

## Off-Highway Vehicle Use by the Public

### On the Cabeza Prieta NWR

May 2011 through April 2012

**Background:** Following the U.S. Fish and Wildlife Service (Service) announcement in May 2011 that Object 2 of Goal 3 (*Visitor Services Management*) of the *Cabeza Prieta National Wildlife Refuge Comprehensive Conservation Plan (CCP) Wilderness Stewardship Plan (WSP) and Environmental Impact Statement (2007)* would be implemented, the Service initiated an effort to evaluate the effects of implementation of this management action<sup>1</sup>.

**Off-Highway Vehicle (OHV) Working Group:** To assist with developing and implementing a program to evaluate the consequences of this management decision on trust resources, an OHV “working group” was established and met on February 2 and March 26, 2012. Five individuals representing conservation interests and three representing OHV users participated. The OHV representatives were casual users of OHVs and did not represent OHV clubs or organizations and were not “off-roaders”. One conservationist represented the Center for Biodiversity in Tucson.

In the February meeting, the Refuge Manager gave a summary of progress on the Cabeza Prieta NWR during the previous nine months which included the development and issuance in May 2011 of a new “*Visitor Use and Regulations*” flyer to be included with permits (see Attachment 1). Copies were sent to partner agencies for distribution. Sign-in kiosks were installed on the two east public entry points (El Camino del Diablo and Charlie Bell) in January 2012 and the two west entrance sign-in kiosks (El Camino del Diablo and Christmas Pass) were to be installed in February 2012 (accomplished). These sign-in kiosks were installed to help the Refuge capture more accurate data on visitation and vehicle types entering the Refuge. Three of the conservation representatives were concerned that the kiosks and signs were not installed before OHVs were allowed on the Refuge. The Refuge Manager stated that there had not been any citations regarding OHV use on the Refuge between May 2011 and January 2012. At the request of the group, the Refuge Manager agreed to have his Law Enforcement staff prepare a summary report of all off-road citations, incidents, and investigations for the group at their meetings in the future, exclusive of illegal border activity and subsequent U.S. Border Patrol (USBP) actions. The group also agreed that in the future, permit applicants should be required to watch an educational video on the Cabeza Prieta NWR. This video should include rules, regulations, and appropriate conduct as well as environmental awareness. Mr. John Cooper, vice-president of the

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<sup>1</sup> Objective 2 stated in part, “*Within one year of plan adoption implement new vehicle restrictions.*” (Including) “*Licensed street legal motorcycles and off road vehicles (as defined by the state of Arizona) will be permitted.*” This decision only allowed such use on public access roads including the El Camino del Diablo, Charlie Bell, and Christmas Pass roads.

Cabeza Prieta Natural History Association, stated that the Association may want to develop the video. It was also mentioned that partnering agencies (Barry M. Goldwater Range, National Park Service, and Bureau of Land Management) should also show the video as they also issue permits for the Cabeza Prieta NWR. On the agenda but never addressed during the meeting was a recommendation for developing criteria to be used to trigger a re-evaluation of the CCP decision relating to OHV use.

Mr. Fred Goodsell of Desert Protectors and Ms. Cyndi Tuell from the Center for Biological Diversity in Tucson, gave a PowerPoint presentation at the March 26, 2012 OHV working group meeting. This presentation documented a number of off road motorcycle tracks created in January or February of 2012 by apparently two or more individuals. However, there was no way to determine the responsibility party for the tracks. Given that there had been documentation by USBP that undocumented aliens had used motorcycles/scooters in addition to ATVs in the general area in the past (On December 28, 2011, USBP agents located an abandoned scooter and later that night apprehended two individuals approximately 13 miles north of the Cabeza Prieta NWR), these tracks could have been associated with illegal drug smuggling activities. It was also acknowledged that these tracks could have come from individuals that intentionally violated Refuge regulations. It was the position of the conservation representatives that this evidence was sufficient in and of itself to justify the closure of the Refuge to OHVs. The Refuge Manager stated that closing the Refuge to OHVs would require “sufficient data” to demonstrate that the OHV community violated the regulations at some significant level more than other users. It was the significant level determination that needed to be worked out by the group. The conservation representatives were dissatisfied with that position and after more discussion, several opted to withdraw from participating in future meetings. The OHV representatives were also dissatisfied with the position of their conservation counterparts and indicated that unless the “other side” changed their attitude, they also were not interested in participating in future meetings. There were no additional meetings after the March 26, 2012 meeting.

**Visitor Use and Violations:** During the period of May 2011 through April 2012, 414 vehicles used public roads within the Cabeza Prieta NWR.<sup>2</sup> Of the 414 vehicles, 110 (or 27%) were classified as OHVs which included motorcycles, all-terrain vehicles (ATVs), utility vehicles (UTVs), dune buggies and sand rails. Of the other 304 vehicles (SUVs & pickups), 49 were undocumented as to vehicle type (see Attachment 2) and could have included OHVs.

There were no citations issued regarding off-road travel or travel on closed roads for any class of vehicle during this period (May 2011 – April 2012). However, on May 23, 2011 a civilian pick-up truck was identified via a road monitoring camera on Monreal Well Trail, an administrative trail closed to public access. And on December 4, 2011, a pick-up truck and SUV traveling a few hours apart were also identified via a road monitoring camera on the Old

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<sup>2</sup> The data was primarily collected from permits issued by the Cebaza Prieta NWR and call-ins that were required upon entrance into the Refuge. Once kiosks were installed, sign-in data cards were the primary data source.

Papago Road, another administrative trail closed to the public. Four closed administrative trails (Old Papago, Monreal Well, Charlie Bell Pass, and Growler Valley) were monitored with five cameras. In January 2011, a citation was issued to a couple on motorcycles that had entered the Refuge via an unmarked wash from adjacent BLM lands. They claimed they did not realize they were on the Refuge. After this incident, we posted Refuge boundary signs in all the major washes entering the Refuge from adjacent BLM lands on the northeast boundary of the Refuge. About the same time, a father and son from Yuma, AZ legally drove the El Camino del Diablo on motorcycles. However, one of the individuals apparently drove up a cinder hill leaving motorcycle tracks in the dark cinder surface. Two Refuge Law Enforcement Officers interviewed the suspects at their residence, but because the officers could not verify the suspects connection to the incident, they were only given a verbal warning. The Law Enforcement staff visit demonstrated that we were serious about going after violators. There were no other OHV violations observed by Refuge Law Enforcement or other staff between January 2011 and April 2012. Of the three incidents of vehicles on closed administrative trails, all three were by pickups or SUVs – none were OHVs.

With almost 30% of our vehicular traffic consisting of OHVs, there is no doubt that the use of OHVs on the Refuge public roads was a popular mode of transportation by many visitors. These visitors, by an overwhelming majority (based upon staff observations,) are senior citizens that spend their winters in southwestern Arizona and have no desire to travel off-road or deliberately break Refuge rules. Based upon the observations and experiences of both Refuge Law Enforcement Officers and staff, the vast majority, if not all, of off-road travel is associated with illegal border crossing activities (especially drug smuggling) and their pursuit by U.S. Border Patrol agents.

More monitoring cameras will be installed on Cabeza Prieta NWR in future years to allow for more roads to be monitored. It is expected that with more cameras more violations will be observed.

Based upon the information described above and the professional opinion of Refuge Law Enforcement Officers and staff, I believe that OHV use on the Refuge by the public is not a resource issue at this time and thus does not justify revisiting of the CCP decision.

ATTACHMENT 1

CABEZA PRIETA NATIONAL WILDLIFE REFUGE

VISITATION REPORT BY VEHICLE TYPE: INFORMATION GLEANED FROM REGISTRATION CARDS AT KIOSKS AND CALL-INS

MAY 2011 - APRIL 2012

Vehicle Type	May-2011	Jun-2011	Jul-2011	Aug-2011	Sep-2011	Oct-2011	Nov-2011	Dec-2011	Jan-2012	Feb-2012	Mar-2012	Apr-2012	Total
<b>GROUP I</b>													
ATV							2	9	21	14	6		52
UTV							1	7	4				12
OHV							6	4	1				11
Motorcycle/Bike	1					1	2	7	12	9		2	34
Dune Buggy									1				1
<b>Total Group I</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>11</b>	<b>27</b>	<b>39</b>	<b>23</b>	<b>6</b>	<b>2</b>	<b>110</b>
<b>GROUP II</b>													
SUV/Truck/Jeep			1	1	4	10	16	27	41	71	71	3	245
Car									3	1	1		5
Unknown							4	9	16	15	3	2	49
Other										3	2		5
<b>Total Group II</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>10</b>	<b>20</b>	<b>36</b>	<b>60</b>	<b>90</b>	<b>77</b>	<b>5</b>	<b>304</b>
<b>Total of Both Groups - All Vehicles</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>11</b>	<b>31</b>	<b>63</b>	<b>99</b>	<b>113</b>	<b>83</b>	<b>7</b>	<b>414</b>
ATV Group %age of Total Vehicles	1.000	0.000	0.000	0.000	0.000	0.091	0.355	0.429	0.394	0.204	0.072	0.286	0.266