

would feel as though their ability to experience park resources along the trail is diminished if they see mountain bike use as incompatible with their desired experience. Some hikers and equestrians may choose to use the trail less or avoid the trail completely. However, the multi-use orientation of the trail would be likely to have no more than minor impacts on a hiker or equestrian's ability to experience the park. This is because a number and variety of other trails in the Cactus Forest area are open to hiking and equestrian use only.

*Visitor safety:* There would be a greater potential for visitor accidents under this Final rule in comparison to no bicycle use. Mountain bikes traveling at higher speeds could inadvertently collide with other recreationists, regardless of their mode of travel. Horses may be frightened by bicyclists and their response may result in a number of unsafe situations. Given the past record of incidents on this trail, however, reinstating mountain bike use would not be considered an unsafe use if recreationists continued to abide by the recommended trail etiquette/rules. Overall impacts to visitor safety would be negligible to minor in intensity.

*Threatened species:* According to the U.S. Fish and Wildlife Service's October 2001 list of listed, proposed and candidate species for the area, there are seven species of concern, including four federally listed species (Mexican spotted owl, cactus ferruginous pygmy-owl, lesser long-nosed bat, Gila topminnow), one delisted species (American peregrine falcon), and two species proposed for listing (Chiricahua leopard frog, Goodding Onion) that are known to or might occur in the Rincon Mountain District where the Cactus Forest Trail is located.

The Goodding onion has not been recorded in the Rincon Mountains. The Cactus Forest Trail is in the same watershed as a drainage that could potentially be used to restock Gila topminnow. However, the Cactus Forest Trail is well below and disjunct from that drainage, and activities on the Cactus Forest Trail would have no impact on that drainage or affect its potential to reintroduce this fish. Despite surveys throughout the Rincon Mountains by Saguaro and other NPS biological staff, Chiricahua leopard frogs have never been recorded in Saguaro National Park. Furthermore, the proposed action will not affect potential habitat for this frog, which requires surface water above 3,000' elevation.

The Cactus Forest Trail is located over a mile from the known Lesser long-nosed bat roost, and neither the trail,

nor any of the activities proposed to occur on it, would be expected to disturb bats (which forage after dark), or saguaros or agaves, upon which the bats forage. Cactus ferruginous pygmy-owls (cfpo) have not been confirmed to occur in the Park since intensive surveys began in 1995; however, they may inhabit, and have the potential to breed, in the low (<4000') elevations of the Rincon Mountain District of the Park. Within the last 20 years, one possible detection of this species occurred within a half-mile of the Cactus Forest Trail. Based on the descriptions of recently occupied territories, it does not appear that human presence, particularly established presence, is a deterrent to owl occupancy of a site.

American peregrine falcons are known to occur in the Rincon Mountain District, and may forage and perch around the project area in the non-breeding season. Peregrines may be affected by and try to avoid human activities on the Cactus Forest Trail; however, hiking, riding or biking on an established trail would be expected to have negligible to minor impacts on these birds. Five Mexican spotted owl protected activity centers lie within the Rincon Mountain District above 7000' elevation. Designated critical habitat for the owl does not include the Cactus Forest Trail, nor is the project area suitable habitat for the owls.

The biological evaluation of these threatened and endangered species as part of the proposed action found that there would be no effect on the Mexican spotted owl, the Lesser long-nosed bat, or the Gila topminnow. One confirmed detection of the Cactus ferruginous pygmy owl within the park occurred in 1995 and two possible detections have occurred in the past two years, one of which was within half a mile of the Cactus Forest Trail. Fast moving bicycles, with their hard frames and spokes, might pose a slightly higher collision risk for the Cactus ferruginous pygmy owl than hikers or horses would, therefore, the proposed action may affect but is not likely to adversely affect Cactus ferruginous pygmy-owls or their habitat.

The U.S. Fish and Wildlife Service concurred with the determination of effect stated in the biological evaluation in a letter dated January 16, 2003.

#### Authorizing Bicycle Use

The final rule opens the approximately 2.5 mile section of the Cactus Forest Trail located within the Cactus Forest Drive loop to mountain biking on a permanent basis. The park will continue to monitor and mitigate the environmental impacts of mountain

bike use through the use of volunteer organizations and local interest groups to ensure that the trail is maintained in good condition and issues of concern are immediately brought to the attention of the park management staff.

#### Public Comments

Saguaro National Park conducted initial internal scoping with appropriate park staff. Internal scoping was conducted by an interdisciplinary team of Saguaro National Park, and planning professionals of the National Park Service, Intermountain Support Office in Denver. Teams members conducted a field trip on July 11, 2002 to discuss purpose and need; important resource topics; past, present, and possible mitigation of the proposed action. Affiliated Native American tribes were contacted by letter dated July 12, 2002 to solicit any interests or concerns with the proposed action. External scoping was through a public scoping letter dated August 2002 and mailed to interested and affected parties. A press release was mailed to local newspapers.

The environmental assessment was released for public review and comment during a 30-day period ending November 20, 2002. The proposed rule was published on March 7, 2003 (68 FR 11019) and was open for public comment for 60 days. A total of 31 comments were received. Twenty-four of those writing in fully support the proposal to reopen the route to bike use. Four commentors did not support continued bike use on that trail. Other specific, substantive comments are summarized below.

1. *Comment:* One commentor suggested that additional routes be opened for mountain bike use.

*Response:* The scope of this project is limited to the Cactus Forest Trail inside the Cactus Forest Loop Drive and, accordingly, the rule only considers whether this specific trail can be reopened based on the analysis contained in the supporting environmental assessment. Additional trails may be considered during the General Management Plan process beginning at the park.

2. *Comment:* Several commentors felt that horses create more impact than bicycles on that trail and therefore bicycles should not be excluded while horses continue to be allowed.

*Response:* All recreational uses (hiking, equestrian, bicycling) contribute to impacts to the trail. The environmental assessment analyzed impacts resulting from all user groups before selecting an alternative. Additionally, under 36 CFR 4.30, bicycles may only be allowed upon