Supplementary Information:

Background

Legislation and Purposes of Saguaro National Park


The Park is an important national resource visited by approximately 700,000 people annually. It encompasses approximately 91,450 acres, 71,400 acres of which are designated as wilderness. The Park has two Districts—the Rincon Mountain District east of Tucson, and the Tucson Mountain District west of Tucson. Both are within Pima County, Arizona, and are separated by the city of Tucson. The Park protects a superb example of the Sonoran Desert ecosystem, featuring exceptional stands of saguaro cacti. The saguaro is the tallest cactus in the United States, and is recognized worldwide as an icon of the American Southwest.

The Hope Camp Trail is a 2.8-mile-long hiking and equestrian trail that originates at the Loma Alta Trailhead and travels east through the southwestern portion of the Park’s Rincon Mountain District to the Arizona State Trust Lands boundary beyond Hope Camp. The trail generally traverses relatively even terrain and rolling hills and is lined with a variety and abundance of desert trees and shrubs. The trail is not within eligible, proposed, recommended, or designated wilderness.

Prior to the National Park Service (NPS) acquisition in the mid 1990s, the land was part of a privately-owned ranch, and the trail route was a graded dirt road used to support ranching operations. The former owner also allowed the route to be used for recreational purposes, including hiking, equestrian, and bicycle use. Shortly after acquiring the land, the NPS closed the route to motor vehicles and bicycles. The trail is currently open to hiker and equestrian use only. Although closed to vehicular traffic, the route remains approximately 14 feet wide, allowing adequate room for two-way passage of diverse user groups.

General Management Plan

The Park’s General Management Plan/Environmental Impact Statement (GMP) was completed in 2008. The GMP may be viewed online at http://parkplanning.nps.gov/sagu.

The purposes of the GMP are as follows:

- Confirm the purpose, significance, and special mandates of the Park;
- Clearly define resource conditions and visitor uses and experiences to be achieved at the Park;
- Provide a framework for NPS managers to use when making decisions about how to:
  - Best protect Park resources;
  - Provide quality visitor uses and experiences; and
  - Manage visitor uses and what kinds of facilities, if any, to develop in/near the Park;
- Ensure that a foundation for decision making has been developed in consultation with interested stakeholders and adopted by NPS leadership after an adequate analysis of the benefits, impacts, and economic cost of alternative courses of action.

The GMP identifies six different management zones, which are specific descriptions of desired conditions for Park resources and visitor experiences in different areas of the Park. As identified in the GMP, the Hope Camp Trail lies within the Natural Zone.

Under the GMP, activities within the Natural Zone would include hiking, horseback riding, running, bicycling, and viewing flora and fauna. The zone

<table>
<thead>
<tr>
<th>Statute</th>
<th>Description</th>
<th>New maximum (and minimum, if applicable) penalty amount</th>
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</thead>
<tbody>
<tr>
<td>31 U.S.C. 1352(c)(1) and (c)(2)(A)</td>
<td>Provides for a civil penalty, as last adjusted, of $11,000 to $110,000 for recipients of Government grants, contracts, etc. that improperly lobby Congress or the Executive Branch with respect to the award of Government grants and contracts.</td>
<td>$15,000 to $140,000.</td>
</tr>
<tr>
<td>31 U.S.C. 3802(a)(1) and (a)(2)</td>
<td>Provides for a civil penalty, as last adjusted, of up to $5,500 for false claims and statements made to the Government.</td>
<td>$7,000.</td>
</tr>
</tbody>
</table>
is available for day use only, and
visitors are required to stay on trails.
The GMP provides that bicycling
opportunities will be explored along the
Hope Camp Trail.

Comprehensive Trails Management
Plan/Environmental Assessment

In November 2005, the Park initiated
the development of a Comprehensive
Trails Management Plan/Environmental
Assessment (Plan/EA) for the Park.
Internal scoping occurred with Park
staff, planning professionals from the
NPS Intermountain Support Office,
along with representatives from the U.S.
Forest Service and the Sonoran
Institute. External scoping included
mailing and distribution of three
separate newsletters, four public open
house meetings, and a 60-day public
comment period. As a result of this
process, four alternatives for the Park’s
Rincon Mountain District (including a
no action alternative) were identified for
public comments. Two alternatives
called for converting the Hope Camp
Trail into a multi-use trail, to include
the use of bicycles, and two alternatives
kept the trail open to hikers and
equestrians only. During the public
comment period on the draft Plan/EA,
the NPS considered 253 pieces of
 correspondence, containing a total of
638 comments on the draft Plan/EA
alternatives.

The objectives of the Plan/EA were to:
• Prevent impairment and
 unacceptable impacts on natural and
cultural resources.
• Provide reasonable access to the
 trails network and trailheads.
• Eliminate unnecessary and parallel/duplicate trails.
• Ensure that the resulting trails
network is safe and maintainable.
• Provide for a clearly designated trail system.
• Provide for a variety of trail experiences.

The Plan/EA was completed in 2009.
The selected alternative and the Finding
of No Significant Impact (FONSI) signed
by the NPS Intermountain Regional
Director on July 31, 2009, calls for
converting the Hope Camp Trail to a
multi-use trail, including bicycling. The
Plan/EA and FONSI may be viewed
online at http://www.nps.gov/sagu/
parkmgmt/park-planning.htm.

History of Bicycle Use

A 2003 rulemaking authorized bicycle
use on the 2.5-mile-long Cactus Forest
Trail that bisects the paved, 8-mile-long
Cactus Forest Loop Drive in the Rincon
Mountain District of the Park. This
rulemaking does not address the Cactus
Forest Trail (CFT), which remains open
to bicycle use, as well as hiker and
equestrian use. The CFT has recently
been used to introduce underserved
youth to the Park and the NPS via
bicycling and educational fieldtrips as
part of the “Trips for Kids” program.
Currently, this is the only trail in the
Park open to bicycle use.

Authorizing Bicycle Use

This rule designates as a bicycle route
and opens to bicycle use the
approximately 2.8-mile-long Hope Camp
Trail, from the Loma Alta Trailhead east
to the Arizona State Trust Lands
boundary, approximately .2 miles
beyond Hope Camp. Park staff,
volunteer organizations, and local
interest groups will monitor and
mitigate the environmental impacts of
bicycle use on the Hope Camp Trail to
ensure that the trail is maintained in
good condition and that any issues of
concern that may arise are immediately
brought to the attention of Park
management.

Notice of Proposed Rulemaking

On March 2, 2012, the NPS published
a Notice of Proposed Rulemaking for the
designation of the Hope Camp Trail as
a bicycle route within Saguaro National
Park (77 FR 12761). The proposed rule
was available for a 60-day public
comment period, from March 2, 2012
through May 1, 2012.

Summary of and Responses to Public
Comment

Comments were accepted through the
mail, hand delivery, and through the
Federal eRulemaking Portal: http://
www.regulations.gov. The NPS received
148 public comments during the
comment period. Of these responses,
142 expressed support for the proposed
rule. Three of the responses were from
organizations, including hikers, equestrians, and
mountain bicyclists. I have hiked on this trail, as
well as helping to work on it during its
very early stages. It will make a vital
connection to the Arizona Trail for those
trail users who enjoy longer excursions
into the surrounding area. Also, a
significant amount of the proposed
section of trail is laid on established
right of ways, actually being bladed. A
review of trails in the surrounding area
will confirm that multi-use trails can
do exist very well, allowing an
expanded number of users with
minimal impact on the natural
resources. Please make this change in
designation.

The five comments received in
opposition of the proposed rule, along
with the NPS response, to each follow:

1. Comment: I am NOT in favor of
opening the Hope Camp Trail to bicycle
use until such time as the trailhead
parking area, which I understand is
Pima County property, is improved to
safely accommodate the additional
parking without further damaging the
surrounding natural resource.

Response: The NPS agrees that
trailhead improvements are needed at
the Hope Camp Trailhead. The park’s
GMP calls for re-designing and
improving the Camino Loma Alta
trailhead. The current trailhead and
access road are on Pima County
property. The NPS is working with Pima
County to transfer ownership to the
NPS. Pima County has also expressed
interest in partnering with the park to
re-design and improve the Loma Alta
Trailhead.

2. Comment: This is a chance to
advance an important principle that
bicycles are a low-impact recreational
opportunity that is compatible with the
mission of the National Park Service.

3. Comment: In regards to the opening
of the trail connecting Saguaro National
Park, Hope, and the Arizona Trail—I am
in complete support of the change of
trail designation to include full multi-
use, including hikers, equestrians, and
mountain bicycles (no motorized
vehicles). I have hiked on this trail, as
well as helping to work on it during its
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resources. Please make this change in
designation.

4. Comment: I support the proposed
rule and the proposed regulation to
allow bicycles on Hope Camp Trail in
Saguaro National Park. The special
regulation to allow bicycles
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use, including hikers, equestrians, and
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5. Comment: I support the proposed
rule and the proposed regulation to allow bicycles on Hope
Camp Trail in Saguaro National Park. The special
regulation to allow bicycles on Hope Camp Trail should be
promulgated because:
(a) Bicycles were allowed on this dirt road before the property was acquired by the NPS;
(b) Bicycle access on Hope Camp trail is not controversial because the area is
not recommended or designated as Wilderness;
(c) Bicycle access is consistent with the 2009 Comprehensive Trails Management Plan; and
(d) The Hope Camp trail provides a vital connection between Tucson and the Arizona Trail.

Having this connectivity would allow
riders to use the City of Tucson as a
starting or ending destination when
riding the southern sections of the
Arizona Trail. The NPS in cooperation with the
Rincon Valley. The Arizona Trail
Association is working to find a route
that will allow cyclists to also travel
north from Tucson.

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NPS. Pima County has also expressed
interest in partnering with the park to
re-design and improve the Loma Alta
Trailhead.
2. Comment: As an avid mountain biker, I am always happy to see new access to challenging and scenic land. However, this proposal is an exception, in that this trail will bring mountain bikers much too close to sites of historic and archaeological value. Therefore, I oppose this re-designation, and hope that you decide not to allow bicycle access.

Response: While there are areas of historic and archaeological interest along the Hope Camp area, the NPS believes the return of bicyclists to this pre-existing route will not lead to degradation of these resources. The Hope and Deer Camp areas provide a great opportunity to interpret the Park’s ranching heritage; however, an evaluation by the Arizona State Historic Preservation Office found they are not eligible for listing on the National Registry of Historic Places.

3. Comment: I oppose any mountain bike trails within Saguaro National Park. I believe that bike use on trails within this park is incompatible with the visitors’ expectations of a trail experience within a national park.

Response: The Park completed its GMP in 2008. The GMP’s preferred alternative identified the Hope Camp Trail, an area determined not suitable for wilderness designation, for conversion to a multi-use trail. Subsequently, the Plan/EA completed in 2009, also identified conversion of the Hope Camp Trail as a multi-use trail. Numerous public meetings were held for both plans, and both plans were published for 60-day review and comment periods. Public interest in these planning processes was high, and the park received many comments, but none expressed concern that bicycle use was incompatible with visitor experience. The NPS is committed to providing appropriate, high quality opportunities for visitors to enjoy the units of the National Park System, consistent with the agencies stewardship responsibilities. In 2005, the NPS entered into a General Agreement with the International Mountain Bicycling Association (IMBA). This agreement is the culmination of collaborative efforts of both parties to provide high quality bicycling opportunities for visitors to enjoy the national park system, in appropriate areas in a manner consistent with our stewardship responsibilities. Mountain biking is also compatible with national programs such as the First Lady’s “Let’s Move Outside” initiative that encourages kids to get outside and be more physically active, as well as with many NPS efforts promoting Healthy People, Healthy Parks.

4. Comment: This proposal would lead to significant changes to the trail experience in this portion of Saguaro National Park that will negatively impact hikers, equestrians, wildlife, and will reduce solitude and wilderness-like aesthetics that are long-standing attributes in this area and the primary draw for visitors over the years. Most egregiously, it will also lead to renegade use by cyclists of the Quilter Trail leading into the Saguaro Wilderness, due to unregulated access and a lack of enforcement.

Response: While there may be changes to trail experiences, the NPS believes bicycle use is compatible to the trail’s current users. For all park trails connecting to the Hope Camp Trail, including the Quilter Trail, use of bicycles will continue to be prohibited. Appropriate signing will be installed and NPS rangers and volunteers will patrol these trails and enforce NPS regulations.

5. Comment: I find it simply wrong to take away this set of trails for only bicycle use, leaving equestrian trail riders and hikers off limits. To me, this would be inappropriate use and a major limitation of this area so a select few can enjoy it.

Response: The Final Rule does not limit the Hope Camp Trail to bicycle use only. Instead, the trail will become a multi-use trail allowing hiking, equestrian, and bicycle use. One comment received was not relevant to the rule and therefore was not considered.

Changes From the Proposed Rule

Paragraph (a)(2)(ii) was added to clarify that violating a closure, condition, or restriction established by the Superintendent under paragraph (a)(2) is prohibited.

Compliance With Other Laws, Executive Orders, and Department Policy

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs will review all significant rules. The Office of Information and Regulatory Affairs has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of Executive Order 12866 while calling for improvements in the nation’s regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. Executive Order 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act (RFA)

This rule will not have a significant economic effect on a substantial number of small entities under the RFA (5 U.S.C. 601 et seq.). This certification is based on information contained in the report titled, “Cost-Benefit and Regulatory Flexibility Analyses for Designating Bicycle Trails in Saguaro National Park” that is available for review at http://www.nps.gov/sagu/parkngmt/park-planning.htm.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), the SBREFA. This rule:

- a. Does not have an annual effect on the economy of $100 million or more.
- b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.
- c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or ability of U.S.-based enterprises to compete with foreign-based enterprises.

There are no businesses in the surrounding area economically dependent on bicycle use of this trail. The park does not have any bicycle rental concessioners, and current users are predominantly individuals engaged in recreational activities.

Unfunded Mandates Reform Act (UMRA)

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local or tribal governments or the private sector. A statement containing the information required by the UMRA (2 U.S.C. 1531 et seq.) is not required.

Takings (Executive Order 12630)

Under the criteria in section 2 of Executive Order 12630, this rule does not have significant takings implications. A taking of
assessment is not required because this rule will not deny any private property owner of beneficial uses of their land, nor will it significantly reduce their land’s value. No taking of personal property will occur as a result of this rule.

**Federalism (Executive Order 13132)**

Under the criteria in section 1 of Executive Order 13132, this rule does not have sufficient federalism implications to warrant the preparation of a Federalism summary impact statement. A Federalism summary impact statement is not required.

**Civil Justice Reform (Executive Order 12988)**

This rule complies with the requirements of Executive Order 12988. Specifically this rule:

(a) Meets the in the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(b) meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

**Consultation With Indian Tribes (Executive Order 13175 and Department Policy)**

The Department of the Interior strives to strengthen its government-to-government relationship with Indian tribes through a commitment to consultation with Indian tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the Department’s consultation policy and under the criteria in Executive Order 13175 and have determined that it has no substantial direct effects on federally recognized Indian tribes and that consultation under the Department’s tribal consultation policy is not required.

Affiliated Native American tribes were contacted by letters sent in December 2007 to solicit any interests or concerns with the proposed action. No responses were received by the Park.

**Paperwork Reduction Act (PRA)**

This rule does not contain information collection requirements, and a submission under the PRA is not required.

**National Environmental Policy Act (NEPA)**

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the NEPA is not required because we reached a FONSI. The Plan/EA and FONSI that included an evaluation of bicycling on the Hope Camp Trail may be viewed online at [http://www.nps.gov/sagu/parkmgmt/park-planning.htm](http://www.nps.gov/sagu/parkmgmt/park-planning.htm).

**Effects on the Energy Supply (Executive Order 13211)**

This rule is not a significant energy action under the definition in Executive Order 13211. A statement of Energy Effects is not required.

**Drafting Information**

The primary authors of this regulation are Robert Love, Chief Ranger, Saguaro National Park, Darla Siddles, Superintendent, Saguaro National Park, John Calhoun and A.J. North, NPS Regulations Program, Washington, DC.

**List of Subjects in 36 CFR Part 7**

National Parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, the NPS amends 36 CFR part 7 as set forth below:

**PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM**

1. The authority citation for Part 7 continues to read as follows:


2. Revise §7.11(a) to read as follows:

   **§ 7.11 Saguaro National Park.**

   (a) Bicycling. (1) The following trails are designated as routes for bicycle use:

      (i) That portion of the Cactus Forest Trail inside the Cactus Forest Drive; and

      (ii) The Hope Camp Trail, from the Loma Alta Trailhead east to the Arizona State Trust Lands boundary, located approximately .2 miles beyond Hope Camp.

   (2) The Superintendent may open or close designated routes, or portions thereof, or impose conditions or restrictions for bicycle use after taking into consideration public health and safety, natural and cultural resource protection, and other management activities and objectives.

   (i) The Superintendent will provide public notice of all such actions through one or more of the methods listed in §1.7 of this chapter.

   (ii) Violating a closure, condition, or restriction is prohibited.

   * * * * *