



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Phoenix District

Lower Sonoran Field Office

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In Reply Refer To:
6700 (AZP020)

DECISION

Ecological Restoration Plan on Department of Interior Lands in Western Pima County, Arizona

INTRODUCTION

The Bureau of Land Management, Lower Sonoran Office (BLM) has adopted the National Park Service's Ecological Restoration Plan on Department of Interior Lands in Western Pima County, Arizona (ERP) Environmental Assessment (EA) to evaluate the potential impacts related to the restoration of disturbed lands on Organ Pipe Cactus National Monument (OPCNM), Cabeza Prieta National Wildlife Refuge (CPNWR), and BLM Ajo Block.

A draft EA, which examined alternatives and environmental impacts associated with the proposal to implement an ERP, was completed by the National Park Service (NPS) and made available to the public on February 28, 2014. The ERP provides a reasonable range of alternatives to meet project objectives, evaluates potential issues and impacts to resources and values, and identifies mitigation measures to lessen the degree or extent of these impacts.

BACKGROUND

The NPS, U.S. Fish and Wildlife Service, and BLM share a common goal of conserving resources for future generations. The project area includes a significant portion of the Sonoran desert region of the United States. Prior to the late 1990s, most modern human disturbances occurring within the project area were related to historic mining and livestock grazing. Since the late 1990s, the central Arizona-Mexico borderlands have changed considerably, primarily due to increased border-related activities (NPS 2013), which includes both illegal cross-border activities and the corresponding law enforcement response. As a result of these increased border-related activities, environmental impacts have increased. Some of the disturbances are temporary in nature, while others such as invasive species and undesignated vehicle route (UVRs) can have long term consequences.

PUBLIC INVOLVEMENT

The public was provided the opportunity to participate in this EA in compliance with 43 CFR 1610.2.

Comments were solicited on the draft EA from February 28, 2014 through April 30, 2014. To notify the public of this review period, letters were sent to stakeholders, interested parties, and Native American communities. A hard copy of the EA was made available at OPCNM and CPNWR visitor's centers and at the Ajo Library. An ad was placed in the Ajo newspaper with notifications about where to go to view and how to comment. A copy of the document was posted on the NPS Planning, Environment, and Public Comment website at <http://parkplanning.nps.gov/>.

DECISION

After reviewing the analysis presented in the Ecological Restoration Plan on Department of Interior Lands in Western Pima County, Arizona EA, making a Finding of No Significant Impact (FONSI), and carefully considering the comments and input received from the public, it is my decision to approve Alternative 2 – Ecological Restoration Plan, as described in detail in Section 2.2 of the EA, with all proposed mitigation measures listed under section 2.3 of the EA.

RATIONALE

Alternative 2 is the environmentally preferable alternative and better meets the project objectives. Alternative 2 was selected as the environmentally preferable alternative for several reasons, including: 1) it seeks to restore degraded natural areas to conditions that approximate their pre-disturbance states or alternate stable states; 2) it improves habitat conditions for endangered species and other animals; 3) it reduces or removes adverse impacts from invasive plants; 4) it helps restore the characteristics of untrammelled, undeveloped, and a natural setting in the wilderness; and 5.) it provides for the best options for stabilizing compromised cultural sites. For these reasons, Alternative 2 causes the least damage to the biological and physical environment and best protects, preserves, and enhances historical, cultural, and natural resources, thereby making it the environmentally preferable alternative.

By contrast, the No Action alternative 1) limits the agencies' ability to preserve and protect desired conditions across the entire project area due to the lack of ability to implement a comprehensive restoration plan; 2) limits implementation to small, low to moderate disturbed areas; 3) and potentially allows increases in invasive plant populations to outpace the agencies' ability to manage them.

AUTHORITY

This Decision is in conformance with the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190) as amended (72 USC 4321 et. seq.) and the General and Title V of the Federal Land Management Policy Act of 1976 (FLPMA).

APPEAL OF THE DECISION

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office at the above address within 30 days from receipt of this decision. The appellant has the burden of showing that the Decision appealed from is in error.


If you wish to file a petition pursuant to regulation at 43 CFR 3256.11 or 43 CFR 3200.5 for a

stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the IBLA and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed in this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal must show sufficient justification based on the following standards:

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



Edward J. Kender
Field Manager
Lower Sonoran Field Office

1/30/15
Date

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Lower Sonoran Field Office**

**Ecological Restoration Plan on Department of Interior Lands in
Western Pima County, Arizona**

Finding of No Significant Impact

I, the undersigned authorized officer, considering the criteria provided by 40 CFR 1508.27 and the information contained in the Ecological Restoration Plan on Department of Interior Lands in Western Pima County, Arizona (ERP) Environmental Assessment and as explained further below, find that the proposed action will not significantly affect the quality of the human environment. Therefore, an environmental impact statement does not need to be prepared.

Context

A draft Environmental Assessment (EA), which examined alternatives and environmental impacts associated with the proposal to implement an ERP was completed by the National Park Service (NPS) and made available to the public on February 28, 2014. The ERP, which will restore disturbed lands on Organ Pipe Cactus National Monument, Cabeza Prieta National Wildlife Refuge, and Bureau of Land Management (BLM) Ajo Block, explores a reasonable range of alternatives to meet project objectives, evaluates potential issues and impacts to the refuge resources and values, and identifies mitigation measures to lessen the degree or extent of these impacts. The EA analyzed both the ERP and a No Action alternative. The NPS also identified three additional alternatives that were ultimately dismissed (see page 32 of the EA).

The Bureau of Land Management actively participated throughout the process and contributed to the content of the document. To comply with the BLM National Environmental Policy Act (NEPA) requirements and to streamline the NEPA process, the BLM formally adopts the NPS EA as our own. It has been independently reviewed and we found that it: 1) meets NEPA standards prescribed in 40 CFR 1506.3; 2) adequately complies with Department of Interior and BLM NEPA procedures/guidance; and 3) considers/analyzes a range of alternatives that adequately addresses the consequences of our action.

This Finding of No Significant Impact (FONSI) outlines the determination that no significant impacts on the environment are associated with this proposal.

Intensity

1. Impacts that may be both beneficial and adverse

Measures to mitigate and/or minimize adverse effects have been incorporated into the proposal in Section 2.3. As documented in Chapter 3 of the EA, the ERP is anticipated to produce beneficial impacts to several resources including soils, vegetation, surface hydrology, wildlife, and cultural resources.

2. Degree of effect on public health and safety

There may potentially be an improvement to public health and safety as a result of the implementation of the ERP. Adverse environmental impacts to these lands have increased due to border-related activities, including illegal cross-border activities, and the corresponding law enforcement response. Some of the disturbances are temporary while others, such as invasive species and the proliferation of un-designated vehicle routes (UVRs), can have long term consequences. Hundreds of miles of repeatedly used UVRs and thousands of miles of single use vehicle tracks have been documented. Restoration actions would reduce the adverse impacts of UVRs through restoration and potentially prevent some of the illegal activity and travel that has been occurring in the project area..

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas:

Although the full project area includes a wildlife refuge and wilderness, there are no unique characteristics, as listed above, within the BLM portion of the project.

4. Degree to which the possible effects on the quality of the human environment are likely to be highly controversial:

The BLM has extensive experience with these types of restoration activities and does not anticipate this action to be highly controversial based on previous experiences and responses during the public comment period.

5. Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risk.

There is no anticipated risk to the human environment that would result from implementation of the ERP. The BLM has conducted similar restoration activities and the effects are well understood.

6. Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration:

This action will not set a precedent for future actions due to the BLM's obligation under NEPA. All future proposals will be individually evaluated on their own merits.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts:

As documented Chapter 3 of the EA, no cumulative effects are anticipated to result from implementation of the ERP.

8. Degree to which the action may adversely affect district, sites, highways, structures, or objects listed on the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources:

A project-specific Programmatic Agreement between the NPS, U.S. Fish and Wildlife Service, BLM, Customs and Border Protection (CBP), Arizona State Historic Preservation Office (AZSHPO), and associated tribes has been developed to address proposed actions within or adjacent to archeological sites, historic properties, isolated artifacts, and inadvertent discoveries.

These measures include but are not limited to requiring professional cultural resource monitors during restoration activities, avoiding archeological sites, or limiting the types of restoration treatments.

Actions at known and documented cultural sites will be accomplished with oversight by a qualified archeologist meeting the Secretary of the Interior's Standards for Archeology.

If previously unidentified cultural resources are encountered during construction activities, the contractor or agency staff will immediately stop work at that location. All reasonable steps to secure the preservation of the resources will be taken and appropriate agency staff will be notified immediately in order to make arrangements for the proper treatment of those resources.

In the unlikely event that human remains are discovered during construction, provisions outlined in the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 will be followed. If human remains are found, work will immediately cease and the authorized officer will be immediately contacted according to NAGPRA guidelines.

9. Degree to which the action may adversely affect an endangered or threatened species or its critical habitat:

Short term impacts during implementation, including noise and activity, may temporarily displace wildlife from the area. However, long term impacts resulting from improved habitat and reduced activity related to route removal would be beneficial. Mitigation measures have been included to further reduce potential adverse impacts to special status species and other wildlife.

10. Whether the action threatens a violation of federal, state, or local environmental protection law:

The ERP would not violate or threaten to violate any federal, state, or local law or requirement imposed for the protection of the environment. Applicable laws and regulations were considered in the EA.



Edward J. Kender
Field Manager
Lower Sonoran Field Office

1/30/15

Date