

### **3.0 AFFECTED ENVIRONMENT**

This chapter describes the resources and uses within the BLM-administered lands in Coachella Valley California Desert Conservation Area that may be affected by this CDCA Plan Amendment. The information provided here serves as base-line data for analyzing the various alternatives.

#### **3.1. Land Use Designations**

As a multiple use agency, the BLM is uniquely challenged to both develop and conserve the public lands and natural resources for present and future generations. Rarely do a wide variety of public uses occur on the same parcel of BLM-managed public land due to land use and resource conflicts. Generally, the BLM will designate certain public lands for one suite of compatible use and designate other lands for a different suite of compatible uses. Overall, the BLM remains consistent with its multiple-use mandate.

The rapid urbanization occurring in the Coachella Valley and throughout Southern California is putting additional pressure on the BLM-managed public lands to meet the multiple use needs of the community. These uses range from additional communication sites for cellular phones, sand and gravel mineral material sources for urban development, and public access for a variety of recreational opportunities, to multi-species habitat conservation. Public interest in land exchanges with the BLM also increases as urbanization interfaces with and at times encroaches on the BLM-managed lands.

The intensity and variety of multiple uses the community requests of the BLM-managed public lands requires a high level of coordination and collaboration with all the interested constituents to ensure the various multiple uses are taken into consideration. This planning process is an excellent opportunity to coordinate with all the interested constituents and to minimize land use conflicts on the BLM-managed public lands.

##### **3.1.1 Existing Land Use Designations**

Many of the BLM-managed public lands within the planning boundary have existing land use designations for the protection of natural and cultural values, including five Areas of Critical Environmental Concern (ACEC), all or portions of four wilderness areas, and a congressionally-designated national monument (Figure 3-1). A description of these existing lands use designations follows.

**Chuckwalla Bench Area of Critical Environmental Concern.** The Chuckwalla Bench ACEC was established for its exceptional desert tortoise densities, the highest in the Sonoran Desert, and as a rich relic representative of Sonoran Desert with a full compliment of wildlife and plant species including several rare plants. The portion within the Plan area encompasses approximately 12,100 acres, including 6,755 acres of BLM-managed lands.

**Dos Palmas Preserve/Area of Critical Environmental Concern.** The Dos Palmas ACEC lies east of the Salton Sea. BLM-managed lands total 7,160 acres of the 15,153 acres total. Biological resource values within the ACEC include desert fan palm oasis woodland, desert dry wash woodland, mesquite bosque, stabilized desert sand fields, desert saltbush scrub, desert sink scrub, and freshwater marsh, and habitat for the desert pupfish, Yuma clapper rail, California black rail, flat-tailed horned lizard, yellow bat, and the Palm Springs pocket mouse. The area also includes small communities of desert saltbrush scrub and coastal and valley freshwater marsh.

**Whitewater Canyon Area of Critical Environmental Concern.** The Whitewater Canyon ACEC is located in the mountains north of San Gorgonio Pass in the Whitewater River canyon. The portion within the Plan area encompasses 16,367 acres, including 13,911 acres of BLM-managed land. Approximately 75 percent of the Whitewater Canyon ACEC is within the San Gorgonio Wilderness. Biological resources include riparian woodlands, mesquite thickets, desert fan palm oasis woodland, and habitat for arroyo toad, desert tortoise, and--during migration--the least Bell's vireo, southwestern willow flycatcher, and other riparian species.

**Big Morongo Canyon Preserve/Area of Critical Environmental Concern.** The Big Morongo Canyon Preserve was designated as a BLM Area of Critical Environmental Concern in 1982 and expanded in 1998. The Preserve begins about one half-mile southeast of the town of Morongo Valley in the Little San Bernardino Mountains and opens at the canyon bottom into the west end of the Coachella Valley. In 1998, the CDCA plan was amended to expand the ACEC boundary in order to minimize habitat fragmentation and maintain the wildlife corridor links between the San Gorgonio Wilderness to the west and Joshua Tree National Park to the east. This ACEC encompasses 28,254 acres within the Plan area of which BLM-managed lands total 23,418 acres. The area's biological resources include riparian woodlands, desert dry wash woodland, and habitat for triple-ribbed milkvetch and Little San Bernardino Mountains linanthus.

**Coachella Valley Preserve System.** The predominant resource protection area in this region is the Coachella Valley Preserve System. This System was established in 1985 by the Coachella Valley Fringe-toed Lizard Habitat Conservation Plan and consists of the three different management areas: the Coachella Valley Preserve, the Willow Hole/Edom Hill Preserve, and the Whitewater Floodplain Preserve. Including all three management areas, there are 11,513 total acres in this ACEC of which 10,163 acres are BLM-managed lands. Each of these areas is cooperatively managed by the BLM, USFWS, California Department of Fish and Game, California Department of Parks and Recreation, and the Center for Natural Lands Management. The Willow Hole/Edom Hill Preserve, which is also an ACEC, consists of two distinct areas: Willow Hole and Edom Hill. The Coachella Valley Preserve System is intended primarily to protect and enhance the habitat of the endangered Coachella Valley

fringe-toed lizard, although the Preserve provides habitat for additional threatened and endangered species. Biological resource values within the Preserve include mesquite hummocks, desert fan palm oasis woodlands, and habitat for the Coachella Valley fringe-toed lizard, Coachella Valley milk-vetch, Little San Bernardino Mountains linanthus, Coachella Valley round-tailed ground squirrel, Palm Springs pocket mouse, burrowing owl, crissal thrasher, yellow warbler, yellow-breasted chat, least Bell's vireo, and the Coachella Valley giant sand treater cricket.

**Santa Rosa Wilderness Additions.** Designated in 1994 by the California Desert Protection Act (CDPA), this wilderness area is located at the southern end of the Coachella Valley. These 91,757 acre additions include 56,912 acres of BLM-managed land. This wilderness exhibits outstanding characteristics of solitude and opportunities for primitive recreation. Resource values include habitat for Peninsular desert bighorn sheep, desert slender salamander, and many bat species. This steep, rugged wilderness contains a diversity of natural communities, including Sonoran creosote bush scrub, desert dry wash woodland, semi-desert chaparral, and pinyon pine-juniper woodland.

**San Gorgonio Wilderness Additions.** 54,672 acres of the San Gorgonio Wilderness Additions are included within the Plan area of which BLM-managed lands total 38,550 acres. Outstanding qualities of wilderness are protected in this area, including an unusually high level of biodiversity. The confluence of Mojave desert, Sonoran desert, montane, and coastal influences results in plant associations that are found in few other places. Habitat is present for many special status species, including the least Bell's vireo, southwestern willow flycatcher, arroyo toad, triple-ribbed milkvetch, and desert tortoise. USFWS-designated critical habitat is present for the arroyo toad in lower Whitewater Canyon. This wilderness is also a Class I airshed under the Clean Air Act.

**Mecca Hills and Orocopia Mountains Wilderness Areas.** The 30,363-acre Mecca Hills Wilderness, including 26,063 acres of BLM-managed lands, contains spectacularly eroded badlands, Sonoran creosote bush scrub and desert fan palm oasis woodland. The 54,683-acre Orocopia Mountains Wilderness, which includes 45,335 acres of BLM-managed lands, is located east of and adjacent to the Mecca Hills Wilderness and includes Sonoran creosote bush scrub and desert dry wash woodland vegetative communities. Sensitive species found in both areas include desert tortoise, Mecca aster, and Orocopia sage.

**Santa Rosa and San Jacinto Mountains National Monument.** The Santa Rosa and San Jacinto Mountains closely align with the boundary of the Santa Rosa and San Jacinto Mountains National Monument. The BLM manages approximately 90,000 acres of land within this area, which mostly occurs at elevations near sea level to over 6,000 feet. The vegetation ranges from Sonoran creosote bush scrub communities at the lower elevations to pinyon pine-juniper woodland communities at the higher elevations. Portions of this

area interface with several Coachella Valley communities, including Palm Springs, Cathedral City, Rancho Mirage, Palm Desert, Indian Wells, and La Quinta. This area is habitat for the endangered Peninsular Ranges bighorn sheep.

**Northern and Eastern Colorado (NECO) Desert Coordinated Management Plan Overlap Area.** The Northern and Eastern Colorado Desert Coordinated Management Plan (NECO Plan) overlap area includes all lands between the western edge of the NECO Plan boundary just east of Indio to the eastern edge of the CVMSHCP planning boundary. The NECO Plan boundary begins just east of the Coachella Valley Preserve and runs southeast along the northern edge of the Coachella Canal.

**West Mojave Plan Overlap Area.** This planning overlap area includes those portions of the San Geronio Wilderness and Big Morongo Canyon ACEC within San Bernardino County (Townships 1 North and 1 South, Ranges 3, 4 and 5 East.) and portions of Joshua Tree National Park which are included in the Plan area (Townships 2, 3 and 4 South, Ranges 5, 6, 7, 8, 9 and 10 East).

### **3.1.2 Potential Areas of Critical Environmental Concern**

FLPMA [202(c)(3)] authorizes BLM to designate Areas of Critical Environmental Concern (ACEC) which are areas requiring special management attention to protect important historic, cultural or scenic values, fish and wildlife resources, natural systems and processes, or to protect life and safety from natural hazards. ACECs are designated through the BLM planning process in accordance with 43 CFR 1610.7-2. Unlike Congressionally designated wilderness, ACEC designation does not automatically close an area to motorized vehicles.

Proposed ACECs and expansions must meet the criteria for relevance and importance established in 43 CFR 1610.7-2(a) prior to designation. Relevance means that "there shall be present a significant historic, cultural, or scenic value; a fish or wildlife resource or other natural system or process; or natural hazard. Importance means that "the above described value, resource system, process or hazard shall have substantial significance and values. This generally requires qualities of more than local significance..." In addition, the BLM must determine whether the resources or values that meet the criteria require special attention and therefore, warrant designation as an ACEC. The following is a discussion of the relevance and importance of the resources contained within the potential ACECs and potential ACEC expansion areas addressed through this CDCA Plan Amendment.

#### **3.1.2.1 Potential Dos Palmas ACEC Expansion**

The BLM-managed lands included in the potential expansion area to the existing Dos Palmas ACEC are listed in Table 3-1. A description of the habitat values is also included.

Table 3-1 Potential Dos Palmas ACEC Expansion Area

| Township, Range, Section   | Approximate Acreage | Habitat Values  |
|--|---------------------|---|
| T.8 S., R. 12 E., Sections 6, 20, 26, 32, 34                         | 2280                | Least Bell's vireo, southwestern willow flycatcher, summer tanager, yellow-breasted chat, and yellow warbler potential migratory habitat                      |
| T.8 S., R. 12 E., Sec. 20  | 440                 | Least Bell's vireo, southwestern willow flycatcher, summer tanager, and yellow warbler potential breeding habitat; southern yellow bat potential distribution |
| T.8 S., R. 12 E., Sec. 32  | 480                 | Crissal thrasher potential distribution   |
| T.8 S., R. 12 E., Sections 6, 20, 28, 26;<br>T.8 S., R.11 E., Sec.32 | 1960                | Orocopia sage potential distribution  |

**Relevance.** Absent field surveys to verify the presence of the aforementioned species within the modeled potential habitat, it is not possible to establish the relevance of the Dos Palmas ACEC potential expansion area at this time.

**Importance.** If as a result of field surveys, the aforementioned species are found to be present within the modeled potential habitat, the expansion area would have substantial significance and value, meeting the criteria for ACEC importance. Dos Palmas is a known winter holding area, and migratory and breeding habitat for migratory birds along the Pacific Coast migratory bird route. As urban development continues to encroach on wetlands and riparian areas throughout the West, migratory bird stopovers such as Dos Palmas become more critical for conserving threatened and endangered species, especially migratory birds. Moreover, conservation of all threatened and endangered species which may be present in the potential expansion area, is important to the citizens of the Coachella Valley as part of a multi-jurisdictional effort to establish an effective regional multi-species reserve system.

### 3.1.2.2 Potential Upper Mission Creek ACEC

The BLM-managed lands included in the potential Upper Mission Creek ACEC are listed in Table 3-2. A description of the habitat values is also provided.

Table 3-2 Potential Upper Mission Creek ACEC

| Township, Range, Section     | Approximate Acreage | Habitat Values   |
|------------------------------|---------------------|--|
| T.2 S., R. 4 E., Sections 18 | 20                  | Little San Bernardino Mountains linanthus known location |

| <b>Township, Range, Section</b>   | <b>Approximate Acreage</b> | <b>Habitat Values</b>   |
|---|----------------------------|---|
| T.2 S., R. 3 E., Section 12   | 640                        | Crissal thrasher potential distribution; Coachella Valley milk-vetch, southwestern willow flycatcher, least Bell's vireo, yellow-breasted chat, yellow warbler and summer tanager known locations |
| T.2 S., R. 3 E., Sections 24, 25  | 1200                       | Southwestern willow flycatcher, least Bell's vireo, yellow-breasted chat, yellow warbler and summer tanager potential migratory habitat; burrowing owl known locations                            |
| T.2 S., R. 3 E., Section 25   | 560                        | Coachella Valley milk-vetch potential distribution  |
| T.2 S., R. 3 E., Sections 1, 13, 14, 23, 26, 35, 36; T.2 S., R.4 E., Sections 6, 14 | 3960                       | These parcels are part of an ecotone for three life zones. No sensitive species habitat values identified within these sections.  |

**Relevance.** The sandy wash and riparian portions of the potential ACEC contain known locations of several threatened and endangered species including triple ribbed milk-vetch, Little San Bernardino Mountains linanthus, Coachella Valley milk-vetch, burrowing owl, southwestern willow flycatcher, least Bell's vireo, yellow-breasted chat, yellow warbler and summer tanager. The presence of these threatened and endangered species lend relevance for ACEC designation for those BLM parcels. Those BLM parcels are already within protective status as part of the San Gorgonio wilderness area. No sensitive species were identified within the remainder (and majority) of the potential ACEC. Absent field surveys to verify the presence of listed species within the modeled potential habitat, it is not possible to establish the relevance of these potential ACEC parcels at this time.

**Importance.** The entire potential ACEC is situated at the interface of three different life zones (called ecotones): 1) montane/chaparral, 2) Sonoran (low) desert, and 3) Mojave (high) desert. Ecotonal areas typically contain high biodiversity due to convergence of different species from the different life zones, and ecotones commonly include a number of highly adaptable species that tend to colonize such transitional areas. Conservation of threatened and endangered species and areas of high biodiversity are important to the citizens of the Coachella Valley as part of a multi-jurisdictional effort to establish an effective regional multi-species reserve system. The multi-species reserve system would serve as the basis for issuance of a Section 10 permit from the USFWS, to the local jurisdictions, thereby facilitating development of private lands outside the reserve system.

### **3.1.2.3 Potential Coachella Valley ACEC**

All BLM-managed lands located within the CVMSHCP conservation areas would be included in the potential Coachella Valley ACEC. A summary of the habitat values within the potential Coachella Valley ACEC, described by habitat type, is provided in Table 2-4: "Habitat Conservation Objectives." A more detailed description may be

found in the technical appendices for the Coachella Valley Multiple Species Habitat Conservation Plan.

Relevance. BLM-managed lands with sandy wash and riparian habitat contain known locations of several threatened and endangered species including triple-ribbed milk-vetch, Little San Bernardino Mountains linanthus, Coachella Valley milk-vetch, burrowing owl, southwestern willow flycatcher, least Bell's vireo, yellow-breasted chat, yellow warbler and summer tanager. The presence of these threatened and endangered species lend relevance for ACEC designation for those BLM parcels. Most of the known locations of threatened and endangered species on BLM lands are already within protective status totaling approximately 228,917 acres, be it the Big Morongo Canyon ACEC, Whitewater Canyon ACEC, San Gorgonio Wilderness Additions, Coachella Valley Fringe-toed Lizard Preserve ACEC, Mecca Hills Wilderness, Orocopia Mountains Wilderness, the Dos Palmas ACEC, Santa Rosa Mountains Wilderness Additions, the Santa Rosa and San Jacinto Mountains National Monument, and the portion of the Chuckwalla Bench ACEC within the Plan area.

For the remaining BLM-managed lands within the conservation areas (approximately 23,631 acres) these contain potential habitat for a suite of listed species based on species distribution models prepared for the Coachella Valley Multiple Species Habitat Conservation Plan. Absent field surveys to verify the presence of listed species within the modeled potential habitat, it is not possible to establish the relevance of these BLM parcels at this time.

Importance. Conservation of threatened and endangered species and areas of high biodiversity are important to the citizens of the Coachella Valley as part of a multi-jurisdictional effort to establish an effective regional multi-species reserve system. The multi-species reserve system would serve as the basis for issuance of a Section 10 permit from the USFWS, to the local jurisdictions, thereby facilitating development of private lands outside the reserve system.

### **3.1.3 Wild and Scenic Rivers**

In accordance with the Wild and Scenic Rivers Act of 1968 (PL 90-542), the BLM shall identify and evaluate all rivers that have potential for wild and scenic river designation. To be eligible for designation, a river must be free-flowing and contain at least one Outstandingly Remarkable Value (ORV), i.e., scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar value. A "river" means a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes. "Free-flowing" is defined as "existing or flowing in a natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway." Rivers with intermittent or non-perennial flows may be eligible for designation.

There are three instances when federal agencies assess eligibility: 1) at the request of Congress through specific authorized studies; 2) through their respective agency

planning processes; or 3) by the National Park Service evaluation of a Section 2(a)(ii) application (pursuant to designation of wild, scenic, or recreational rivers by an act of the State legislature). Regarding potential rivers on public lands in the Coachella Valley Planning Area, Congress has not authorized specific studies, and no application has been filed with the Secretary of the Interior to include any State-designated river in the National Wild and Scenic Rivers System. Hence, eligibility determinations at this time are limited to those rivers identified through the resource management planning process.

Identification of potentially eligible rivers may occur at several stages of the planning process: pre-planning, public scoping of issues, analysis of the management situation, and public review of the draft plan or plan amendment. Also, if a river or river segment is identified in an official publication or list of another agency or river support organization, a case can be made to consider it. No rivers or river segments were specifically identified during pre-planning or the public scoping of issues for the Coachella Valley CDCA Plan Amendment, nor do any rivers or river segments within the Planning Area appear on the list of another agency or river support organization. However, the Nationwide Rivers Inventory (NRI) includes the North, East, South and Middle Forks of Whitewater River in the San Bernardino National Forest (San Bernardino County). Under a 1979 Presidential directive, and related Council on Environmental Quality procedures, all federal agencies were directed to avoid or mitigate actions that would adversely affect one or more NRI segments. The confluence of these forks occurs near the boundary of the BLM San Gorgonio Wilderness Additions with the main channel traversing the wilderness area. Also, the U.S. Forest Service, through its current amendment process, is considering eligibility of river segments in Palm Canyon for designation as a wild and scenic river. Hence, segments of these rivers on BLM-managed lands are also identified for consideration.

Through analysis of the management situation, four other river segments were considered for potential eligibility: the Mission Creek channel within and outside the San Gorgonio Wilderness Additions, Little Morongo Canyon, Big Morongo Canyon, and Whitewater Canyon south of the Whitewater Trout Farm. Of all river segments considered, those on BLM-managed lands in Whitewater Canyon (within the San Gorgonio Wilderness Additions and a portion outside wilderness), the Mission Creek channel (within the San Gorgonio Wilderness Additions and a portion outside wilderness), and Palm Canyon are determined eligible for designation as wild and scenic rivers. The other river segments are determined as not eligible. Documentation of eligibility for each of these river segments is included in Appendix B.

Once a river segment has been determined eligible and given a tentative classification as “wild,” “scenic,” and/or “recreational,” BLM is required to protect its free-flowing characteristics; protect, and to the degree practicable, enhance the Outstanding Remarkable Values which contribute to the river segment’s eligibility; and ensure that its eligibility or tentative classification will not be affected before a determination of its suitability or non-suitability as a Wild and Scenic River can be made. If suitability determinations are not made through the resource management planning process, the

resource management plan must prescribe protective management measures to ensure protection shall be afforded the river and adjacent public land area pending the suitability determination and, when necessary, subsequent action by the Congress (Appendix B). In addition, a separate legislative EIS is required as part of a separate reporting package (and plan amendment) to make the suitability determination.

### **3.1.4 Wilderness**

The planning area contains four designated BLM wilderness areas: Santa Rosa Wilderness Additions, San Geronio Wilderness Additions, Mecca Hills Wilderness , and Orocopia Mountains Wilderness. These wilderness areas were designated by Congress on October 31, 1994, through the California Desert Protection Act, PL 103-433. Like all other federal wilderness areas, these four areas are managed in accordance with the Wilderness Act of 1964. They were given this high level of protection because they exhibit very few imprints of man and contain outstanding opportunities for solitude and primitive recreation.

The Wilderness Act of 1964 provides for the establishment of a National Wilderness Preservation System with areas to be designated from public lands with National Forests, National Parks, and National Wildlife Refuges. Public lands administered by BLM are inventoried and evaluated for wilderness potential in accordance with the Federal Land Policy and Management Act of 1976 (FLPMA). In the CDCA, 137 areas covering 5.7 million acres were determined to have wilderness characteristics; these areas were designated Wilderness Study Areas (WSAs) in May 1978.

Following the identification of WSAs, consideration was given to all resource values and opportunities, and a determination of “highest and best use(s)” for each WSA was made. This analysis led to preliminary recommendations for each WSA as suitable or non-suitable for wilderness designation by Congress. Subsequent amendments to the CDCA Plan revised the suitability determinations for certain WSAs, or portions thereof.

The CDCA Plan, as amended, established goals for wilderness management (Amendment Six, January 15, 1987):

1. Until Congressional release or designation as wilderness, provide protection of wilderness values so that those values are not degraded so far as to significantly constrain the recommendation with respect to an area’s suitability or non-suitability for preservation as wilderness.
2. Provide a wilderness system possessing a variety of opportunities for primitive and unconfined types of recreation, involving a diversity of ecosystems and landforms, geographically distributed throughout the Desert.
3. Manage a wilderness system in an unimpaired state, preserving wilderness values and primitive recreation opportunities, while providing for acceptable use.

**California Desert Protection Act (Public Law 103-433).** On October 31, 1994, Congress enacted the California Desert Protection Act (CDPA; Public Law 103-433),

thereby designating certain lands in the California desert as wilderness in furtherance of the purposes of the Wilderness Act and Sections 601 and 603 of FLPMA. Of the 69 areas designated as BLM wilderness through the CDPA, four occur within the Coachella Valley Planning Area (Figure 3-1):

Table 3-3: Wilderness Areas  
within Coachella Valley Planning Area

| WILDERNESS AREA        | TOTAL ACRES | BLM ACRES |
|------------------------|-------------|-----------|
| Mecca Hills            | 30,363      | 26,063    |
| Orocopia Mountains     | 54,683      | 45,335    |
| San Gorgonio Additions | 54,672      | 38,550    |
| Santa Rosa Additions   | 91,757      | 56,912    |
| TOTAL                  | 231,475     | 166,860   |

The following provisions under Title 1, Sections 103 and 104 of the CDPA are particularly relevant to the Coachella Valley Plan:

- ▶ Subject to valid existing rights, each wilderness area shall be administered in accordance with the provisions of the Wilderness Act.
- ▶ Within wilderness areas, the grazing of livestock, where established prior to the date of enactment of the CDPA, shall be permitted to continue subject to such reasonable regulations, policies, and practices as deemed necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and section 101(f) of Public Law 101-628.
- ▶ The Congress does not intend for the designation of wilderness areas to lead to the creation of protective perimeters or buffer zones around any wilderness area. The fact that non-wilderness activities or uses can be seen or heard from areas within a wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.
- ▶ As provided in section 4(d)(7) of the Wilderness Act, nothing in the CDPA shall be construed as affecting the jurisdiction of the State of California with respect to wildlife and fish on public lands.
- ▶ Management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within wilderness areas and shall include the use of motorized vehicles by the appropriate State agencies.
- ▶ Nothing in the CDPA may be construed to preclude Federal, State, and local law enforcement agencies from conducting law enforcement operations as permitted before the date of enactment of the CDPA, including the use of motorized vehicles and aircraft, on any lands designated as wilderness.
- ▶ All lands not designated wilderness in the Coachella Valley Planning Area are no longer subject to the requirements of section 603(c) of FLPMA pertaining to the management of WSAs.

**Wildlife Water Developments in Wilderness.** BLM Manual 8560 (04-27-83), Management of Designated Wilderness Areas, states the following:

Although construction of facilities to enhance an area's value for wildlife or fish is not generally consistent with the free operation of natural processes, there are situations where such measures may be necessary for the continued existence or welfare of wildlife or fish living in wilderness. This is particularly true in the case of species adversely affected through human activities in and around such areas. Certain permanent installations to maintain conditions for wildlife and fish, upon consideration of their design, placement, duration, and use, may be permitted if the resulting change is compatible with preserving wilderness character and is consistent with wilderness management objectives for the area, and if the installations are the minimum necessary to accomplish the task. Permissible actions under these criteria may include: installations to protect sources of water on which native wildlife depend, such as exclosures; and water sources such as springs, wells, and guzzlers.

Upon development of site-specific project plans for new artificial waters in wilderness, separate environmental review, including "minimum tool analysis" which specifies the manner in which projects are to be completed, will be necessary. Guidelines furnished in BLM Handbook H-8560-1 (07-27-88), Management of Designated Wilderness Areas, include building new wildlife management structures in a manner that minimizes visual impacts on the landscape.

**Reintroduction of Native Species in Wilderness.** In accordance with BLM Manual 8560, reintroduction of native species may be allowed:

In some instances, wildlife species once native to the wilderness have been forced from their original habitat by encroachment of human beings and human activities. To the extent that these factors can be altered or managed within the intent of the Wilderness Act, native species no longer established in the wilderness area may be reintroduced and managed as a part of the wilderness resource. Care must be exercised to be certain that the species is native. Such programs are addressed in the wilderness management plan.

Guidelines furnished in BLM Handbook H-8560-1 indicate that motorized methods and temporary holding and handling facilities may be permitted if they are the minimum necessary to accomplish an approved transplant.

**Research in Wilderness.** Title 43 CFR 6302.16 states that gathering information about natural resources in wilderness, where methods may include motorized equipment and/or more than minimal surface disturbance, may only occur if:

- ▶ Similar research opportunities are not available outside wilderness.

- ▶ The activity is carried out in a manner compatible with the preservation of the wilderness environment and conforming to the applicable management plan.
- ▶ Any ground disturbance or removal of material is the minimum necessary for the scientific purposes of the research.
- ▶ BLM has authorized the activity.
- ▶ All areas of disturbance are reclaimed; a bond for reclamation may be required.

This provision is reiterated in BLM Manual 8560. The Manual further provides for research and scientific activities that use wilderness areas for study of natural environments and ecosystems. It requires that such research and collection of information be conducted in an unobtrusive manner by methods compatible with the preservation of the area's wilderness character. Research and other studies must be conducted without use of motorized equipment or construction of temporary or permanent structures, except when approved by the State Director for projects that are essential to managing the specific wilderness when no other feasible alternatives exist. Such use, when approved, must be the minimum necessary and must not degrade the area's wilderness character. Relative to structures and facilities proposed by other agencies conducting activities within BLM wilderness, such agencies are equally constrained by provisions of the Wilderness Act that are applicable to BLM.

The CDCA Plan (1980), as amended, requires approval of the authorized officer for research activities conducted on BLM lands, including those within designated wilderness. Whenever required, all permits, authorizations, and/or licenses will be issued at the discretion of the authorized officer.

**Wildlife Management Activities.** On September 24, 1997, the BLM and California Department of Fish and Game (CDFG) entered into a Memorandum of Understanding to establish a framework for cooperation and procedures for CDFG maintenance, management, and research activities in BLM wilderness where motorized vehicle and equipment use is involved. Section 103(f) of the CDPA states:

Management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within wilderness areas designated by this title and shall include the use of motorized vehicles by the appropriate State agencies.

Through the Memorandum of Understanding, both agencies agree to protect and preserve the wilderness character and values of the areas while carrying out CDFG's wildlife management mission.

### **3.1.5 Farmlands**

Although farming does occur extensively in the southern portion of the Coachella Valley planning area, these farms are all located on private lands, and not on BLM-managed public lands.

### **3.1.6 Livestock Grazing**

Background. Livestock grazing has occurred in the Coachella Valley planning area for many decades. In general, cattle grazing use has declined since World War II (BLM, 1980), and grazing use within the Planning Area has declined since allocations for livestock use were made in the *California Desert Conservation Area Plan*, 1980. After enactment of the Taylor Grazing Act of 1934, “open” range grazing use became restricted to geographical areas allotted to one or more livestock producers based on historical or current grazing use. Until publication of a grazing rule on December 7, 1968, the BLM allocated long-term grazing use based on perennial forage production. However, there were many areas of the Southwest, including the Planning Area, that did not produce perennial forage and grazing use was based on consumption of annual grasses and forbs or ephemeral production. This new rule authorized BLM field offices in Arizona, California, and Nevada to modify ill-suited perennial classified allotments from perennial designation to ephemeral or ephemeral/perennial designation.

This administrative modification drastically changed the way livestock producers requested authorization of grazing use on ephemeral rangelands. The change no longer required an annual application for perennial forage grazing use nor required substantial use of base property (privately controlled non-BLM grazing lands), and grazing use would be based on a reasonable potential for growth of annual plants. Those allotments with perennial forage have an established amount of annual grazing use, based on the quality of the perennial plants, stated in animal unit months (AUMs) for a defined period of grazing use. Perennial grazing use is typically authorized at the same level from year to year unless forage production does not meet seasonal norms. However, grazing use in allotments with ephemeral forage do not have an established level of use nor a period of use instead of the amount of AUMs and the length of the grazing season are determined prior to authorized grazing use.

Typical ephemeral use on a perennial/ephemeral allotment requires two circumstances to be present before ephemeral grazing use occurs. First, sufficient forage of annual grasses and forbs must be available, and secondly, the lessee must have livestock for turnout. Surprising as it may seem, these two conditions do not easily coincide because livestock producers during any year may have abundant numbers of livestock to graze forage on the allotment, but there could be insufficient feed and vice-versa. When weather conditions have been favorable and the livestock producer submits a written request for grazing use, the BLM reviews plant and soil conditions throughout the allotment in preparation for potential grazing use. This field review will determine the amount of forage available, potential grazing areas, and potential restrictions of grazing use.

Whitewater Canyon Allotment. The 65,199 acre Whitewater Canyon Allotment, created by the CDCA plan in 1980, is the only BLM grazing allotment in the planning area. The Whitewater Canyon allotment is located in the area north of Interstate 10 and west and north of State Highway 62 in the San Bernardino Mountains, approximately 15 miles northwest of Palm Springs. Elevations vary between 2500 and 6500 feet, providing

both low elevation winter range and high elevation summer range. The total available BLM-managed lands available for range within the allotment boundaries is 40,032 acres. The allotment also encompasses 25,167 acres of non-BLM-managed lands that are heavily intermixed with the public lands within the allotment, particularly within that portion in San Bernardino County.

The allotment has a year-long season of use on perennial forage with additional grazing capacity on ephemeral forage when it is seasonally available above a pre-determined threshold of 200 pounds (dry weight) per acre. The allotment is divided into 11 pastures that are grazed at different times of the year depending on elevation. The perennial grazing capacity of 990 AUMs allows the permittee to graze up to 119 head of cattle year-long. Additional capacity is available when ephemeral forage exceeds 200 pounds dry weight per acre. Since 1980, no lessee has utilized the ephemeral component of this allotment. Water is available in each pasture with the exception of the Devil’s Garden area in the southern portion of the allotment where water is hauled in. The allotment contains a number of range improvements, including wells, improved springs, fences and corrals.

BLM’s grazing season starts March 1 and concludes the last day of February of the following year. All grazing activities are to be carried out in conformance with the grazing regulations, standards for rangeland health, guidelines for grazing management, the allotment management plan, and direction provided in the CDCA Plan. Current grazing activities are further constrained by mitigation measures listed for desert tortoise and their habitat in a programmatic biological opinions for cattle grazing completed in 1994 and 1997. No portion of the Whitewater Canyon allotment is within designated critical habitat for the desert tortoise.

Grazing Activities. The area encompassed by the Whitewater allotment has been grazed by cattle since the 1870’s. In 1986, Tom Humpreville and Terry Anderson acquired the lease and ran a cow-calf operation as the O-Bar-O Cattle Company. In 1998, The Wildlands Conservancy (TWC) acquired the lease, and O-Bar-O continued to graze the allotment under TWC’s lease until June, 1999. In June of 1999, the last cattle were removed. There are currently no livestock on the allotment. The Wildlands Conservancy (TWC) is still the current permittee. The following table summarizes the history of this allotment from 1989 to the present:

Table 3-4: History of the Whitewater Canyon Allotment

| <b>Year</b> | <b># Livestock</b> | <b>Season</b> | <b>AUMs</b> |
|-------------|--------------------|---------------|-------------|
| 1989        | 119                | 3/1-2/28      | 985         |
| 1990        | 119                | 3/1-2/28      | 985         |
| 1991        | 119                | 3/1-2/28      | 985         |
| 1992        | 119                | 3/1-2/28      | 985         |
| 1993        | 119                | 3/1-2/28      | 985         |

| <b>Year</b> | <b># Livestock</b> | <b>Season</b> | <b>AUMs</b> |
|-------------|--------------------|---------------|-------------|
| 1994        | 119                | 3/1-2/28      | 985         |
| 1995        | 50                 | 3/1-8/4       | 173         |
| 1995        | 59                 | 8/5-2/28      | 285         |
| 1996        | 59                 | 3/1-2/28      | 489         |
| 1997        | 30                 | 3/1-2/28      | 124         |
| 1998        | 50                 | 3/1-3/31      | 35          |
| 1998        | 30                 | 4/1-5/31      | 41          |
| 1998        | 15                 | 6/1-6/30      | 10          |
| 1998        | 10                 | 7/1-2/29      | 55          |
| 1999        | 10                 | 3/1-6/30      | 28          |
| 1999        | 0                  | 7/1-Present   | 0           |

Despite the checkerboard land ownership pattern north of the Riverside-San Bernardino county line, the previous permittees were able to work with private landowners to facilitate physical access and livestock grazing privileges on private lands necessary to make use of much of the Federal range and livestock handling facilities that are “landlocked” by surrounding private lands. Between 1986 and 1999, loose partnerships and various agreements were made between private landowners within and adjacent to the allotment and the permittee to facilitate the physical and livestock access necessary to fully utilize the allotment.

After the Wildlands Conservancy acquired the grazing permit and became a key landowner in the area, the direction of private land management (both individual and non-profit group) and the aforementioned partnerships has changed, such that many of the sometimes hard won access agreements no longer exist. Landowners holding major land holdings within the allotment have changed their private management strategies in a manner that could be in conflict with grazing use on intermingled public lands. The landowners that control access to key portions of the allotment also may refuse access to The Wildlands Conservancy or other permittees. Access to the allotment is necessary to maintain range improvements, turn out or gather livestock, move livestock between pastures, or other access to gain full and proper use of the allotment.

Most of this situation exists in San Bernardino County, where a “free range” ordinance exists. This ordinance places the responsibility of exclusion of cattle from private lands on the landowners themselves. In essence, this means two things: 1) to exclude cattle from checkerboarded private lands, landowners will be responsible for fencing many miles of mountainous terrain, and 2) if this is done, major portions of the northern portion of the allotment, including some water sources and livestock handling facilities, will be inaccessible. Also, there is no dedicated public access across private lands to key portions of the allotment. These access points are Big Morongo Canyon, Mission

Creek, and Whitewater Canyon at the trout hatchery. Given past indications from landowners controlling these three important access points, it is likely that future physical access for livestock operators would not be granted.

Grazing Administration. The BLM conducts a series of actions to authorize livestock grazing use. Depending on the type of lease, livestock producers apply to graze livestock annually or as conditions permit. Grazing use is permitted with written authorization, and terms and conditions for grazing use are listed as necessary. The BLM conducts field visits throughout the grazing period to ensure grazing use is occurring as authorized. Range improvements are inspected as prescribed to determine condition and future utility.

In 1999, the BLM conducted Rangeland Health Assessments on the Whitewater Canyon allotment and found areas not meeting the National Fallback Standards for soil permeability, riparian health, and stream morphology. Riparian/wetland vegetation along the Whitewater River did not meet standards due to an infestation of tamarisk. It is anticipated that initiation of a tamarisk removal program coupled with the exclusion of livestock from the area would quickly improve vegetative conditions. Upland soil permeability standards south of Gold Canyon, in the southern end of the allotment, also failed to achieve standards due to fragmented cryptogamic soil crusts. This area, along with the rest of the allotment, has not had any authorized grazing use since 1999, and it is anticipated that further rest will continue to facilitate recovery of damaged soil crusts. Otherwise, the remainder of the allotment is meeting all standards. California BLM has made a concerted effort to categorize allotments into four areas based on successful attainment of rangeland health standards. This categorization process coupled with an existing categorization (Selective Management) strategy of allotments based on their potential to improve resource conditions with less funding.

In 2001, critical habitat was designated within the allotment for the arroyo toad. Desert tortoise, least Bell's vireo, southwestern willow flycatcher, and triple-ribbed milkvetch are other federally listed species found on the allotment. Further, in 2000, the Center for Biological Diversity, et. al. (Center) filed for injunctive relief for failure to consult with the U.S. Fish & Wildlife Service (FWS) on the effects of implementation of the CDCA Plan to threatened and endangered species. As part of BLM's settlement agreement with the Center, signed in 2001, livestock grazing on the Whitewater Canyon allotment is prohibited pending the issuance of a biological opinion for the effects of livestock grazing under the CDCA Plan, or until January 31, 2002, whichever is later. Given the changes in management practices on intermingled private lands within the allotment, resource concerns stemming from Rangeland Health Assessments, and the presence of threatened and endangered species and resultant litigation, the management of livestock grazing on this allotment needs to be re-evaluated.

### **3.1.7 Wild Horse and Burro Herd Management Areas**

Management of wild free-roaming horses and burros was authorized by Congress under the Act of December 15, 1971 (PL 92-195) 16 U.S.C. 1331-1340 (Act) as amended by

The Federal Land Policy and Management Act of 1976 (PL 94-579) and The Public Rangelands Improvement Act of 1978 (PL 95-514). The regulations found at 43 CFR Part 4700 and the 4700 BLM Manual series prescribe the authorities, objectives, and policies that guide the protection, management, control, and disposition of wild free-roaming horses and burros in accordance with the Act. Through the Act, Congress declared that “It is the policy of Congress that wild free-roaming horses and burros shall be protected from capture, branding, harassment, or death; and to accomplish this they are to be considered in the area where presently found, as an integral part of the natural system of the public lands” and are to be managed “in a thriving natural ecological balance”. The policy of the BLM is to manage wild horses and burros in a manner that will insure healthy herds for future generations of Americans and contribute to the diversity of life forms on public lands administered by the BLM. The Act does not apply to lands managed by the Department of Defense or the National Park Service (although such management is not prohibited on those lands). The areas where wild horses and burros were known to exist at the time of the passage of the Wild Horse and Burro Act in the California Desert District are addressed in the CDCA Plan (1980, as amended; see Wild Horse and Burro Management Area, Map No. 8). To the extent that wild horses and burros roam outside an HMA they are considered a nuisance and can be removed from the non-HMA area. It is the policy of BLM to manage and remove excess and nuisance animals through humane, live-capture means and place them in private maintenance through BLM’s Adopt-a-Horse/Burro program. A discussion of the Herd Management Areas within the Coachella Valley planning area follows.

**Palm Canyon.** The Palm Canyon Herd Management Area encompasses 10,307 acres, located immediately south of the City of Palm Springs, and wholly within the Santa Rosa and San Jacinto Mountains National Monument. Land ownership within this HMA is 27% BLM, 37% Agua Caliente Band of Cahuilla Indians tribal lands (ACBCI), 12% San Bernardino National Forest, and 24% private. The BLM portion of the HMA is located in T. 5 S., R. 4 E., all of sections 16 and 27 and portions of sections 21, 29, 32 and 36.

The CDCA Plan originally set the herd management level at 6 horses, which was the size of the herd existing in 1980. The wild herd persisted until 1997, when there was only one mare left. In 1997, 4 freeze-branded horses were illegally released into the HMA. These freeze-branded horses and their offspring are not considered “wild” under the Act. By August of 2000, the herd increased to eight horses. The herd was being watered by Dos Palmas Spring, a developed spring located on Agua Caliente Band of Cahuilla Indian land and maintained by the Tribe. These horses foraged on public, private and Tribal lands, and created conflicts with equestrian trail users due to the aggressiveness of the herd stallion, and potential habitat conflicts with the peninsular ranges bighorn sheep. The BLM worked closely with the Agua Caliente Band of Cahuilla Indians to determine the future of these horses based on a cooperative management agreement with the Tribe for management of the National Monument. The horses have now been removed and there are no horses within the HMA. BLM lands within the HMA are part of a proposed exchange with the Tribe authorized by the Santa Rosa and San Jacinto Mountains National Monument Act of 2000.

**Morongo.** The Morongo HMA is located approximately 15 miles northwest of the City of Palm Springs. Much of this HMA is within what is now the San Gorgonio Wilderness. This 39,470 acre HMA is composed of 71% BLM-managed lands and 29% private lands. In 1980, the HML for this area was set at 16 burros in the CDCA Plan, with an excess of 9 burros. A 1985 CDCA Plan amendment changed the HML to 0. Subsequent to that amendment, records indicate that burro numbers fluctuated greatly, reaching as many as 50 burros in 1987 to 0 in 1993. There are currently no burros within this HMA and there are no known sources of new burro populations that may migrate into the area.

**Coyote Canyon.** The Coyote Canyon Herd Management Area (HMA) was deleted from the CDCA Plan through a 1998 plan amendment conducted out of the Palm Springs-South Coast Field Office. This former HMA was located in the northwest portion of what is now the Anza-Borrego State Park just north of the Riverside-San Diego county line. When the HMA was created by the CDCA Plan in 1980, it had a HML of 20 horses. The subsequent history of this HMA is sketchy, but a 1985 CDCA Plan amendment set the HML to 0. In 1993, the BLM lands within the HMA were transferred to the State of California to become part of the state park system. This transfer of ownership had the effect of nullifying the HMA and its management under the Act. In 1995, the State removed remaining horses to protect riparian areas in Coyote Canyon. Any horses that may continue to exist within Coyote Canyon are now under the jurisdiction of the State of California.