



**National Park Service  
U.S. Department of the Interior**

**Saguaro National Park  
Arizona**

**FINDING OF NO SIGNIFICANT IMPACT  
Plant Gathering for Traditional Purposes**

Recommended:

Signature on file

May 24, 2018

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Leah McGinnis  
Superintendent, Saguaro National Park

Date

Approved:

Signature on file

May 30, 2018

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Date

## **INTRODUCTION**

In compliance with the National Environmental Policy Act (NEPA), the National Park Service (NPS) prepared an Environmental Assessment (EA) to examine alternative actions and environmental impacts associated with a proposal by the Tohono O’odham Nation (TON) to continue traditional harvesting of plant parts from saguaro and cholla cactus in Saguaro National Park (SNP). This request was submitted in response to the 2016 NPS rule, *Gathering of Certain Plants or Plant Parts by Federally Recognized Indian Tribes for Traditional Purposes* (36 CFR 2.6), which requires these activities to be analyzed in an EA. The proposed harvest activities include cultural practices the tribe has performed on their ancestral lands for millennia.

The statements and conclusions reached in this finding of no significant impact (FONSI) are based on documentation and analysis provided in the EA and associated decision file. To the extent necessary, relevant sections of the EA are incorporated by reference below.

## **SELECTED ALTERNATIVE AND RATIONALE FOR THE DECISION**

Based on the analysis presented in the EA, the NPS selected Alternative B – Plant Gathering for Traditional Purposes (the NPS preferred alternative). The selected alternative will enable tribal members to access ethnographic resources on their ancestral lands now under management by SNP without causing significant adverse impact to saguaro or cholla populations in the park. This alternative also aligns with the prevailing public view which favors continuation of the traditional harvest within SNP. This alternative will result in no adverse impacts while allowing an ethnographic use which is at the core cultural identity of the TON to occur.

Additionally, the project will implement a number of resource protection measures to minimize the degree and/or severity of potential effects on wildlife and species of concern; vegetation; wetlands; soils; cultural resources; visitor use and experience; air quality; soundscapes; wilderness; and public health, safety, and park operations.

### **Rationale**

Alternative B was selected because it best meets the project purpose to:

- Respond to a request by the Tohono O’odham Nation as prescribed by the 2016 NPS rule, *Gathering of Certain Plants or Plant Parts by Federally Recognized Indian Tribes for Traditional Purposes* (36 CFR 2.6).
- Preserve saguaro and cholla populations within the park.
- Provide members of the Tohono O’odham Nation opportunities to access ethnographic resources using parameters that protect all park resources.

## **MITIGATION MEASURES**

The selected alternative incorporates the mitigation measures listed in Appendix A of this document.

## **TRIBAL AND PUBLIC CONSULTATION**

Consultation with the TON was integral to the development of this EA. Starting in January 2017, and over the next year and a half, SNP staff met with the Tribal Historic Preservation Officer, Deputy Attorney General, representatives of the Tribal Council and Cultural Resources Preservation Committee, and other tribal members.

The TON were consulted intermittently throughout the development of the EA, and provided essential feedback for describing elements of the proposed activities to aid in the assessment of impacts. The TON had no additional comments on the final version of the EA released to the public, agencies, and other affiliated tribes for comment.

## **FINDING OF NO SIGNIFICANT IMPACT**

CEQ regulations at 40 CFR Section 1508.27 identify ten criteria for determining whether the Selected Action will have a significant effect on the human environment. The NPS reviewed each of these criteria given the environmental impacts described in the EA and determined there will be no significant direct, indirect, or cumulative impacts under any of the criteria.

The following impact topics were dismissed because they did not warrant a full analysis: archeological resources, ethnographic resources, environmental justice, Indian trust resources and sacred sites, socioeconomics, visitor use and experience, wilderness, and wildlife and special status species.

As described in the EA, the selected alternative has the potential for adverse impacts on saguaro cactus and cholla cactus; however, no potential for significant adverse impacts was identified. Harvest of saguaro fruits and cholla buds reduces the reproductive potential of these plants; however, these impacts are expected to be negligible for these reasons:

- **Low quantity of harvested materials.** Less than 50 gallons of saguaro fruits, 10 gallons of cholla buds, and no more than 30 saguaro ribs are expected to be harvested each year.
- **Plant reproduction characteristics.** Saguaros are prolific seed-producers, capable of generating two thousand seeds per fruit and approximately two million seeds per acre within the park. Chollas reproduce almost exclusively vegetatively, making the removal of their buds (precursors to unpollinated flowers and seeds) insignificant to reproduction.
- **Removal of cholla buds, saguaro fruits, and saguaro ribs do not injure plants.** Picking saguaro fruit and cholla buds does not injure the plants or reduce their photosynthetic capability. If left unharvested, these plant parts will naturally fall off the plants in subsequent days. Saguaro ribs are only harvested from dead saguaros.

The EA was released for review from May 7, 2018 to May 21, 2018. Members of the public, agencies, elected officials, and affiliated Native American tribes were notified of the EA's availability through a press release, social media, and e-mail announcement.

In response to the EA, 232 comments were received through PEPC. Of these comments 231 were in support of the preferred alternative. No other public comments were received by phone, mail, or e-mail. All comments will be maintained in the project decision file. No comment suggested substantive modification of the EA or warranted development of an additional alternative. Therefore, the alternatives remain as described in the EA and no changes were made in the assessment of environmental consequences.

In a letter submitted to the U.S. Fish and Wildlife Service (USFWS), the NPS determined that the selected alternative would have “no effect” on yellow-billed cuckoo (*Coccyzus americanus*) or Mexican spotted owl (*Strix occidentalis lucida*) because the locations and habitat of these species are many miles from potential harvesting areas. The NPS also determined that there will be no effect on any other federally listed threatened or endangered species or critical habitat. The USFWS concurred with the park’s determination on May 23, 2018.

In a letter submitted to the State Historic Preservation Office (SHPO), the NPS determined that harvesting activities will not adversely affect cultural resources. Foot traffic associated with plant harvesting activities is expected to cause minimal damage to cultural resources on the ground surface. The SHPO concurred with this determination on May 7, 2018.

There will be no significant impacts on public health, public safety, or unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the NPS selected alternative will not violate any federal, state, or local environmental protection law.

## **CONCLUSION**

As described above, the selected alternative does not constitute an action meeting the criteria that normally requires preparation of an environmental impact statement (EIS). The selected alternative will not have a significant effect on the human environment in accordance with Section 102(2)(c) of NEPA.

Based on the foregoing, it has been determined that an EIS is not required for this project and, thus, will not be prepared.

## **APPENDIX A: MITIGATION MEASURES**

The following mitigation measures will minimize the degree and/or extent of adverse impacts and will be implemented during the project.

### **Health and Safety**

- SNP has an active invasive weed management program that involves the use of herbicide, including aerial application. The aerial application of herbicide is primarily targeted for areas that are too steep or remote to safely send ground crews. Because of the inaccessibility of these areas, they are unlikely to be targeted for harvesting activities. However, ground-based weed crews treat plants throughout SNP, including areas that are likely to be harvested. TON members will be notified about both aerial and ground-based annual spray plans so that they may avoid these areas and will be reminded that they may encounter active spray operations during harvest activities.
- A representative from each harvesting party will notify the Supervisory District Ranger about the general location and party size so that rangers may better respond to any emergent situations.

### **Invasive Plant Species**

- Seeds from invasive plants could be inadvertently spread during plant harvest activities on harvesters' clothing and tools. Information about common weeds and how to prevent their spread will be included in annual consultation materials provided to the TON.

### **Visitor Use and Experience**

- Visitor Center staff will be briefed prior to harvest periods about the activities and given training for providing informed responses to any public inquiries about harvest activities.
- The park prohibits off-trail travel below 4,500 feet in elevation, except when expressly authorized. Communication with the public at the Visitor Centers will occur to reduce the possibility of the general public being inspired to also travel off-trail in these otherwise prohibited areas; and to prevent the public from exceeding the provision in the Superintendent's Compendium allowing for on-site consumption of specific plant parts.

### **Wildlife & Special Status Species**

- If species of special concern which rarely occupy the park (e.g. hog-nosed skunk or desert bighorn) are known to be in a particular area during harvest time, harvesters will be asked to avoid those areas. An ongoing wildlife monitoring project using remote cameras will also be utilized to periodically assess whether wildlife usage within the harvest areas differs from non-harvested areas.
- Potential impacts to all federally-designated threatened or endangered species or species of concern will be re-assessed if any change in listing status occurs and during the five-year agreement renewals to ensure that gathering activities are not impacting species listed after the completion of this EA.
- Harvesters will be advised to exercise care by working quietly and maintaining awareness to prevent disturbing any wildlife species found nesting, hibernating, estivating, or otherwise living in, or immediately nearby, harvest sites. Upon discovery of these circumstances, harvesters should immediately leave those areas to minimize disturbance.
- Participants will be provided an orientation and/or otherwise advised about sensitive species and their habitats to ensure those species and habitats can be avoided.

### **Wilderness**

- Non-wilderness lands will be prioritized as rotational harvest areas over wilderness areas.

## NON-IMPAIRMENT DETERMINATION

### Plant Gathering for Traditional Purposes Environmental Assessment

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By enacting the NPS Organic Act of 1916 (Organic Act), Congress directed the U.S. Department of the Interior and the National Park Service (NPS) to manage units "to conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations" (54 U.S.C. 100101). NPS *Management Policies 2006*, Section 1.4.4, explains the prohibition on impairment of park resources and values:

*"While Congress has given the Service the management discretion to allow impacts within parks, that discretion is limited by the statutory requirement (generally enforceable by the federal courts) that the Park Service must leave park resources and values unimpaired unless a particular law directly and specifically provides otherwise. This, the cornerstone of the Organic Act, establishes the primary responsibility of the National Park Service. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them."*

An action constitutes impairment when its impacts *"harm the integrity of park resources or values, including the opportunities that otherwise will be present for the enjoyment of those resources or values"* (NPS 2006, Section 1.4.5). To determine impairment, the NPS must evaluate the *"particular resources and values that will be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts."* An impact on any park resource or value may constitute impairment, but an impact would be more likely to constitute an impairment to the extent that it affects a resource or value whose conservation is:

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park;
- key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or
- identified in the park's general management plan or other relevant NPS planning documents as being of significance (NPS 2006, Section 1.4.5).

Fundamental resources and values for Saguaro National Park (SAGU) are identified in the enabling legislation for the park, the Foundation for Planning and Management Statement, and the Long Range Interpretive Plan. Based on a review of these documents, the fundamental resources and values for SAGU come from the park's saguaro cactus, integrity of its diverse ecosystems, and providing for the benefit, enjoyment, education, and inspiration of this and future generations. Resources that were carried forward for detailed analysis in the EA and are considered necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park; are key to the natural or cultural integrity of the park; and/or are identified as a goal in relevant NPS planning documents include: saguaro and cholla cactus. Accordingly, a non-impairment determination is made for each of these resources. Non-impairment determinations are not necessary for human health and safety or visitor use and

experience because impairment findings relate back to park resources and values, and these impact topics are not generally considered park resources or values according to the Organic Act. This non-impairment determination has been prepared for the selected alternative, as described in the Finding of No Significant Impact for the Plant Gathering for Traditional Purposes EA.

### **Saguaro and Cholla**

As succulent species, saguaro and cholla occur in low-lying desertscrub habitat. Desertscrub occurs throughout most of the approximately 25,000 acres of the TMD and covers about 10,000 acres of the lower elevations of the RMD, essentially everywhere below 4,500 feet. Sonoran Desert vegetation is generally slow-growing and long-lived, including the species which have been proposed for harvesting.

Traditional harvesting techniques and plant biology limit the total amount of saguaro fruit and cholla buds that may be harvested from a single plant to approximately less than one third of the overall fruits or buds being collected from a single plant during a harvest season. A limited number of saguaro ribs will be collected from dead cactus within the park for the construction of saguaro harvesting poles, cholla bud harvesting tongs, and replacement of any decayed saguaro ribs on the roof of the shade structure at the saguaro fruit harvest camp.

The anticipated low demand relative to historical harvest rates, reproductive characteristics of the plants, low impact traditional harvesting methods, rotational harvest areas, and broad geographic area of 35,000 acres of desertscrub habitat within the park make it unlikely that impacts will exceed negligible levels. While available seed quantities for saguaros and cholla will be diminished by this activity, harvesting is not expected to have an effect on saguaro or cholla population levels, because of the prolific seeding of saguaros and the predominantly vegetative reproduction of chollas.

### **Conclusion**

In conclusion, as guided by this analysis, good science and scholarship, advice from subject matter experts and others who have relevant knowledge and experience, and the results of public involvement activities, it is the Superintendent's professional judgment that there will be no impairment of park resources and values from implementation of the selected alternative. The NPS has determined that implementation of the selected alternative will not constitute an impairment of the resources or values of Saguaro National Park. This conclusion is based on consideration of the park's purpose and significance, a thorough analysis of the environmental impacts described in the EA, comments provided by the public and others, and the professional judgment of the decision maker guided by the direction of NPS *Management Policies 2006*.