 compliance package.

On February 8, 2017, the BLM Archaeologist called the SHPO staff to discuss three projects, one being the SDNM Draft RMPA/EIS. Discussion was centered on the identification of Tribes for consultation.

On June 19, 2017, the BLM sent a letter to SHPO asking for continuing consultation on the Draft RMPA/EIS and provided accompanying Section 106 compliance documentation, which included a thorough list of all known cultural resource sites, all known inventories previously performed, and information on additional inventory performed within areas where evidence of target shooting had been observed. In this letter, the BLM also provided information on recommendations and determinations of site eligibility for the NRHP, as well as a request for concurrence on the BLM's determinations of eligibility and a finding of No Adverse Effect.

On July 10, 2017, the BLM received a response letter from the SHPO regarding the Section 106 Compliance Documentation and the request for concurrence. The SHPO concurred with the BLM finding of "No Adverse Effect", but requested that the BLM provide additional analysis to fully justify its finding. The additional analysis recommended by the SHPO required a list of sites known on the Monument that would be considered more vulnerable to the direct effects of recreational target shooting. These sites included petroglyph sites, historic sites with standing architecture and other upright features. The SHPO also recommended that the BLM provide a comparison of the locations of the most vulnerable sites with known high use target shooting locations for further analysis and urged the BLM to use this type of map for evaluation of priority areas for future monitoring efforts.

Last, on December 19, 2017, the BLM delivered a package with the edited and updated Section 106 Compliance Document and the accompanying oversized maps as requested. The BLM incorporated all additional analysis requested into this updated Compliance Document. A set of oversized maps displays the site locations of vulnerable sites and the locales of high target shooting use. The BLM sent an accompanying letter to the SHPO requesting concurrence on eligibility and effect of this project.

The BLM is committed to a robust Monitoring and Mitigation Protocol of cultural resources on the Monument. An array of strategies and management actions, as identified in Appendix B of the SDNM PRMPA/FEIS, would be employed to avoid or minimize those impacts, closure of particular recreation sites may be employed if those impacts are affecting any Register-eligible cultural sites. Making an area unavailable for recreational target shooting, based on the monitoring and mitigation plan in Appendix B, may also include a timing restriction; however, this would be decided during plan implementation if and when an area is made unavailable.

The BLM complied with NEPA's requirement to analyze impacts to cultural resources by illustrating how cultural resources in specific recorded sites will be protected from adverse effects and by assessing the vulnerability of any Register-eligible cultural sites regarding their potential use as recreational target shooting sites in the SDNM PRMPA/FEIS.

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## *Mitigation*

**Issue Number:** PP-AZ-SONORAN-17-02

**Organization:** The Wilderness Society, et. al.

**Protester:** Mr. Phil Hanceford, et. al.

The proposed monitoring and mitigation protocol is incomplete. BLM fails to evaluate and describe whether its administrative actions will decrease impacts to Monument objects and public safety. In other words, BLM does not have a monitoring or mitigation plan in place to protect the objects of the Monument. Instead, BLM is asking the public and the Court, to rely on a vague “framework” that fails to include any meaningful commitments to monitor and mitigate damage to the Monument’s objects.

**Issue Number:** PP-AZ-SONORAN-17-02

**Organization:** The Wilderness Society, et. al.

**Protester:** Mr. Phil Hanceford, et. al.

### **Issue Excerpt Text:**

BLM’s RMPA must not rely on unsubstantiated best management practices or mitigation measures. To the extent that BLM utilizes administrative actions to manage recreational target shooting in the Monument, it must evaluate and describe whether the actions will *actually decrease* impacts to Monument objects and public safety. This has yet to occur. In fact, as discussed above, no approved monitoring or mitigation plan is even included in the proposed RMPA or final EIS.

**Issue Number:** PP-AZ-SONORAN-17-02

**Organization:** The Wilderness Society, et. al.

**Protester:** Mr. Phil Hanceford, et. al.

### **Issue Excerpt Text:**

[R]ecreational target shooting must have more stringent management standards than other recreational uses. Our concerns are particularly relevant regarding impacts to historic properties, which are non-renewable resources and any damage is an irretrievable loss.

Gathering data and analyzing use and impacts is necessary, but mitigation measures to *stop* and *prevent* these impacts from occurring and continuing to occur is something BLM fails to address in its mitigation report.

We believe BLM must go further to acknowledge the harmful impacts that are destined to follow if the vast majority of the monument is left open to recreational target shooting. As mentioned in the proposed RMPA, mitigation measures “may provide incidental protections for cultural resources.” Proposed RMPA 4-16. We argue the mere potential for mitigation measures to be effective does not adequately address the 2015 U.S. District Court order requiring the BLM to assess the effectiveness of the mitigation measures and, as stated earlier, can result in adverse effects to the historic property.

**Summary:**

The Sonoran Desert National Monument Proposed Resource Management Plan Amendment and Final Environmental Impact Statement (SDNM PRMPA/FEIS) fails to:

- address mitigation measures to stop and prevent impacts from recreational target shooting;
- address the requirement for the BLM to assess mitigation effectiveness; and
- include an approved monitoring or mitigation plan and, therefore, relies on vague “framework” that fails to include any meaningful commitments to monitor and mitigate damage to the Monument’s objects.

**Response:**

NEPA requires that the BLM include a discussion of measures that may mitigate adverse environmental impacts (40 CFR 1502.14(f), 40 CFR 1502.16(h)). Potential forms of mitigation include: (1) avoiding the impact altogether by not taking a certain action or parts of an action; (2) minimizing impacts by limiting the degree or magnitude of the action and its implementation; (3) rectifying the impact by repairing, rehabilitating, or restoring the affected environment; (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or (5) compensating for the impact by replacing or providing substitute resources or environments (40 CFR 1508.20). NEPA does not require mitigation plans to be finalized prior to the conclusion of the NEPA process. The BLM’s land use planning process allows the BLM to move forward with specific monitoring and mitigation plans at the implementation level.

The Sonoran Desert National Monument Proposed Resource Management Plan Amendment and Final Environmental Impact Statement (SDNM PRMPA/FEIS) outlines its monitoring and mitigation framework as Appendix B, with specific examples to illustrate “how the subsequent, completed protocol would function in the protection of the SDNM’s objects”. For this reason, the monitoring and mitigation measures provided in Appendix B are presented as an initial framework with site-specific examples and discussion of potential impacts on Monument objects to illustrate how the protocol would be implemented during plan implementation.

As discussed in the SDNM PRMPA/FEIS, Appendix B, the “goal of the SDNM Monitoring and Mitigation Protocol is to avoid and minimize recreation impacts on Monument objects...for each SDNM Recreation Management Zone (RMZ) as prescribed by the ROD” (p. B-1). The SDNM PRMPA/FEIS establishes recreation management objectives for two RMZs: Juan Bautista de Anza National Historic Trail RMZ and the Desert Back Country RMZ. Each RMZ will be managed with different management goals to recognize and mitigate for distinct visitor opportunities and uses for each particular area (see Appendix B, p. B-3 and Figure B-3 on p. B-5). As described in Appendix B, “Physical, social and administrative settings were described for each RMZ to establish standards for the management of recreation impacts on objects of the SDNM, and a Limits of Acceptable Change (LAC) method of monitoring and responding to such impacts was prescribed in the 2012 ROD (BLM 2012)” (Appendix B, p. B-1).

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Between 2003 and 2005, within a few years of the 2001 SDNM proclamation, the BLM established a baseline standard for all recreation use. This baseline condition for the Monument currently serves as the best available data on its condition when designated. The BLM has carried the data forward into this plan amendment, while combining it with newly developed standards of quality represented by the recreation settings established in the SDNM ROD. This allows for monitoring and mitigation measures that will adequately address the requirement for the BLM to assess areas. This will be done by establishing Limits of Acceptable Change (LAC), which is the process of combining baseline standards and management objectives that vary depending on specific areas (please refer to Appendix B, p. B-7 for further explanation and Figure B-8 on p. B-13). As stated in Appendix B, the BLM expects that combining LACs with field monitoring and mitigation measures will directly assess and respond to field conditions on the Monument.

Additionally, as described in the Public Comment Report (SDNM PRMPA/FEIS, Appendix C), "...should impacts exceed established thresholds, the BLM would provide a scaled response proportionate with the level of impact detected" (p. C-31). A variety of mitigation measures are listed in Appendix C, as well as additional best management practices and monitoring and mitigation framework, as described briefly above and in more detail in Appendix B.

The monitoring and mitigation approach taken by the BLM in the SDNM PRMPA/FEIS is comprehensive and it relies on a site-specific approach to determine which portions of the Monument are suitable for recreational target shooting. In this way, the BLM will have the ability to consider potential impacts relative to specific areas, and as a result, apply accurate and useful monitoring and mitigation efforts.

The BLM sufficiently addresses mitigation measures on the possible effects of recreational target shooting, by adopting a clear monitoring and mitigation framework that relies on science and data as well as on detailed and meaningful commitments in the SDNM PRMPA/FEIS.



## *Wilderness and Lands with Wilderness Characteristics*

**Issue Number:** PP-AZ-SONORAN-17-02

**Organization:** The Wilderness Society, et. al.

**Protester:** Mr. Phil Hanceford, et. al.

### **Issue Excerpt Text:**

BLM must manage and protect designated wilderness and lands with wilderness characteristics. [T]he 108,100 acres identified by BLM in the proposed RMPA to be managed to protect wilderness characteristics, included designated wilderness areas, should be closed to recreational target shooting.

Indeed, the best available science, including BLM's own 2012 analysis, which reveals authorizing recreational target shooting inside the three designated wilderness areas located inside the Monument (North Maricopa Mountains Wilderness, South Maricopa Mountains Wilderness, and Table Top Wilderness) is not compatible with managing for wilderness character (naturalness, opportunities for solitude, primitive recreation, etc..) and conflicts with the Wilderness Act, BLM's implementing regulations, and BLM's own policy. It also conflicts with FLPMA and the Proclamation.

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### **Summary:**

The BLM fails to manage and protect designated wilderness and lands with wilderness characteristics because the Sonoran Desert National Monument Proposed Resource Management Plan Amendment and Final Environmental Impact Statement (SDNM PRMPA/FEIS) does not use the best available science regarding recreational target shooting; and therefore, it conflicts with the Wilderness Act.

### **Response:**

"In the Draft RMPA/EIS, the BLM considered a range of alternatives for managing lands with wilderness characteristics. This range brings the RMPA/EIS into full compliance with NEPA. CEQ regulations (40 CFR, Subpart 1502.1) require that the BLM consider reasonable alternatives, which would avoid or minimize adverse impacts or enhance the quality of the human environment. In the analysis, the BLM considered the effects of the alternatives on lands with wilderness characteristics, versus the resource use potential of the lands" (SDNM PRMPA/FEIS, Appendix C, p. C-20, Section C.2.12).

According to BLM Manual 6320.06, when considering lands with wilderness characteristics in the BLM Land Use Planning Process, "[t]he BLM will analyze the effects of (1) plan alternatives on lands with wilderness characteristics and (2) management of lands with wilderness characteristics on other resources and resource uses. In some circumstances, consideration of management alternatives for lands with wilderness characteristics may be outside the scope of a particular planning process (as dictated by the statement of purpose and need for the planning effort). For example, a targeted amendment to address a specific project or proposal may not in all circumstances require consideration of an alternative that would protect wilderness characteristics. In these situations, the NEPA document associated with the plan amendment must still analyze effects of the alternatives on lands with wilderness characteristics" (p. 2-3).

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The SDNM PRMPA/FEIS is a plan amendment that is targeted at recreational target shooting. It analyzes the effects of the alternatives on lands with wilderness characteristics, but it is not required to actually develop and consider an alternative that provides the most protection of lands with wilderness characteristics. “In the analysis, the BLM considered the trade-offs of managing lands with wilderness characteristics versus the resource use potential of the lands” (Appendix C, p. C-20). In the SDNM PRMPA/FEIS, lands found to *possess* wilderness characteristics are those lands which the protection of wilderness characteristics is not prioritized over multiple uses. Table 4-22 indicates these areas and acres that are not fully allocated to be managed to protect wilderness characteristics (SDNM PRMPA/FEIS, Chapter 4, p. 4-70).

The BLM evaluated lands managed to protect wilderness characteristics and lands found to possess wilderness characteristics per its own guidance and examined options for management of these lands and the most appropriate land use allocations for them in accordance with BLM Manual 6320.06.A.1 “Factors for Consideration of Lands with Wilderness Characteristics.” Table 4-21 indicates the areas where the BLM makes protecting lands with wilderness characteristics a priority (SDNM PRMPA/FEIS, Chapter 4, p. 4-70). The factors are highly dependent on the resource, land status, access, and other requirements as identified in BLM Manual 6320.

The BLM manages *protected* wilderness areas and the SDNM PRMPA/FEIS would continue to manage these lands with no change to the acreage. These tend to be road-less areas that are less accessible and therefore, the BLM expects that they will experience a significantly lower number of visitors and minimal impact related to recreational target shooting. Recreational target shooting would be unavailable in the Juan Bautista de Anza NHT and in the TMC, which provides an additional 500-acre buffer zone for the RMZ (see Figure 3-9, Chapter 3, p. 3-53). The map from Figure 6 in the final Juan Bautista de Anza RMZ Recreation Plan Final Environmental Assessment (EA) (BLM 2017) shows very few open routes near the trail where a person could leave a vehicle, walk into the Desert Backcountry RMZ, and shoot. These are indicated in the EA Figure 6 with a red circle on the map.

The Wilderness Act indicates that “...wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use” (16 U.S.C. §1133(b)). Recreational target shooting is a recreational activity, and is not a prohibited use in Wilderness. Additionally, the proposed alternative does not conflict with the Wilderness Act, BLM’s implementing regulations, nor BLM’s own policy, as the BLM is not required, in all situations, to consider the alternative that provides the most protection of wilderness areas.

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