

UNITED STATES DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Monticello Field Office

365 North Main Street

Monticello, Utah 84535

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DECISION RECORD

House on Fire Trailhead Improvements

DOI-BLM-UT-Y020-2020-0023-EA

I. DECISION:

I have reviewed the attached Environmental Assessment (EA) and Finding of No Significant Impact, including the analysis and discussion of any potentially significant impacts. None of the environmental effects analyzed in the EA are anticipated to be significant under the criteria established by 40 CFR 1501.3(b)(2). It is my decision to authorize the construction of new facilities (i.e., parking area, trailhead, toilet, picnic sites, signs, and pedestrian access) on BLM-managed public lands. All design features of the Proposed Action will be applied to the project.

BLM staff will monitor the construction of new facilities on BLM-managed public lands to ensure compliance with the design features of the Proposed Action, as described in Sections 2.2 and 2.3 of the EA, pages 3-6. The construction area will be routinely monitored by BLM staff to assess resource and trail conditions, report maintenance needs, and identify potential resource issues to avoid and minimize impacts, including the monitoring of objects identified in Bears Ears National Monument Proclamation 10285 (Proclamation). If any monument objects are uncovered during construction, work would stop until impacts to that object could be mitigated.

II. AUTHORITIES:

The authority for this action is contained in the Federal Land Policy and Management Act of 1976 (FLPMA), as amended (43 U.S.C. 1701-1782).

III. ALTERNATIVES CONSIDERED:

In addition to the Proposed Action, the EA analyzes in detail a No Action alternative. The No Action alternative does not respond to the purpose and need for the action because it does not address resource damage and visitation issues caused by the current lack of facilities and education provided at the House on Fire Trailhead. Further, it does not support the Goals and Objectives of the Shash Jáa SRMA to “provide outstanding recreational opportunities and visitor experiences while protecting natural and cultural resource values” (MMP 2020, pages I-3). Two alternatives were considered but eliminated from detailed analysis based on rationale presented in the EA at Section 2.3, page 6. The first was an alternative that would have created a loop trail between the Mule Canyon developed site and the House on Fire Trailhead. Internal and external scoping raised

concerns that a loop trail could disrupt Mexican spotted owl behavior, bringing more human activity into critical habitat. The second alternative raised through public scoping was the creation of an off-highway vehicle (OHV) trail paralleling State Route (SR) 95 between the House on Fire Trailhead and nearby OHV sites. This alternative was eliminated because the BLM determined that construction of a new OHV trail in a geographic location outside of the project area would not address the purpose and need as discussed in the EA at Section 1.1, page 2.

IV. RATIONALE FOR DECISION:

The Proposed Action responds to the need to address resource damage and visitation issues caused by the lack of facilities and education at the trailhead (EA Section 1.1, page 2). The BLM would construct a parking area, trailhead, restroom, information kiosk, fee tube, up to five picnic sites, and a pedestrian access to link the new facilities to the existing trail.

The parking area will provide a safer area for pedestrians. The information kiosk will provide visitors with education about the resources. The Proposed Action removes facilities from the WSA and relocates visitor facilities into a consolidated location. The construction of a parking area is important for visitor safety. Construction materials will be similar in color to native material. The trailhead will provide education about Leave No Trace principles and etiquette for visiting cultural sites. A picnic area and restroom facilities will also be provided near the parking area and will dissuade visitors from picnicking or using the restroom along the trail or in cultural sites. A short pedestrian access would also be developed that connects the new parking area to the Mule Canyon trail, following the old SR 95 alignment. Minimal trail markers may be added to the existing trail in the WSA to keep visitors on trail.

The Proposed Action conforms to the goals for the Shash Jaa SRMA to manage House on Fire as a “Public Use” site and that “new sites/facilities/trails will be developed in response to user demand consistent with protecting, preserving, and enhancing Monument objects” (MMP 2020, page 81).

V. PUBLIC INVOLVEMENT AND CONSULTATION:

The EA was made available for a 30-day public comment and review from September 10, 2021, through October 11, 2021. Due to an unexpected outage of the ePlanning website during the week of October 4, 2021, the comment period was subsequently extended until October 26, 2021. Five comment responses covering a range of issues were received from the public. Specific concerns and corrections in the letters are addressed in the Comment Response Table in Appendix C of the EA. Corrections and clarifications were made in the EA in response to comments received. Updates were also made to address impacts to and consistency with the protection of objects identified in the Proclamation, which the President signed on October 8, 2021.

The BLM reached out to 32 Tribal Nations on July 14, 2021, to engage in government-to-government consultation. Five of these Tribal Nations have responded to the BLM. The BLM has provided additional information requested by two Tribal Nations. Three Tribal Nations expressed no concerns about this proposed project. The five Tribal Nations of the Bears Ears Commission are generally supportive of this project to better educate visitors about archaeological etiquette and Tribal Nations’ connections to this place and Bears Ears more broadly. The BLM will continue to work with the Bears Ears Commission and other Tribal Nations to better educate visitors at House on Fire.

The BLM consulted the Utah State Historic Preservation Officer in the Summer of 2022. The Utah State Historic Preservation Officer concurred with the BLM's finding of no adverse effect on August 22, 2022. The BLM also consulted 27 additional consulting parties in the Summer of 2022. No consulting parties objected to the project and one consulting party was in support of the project. The BLM also invited the Advisory Council on Historic Preservation (ACHP) to consult on the project as they have requested to be invited on undertakings implementing the Bears Ears National Monument Management Plan; however, the ACHP declined to participate in the undertaking.

An early version of this project was shared with the original Bears Ears Commission in 2017, and the draft document was shared with the Bears Ears Intertribal Coalition in 2021 requesting feedback on its appropriateness in addressing recreation and cultural resource needs. The BLM also engaged the Bears Ears Commission of the House on Fire project in July 2022 and took the Bears Ears Commission on a site visit in June 2023. During the field trips and presentations on the project the Bears Ears Commission has generally been supportive of better educating visitors and protecting cultural resources through the Proposed Action.

V. CONFORMANCE AND CONSISTENCY:

The project is located in Bears Ears National Monument. Accordingly, for the BLM to authorize the project, it must conform to the applicable land use plan and be consistent with the protection of monument objects identified in Proclamation 10285. The project satisfies both these criteria.

Land Use Plan (LUP) Conformance

Applicable Plan:

- Bears Ears National Monument (BENM): Record of Decision and Approved Monument Management Plan (MMP), Indian Creek and Shash Jáa Units (February 2020)

The project is located in an area that is managed under the 2020 MMP (Shash Jáa SRMA). As part of the EA review process, the Monticello Field Office (MFO) Interdisciplinary Team (IDT) documented the activities and determined that they are in conformance with the plan and would not conflict with other decisions throughout the MMP (EA Chapter 2, section 2.4, pages 6-7).

Consistency with Proclamation 10285

The authorized activities include the construction of a parking area, formal trailhead, and pedestrian access for the House on Fire trail. The BLM considered potential impacts to monument objects and consistency with Presidential Proclamation 10285 in the EA (Chapter 3, Section 3.4, pages 14-16). The Objects table in the following section provides an overview of the review.

Objects Table

Objects Category	Discussion
Bears Ears Landscape	The entire Bears Ears landscape is identified as a monument object by Proclamation 10285. This project is consistent with the protection of the overall Bears Ears landscape because it is a small project, that as a result of design features, will have little impacts to the overall landscape and by educating visitors, may enhance protection of the overall landscape.

Objects Category	Discussion
	<p>Mule Canyon is identified as a monument object within the greater Bears Ears landscape. Other landscape level objects include night skies, soundscapes, and geologic areas. The project is intended to protect monument objects by creating a trailhead with more signage to educate visitors about Leave No Trace visitation. A developed trailhead will also give visitors a defined location to park, use the restroom, and picnic. Night skies will not be affected by the Proposed Action, as the trail in the South Fork of Mule Canyon is used almost exclusively by day-use hikers due to the short distance to House on Fire. The small amount of overnight use is allocated by a permit system, which is not impacted by the Proposed Action. Occasional dispersed camping which takes place at the parking area might be displaced to one of the numerous dispersed camping sites located near the project area, which is unlikely to have a measurable effect on night skies in Mule Canyon or on the surrounding tablelands. Soundscapes would not be affected by the Proposed Action because that rare and arresting quality of deafening silence referenced in the Proclamation is not available at the proposed parking area since it is located in close proximity to SR 95, which is a busy travel route for both tourism and commercial vehicles. Construction of the parking lot, trailhead, and pedestrian access is also not expected to impact monument objects. The Proposed Action consists of less than an acre of development within an already disturbed area adjacent to SR 95. This small construction project would not affect the overall scenic quality of the area, as disclosed in Section 3.2.2.3 or diminish the cultural importance of this 1.3 million acre landscape.</p>
Cultural and Historical Resources	<p>Cliff dwellings and other archaeological sites in the area are identified as objects by Proclamation 10285. The Proclamation specifically discusses different masonry styles that indicate several episodes of construction and use at House on Fire, and the exposed masonry walls of ancient living quarters and a partially restored kiva at Mule Canyon Village. Visitors with a clear destination are more likely to go directly to House on Fire, rather than trampling archeological sites that they wander through on social trails or inadvertently accessing more fragile sites in the Mule Canyon area. The educational information about archeological site etiquette that they encounter at the House on Fire trailhead would be applicable to the other archeological sites not specifically named in the Proclamation. A Class III archaeological survey of the Area</p>

Objects Category	Discussion
	<p>of Potential Effects (trail to House on Fire plus about 1 mile beyond, the trailhead, the parking area, the area around Mule Canyon Village) was performed. No cultural resources will be impacted by the project and many cultural resources will benefit from better education and less social trails. Cultural and historical resources will continue to be actively managed, monitored, and protected under existing laws and regulations. If construction uncovers a previously unknown cultural or historical resource, work would stop until impacts to the cultural resource could be mitigated. This would protect potentially unidentified monument objects.</p>
Biological Resources	<p>Biological objects identified by Proclamation 10285 that are located within Mule Canyon and adjacent tableland include culturally important plants (Four Corners potato, goosefoot, wolfberry, and sumac). There is also a large variety of wildlife and plant species that are found within the riparian areas of Mule Canyon or in the surrounding tablelands, such as the Mexican spotted owl (MSO), mule deer, and Navajo sedge. Plant species would be less likely to be trampled since visitors will be educated by trailhead signage to stay on the trail and knowing that a toilet facility is nearby would reduce the likelihood of visitors seeking out privacy in the vegetation. Educational signage to clarify the route and encourage hikers to stay on trail could potentially benefit Navajo sedge habitat by encouraging visitors to stay on the trail. Because the project area is outside of the potential habitat where Mexican spotted owls may be disturbed by the sights and sounds of visitors, the Proposed Action will not impact Mexican spotted owls. Design features related to the timing of construction will ensure that the short-term construction activities do not disrupt wintering mule deer and migratory birds. Because the total number of visitors in the vicinity is not expected to be changed by the development of the parking area, no impacts from the project are expected on Critical Mule Deer Winter Range.</p>
Paleontological Resources	<p>Many geologic areas with paleontological resources exist throughout Bears Ears National Monument. Paleontological resources will continue to be actively managed, monitored, and protected under existing laws and regulations. The project area did not require a paleontological survey because the area occurs in Potential Fossil Yield Classification (PFYC) 3 area and is not expected to yield significant fossils. The area has also had some previous disturbance. However, if fossils are</p>

Objects Category	Discussion
	encountered during the implementation and construction of the Proposed Action, work would stop, the MFO would be contacted within two working days, and the BLM would provide guidance on how to proceed.

VI. RIGHT OF PROTEST AND/OR APPEAL:

This decision may be appealed to the Interior Board of Land Appeals, in accordance with the regulations constrained in 43 CFR Part 4, summarized in Form 1842-1 (Attachment A). If an appeal is taken, the notice of appeal must be filed in the BLM Utah State Office within 30 days from the receipt of this decision.

VII. APPROVAL

Jacob Palma, Field Manager

Date

Attachments:

BLM Form 1842-1

Environmental Assessment DOI-BLM-UT-Y020-2020-0023-EA

Finding of No Significant Impact (FONSI) for Environmental Assessment DOI-BLM-UT-Y020-2020-0023-EA

Attachment A: Form 1842-1

Form 1842-1
(September 2020)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL.....	A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that they wish to appeal. A person served with the decision being appealed must transmit the <i>Notice of Appeal</i> in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a <i>Notice of Appeal</i> in time for it to be filed within 30 days after the date of publication (43 CFR 4.41 I and 4.413).
2. WHERE TO FILE NOTICE OF APPEAL.....	Bureau of Land Management Monticello Field Office 365 North Main Street, P.O. Box 7 Monticello, UT 84535
WITH COPY TO SOLICITOR.....	DOI Regional Solicitor 6201 Federal Building 125 South State Street Salt Lake City, UT 84138-1180
3. STATEMENT OF REASONS	Within 30 days after filing the <i>Notice of Appeal</i> , file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the <i>Notice of Appeal</i> , no additional statement is necessary (43 CFR 4.412 and 4.413).
WITH COPY TO SOLICITOR.....	DOI Regional Solicitor 6201 Federal Building 125 South State Street Salt Lake City, UT 84138-1180
4. SERVICE OF DOCUMENTS	A party that files any document under 43 CFR Subpart 4, must serve a copy of it concurrently on the appropriate official of the Office of the Solicitor under 43 CFR 4.413(c) and 4.413(d). For a notice of appeal and statement of reasons, a copy must be served on each person named in the decision under appeal and for all other documents, a copy must be served on each party to the appeal (including intervenors). Service on a person or party known to be represented by counsel or other designated representative must be made on the representative. Service must be made at the last address of record of the person or party (if unrepresented) or the representative, unless the person, party or representative has notified the serving party of a subsequent change of address.
5. METHOD OF SERVICE....	If the document being served is a notice of appeal, service may be made by (a) Personal delivery; (b) Registered or certified mail, return receipt requested; (c) Delivery service, delivery receipt requested, if the last address of record is not a post office box; or (d) Electronic means such as electronic mail or facsimile, if the person to be served has previously consented to that means in writing. All other documents may be served by (a) Personal delivery; (b) Mail; (c) Delivery service, if the last address of record is not a post office box; or (d) Electronic means, such as electronic mail or facsimile, if the person to be served has previously consented to that means in writing.
6. REQUEST FOR STAY.....	Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a Notice of Appeal (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your Notice of Appeal (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). 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 Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with 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 regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

(Continued on page 2)

43 CFR SUBPART 1821-GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Grand Junction, CO and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota, and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ----- New Mexico, Kansas, Oklahoma, and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Headquarters Office, Bureau of Land Management, 760 Horizon Drive, Grand Junction, CO 81506.

(Form 1842-1, September 2020)