

Appendix S
Public Comments and Responses

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Public Review of DEIS

The public review period of the Draft plan and Environmental Impact Statement began on February 26, 2001, and ended eight months later on November 1, 2001. Notice of the public review period was initially published in the *Federal Register* on February 23, 2001, by the Environmental Protection Agency and later announced on March 12, 2001 by BLM. The public was notified of the following dates and venues for public meetings through news releases, public service announcements, and the BLM California website. Public comments were received in these meetings and recorded by court reporter. The public meetings were held from 6:30 p.m. to 9:30 p.m. on the following dates (in 2001) at the following locations:

Monday, April 23
Needles Council Chambers
City/County Administration Bldg.
1111 Bailey Street
Needles, CA 92363

Tuesday, April 24
Yucca Valley Community Center
Yucca Room
Dumosa Ave.
Yucca Valley, CA

Wednesday, April 25
Blythe City Council Chambers
235 N. Broadway
Blythe, CA 92225

Thursday, April 26
Service District Auditorium
Lake Tamarisk Road & Park View Dr.
Desert Center, CA

Monday, April 30
Bureau of Land Management
Palm Springs-South Coast Field Office
690 W. Garnet
North Palm Springs, CA

Tuesday, May 1
Meeting Room, Board of Supervisors
Imperial County Administration Center
940 W. Main, 2nd Floor
El Centro, CA

Wednesday, May 2
Cleveland National Forest
Oak Room
10845 Rancho Bernardo Road, Suite 200
Rancho Bernardo, CA

Thursday, May 3
Bureau of Land Management
California Desert District Office
6221 Box Springs Blvd.
Riverside, CA

Monday, May 7
Sheraton Hotel,
Cypress Room
303 E. Cordova Street
Pasadena, CA

On two occasions the review period was extended, resulting in the eight-month period noted above. The extended review period was requested by many in the public who felt that the document was too complex and proposals too important to be adequately reviewed in 90 days.

On numerous occasions, in addition to the above noted public meetings, BLM provided overviews on the DEIS to individuals, interest groups, local governments, BLM's Desert Advisory Council, Joshua Tree

National Park's Commission, and tribal councils. Tribal councils consulted include: Quechan (May 31, 2001), Chemehuevi (September 14, 2001), Fort Mojave (October 23, 2001), and Colorado River Indian Tribes (CRIT) (November 11, 2001). In addition BLM notified the public that the Preferred Alternative routes of travel designations proposal was available for review on 7.5 minute quad maps covering the entire Planning Area. By the end of the public comment period, over 1600 comments were received. These comments were in the form of letters, faxes, email, and public meeting comments.

Desert Advisory Council Resolutions and Responses

The following resolutions from BLM's Desert Advisory Council were developed at the Council's meeting on December 8, 2001 and are included with the set of public comments on the DEIS. These resolutions were developed following the Council's review of NECO and NEMO DEIS proposals and the public comments on each DEIS. BLM has responded to these resolutions and are also included below. Resolutions numbered 1, 2, and 4 do not apply in the NECO planning area.

1. The Council recommends that all uses within the Imperial Dunes planning area affected by decisions in the Final Recreation Area Management Plan be mitigated.

Response: The Imperial Sand Dunes (ISDRA) is a unique, world class OHV recreation site that possesses unique features and vastness that is not available anywhere else for mitigation in kind. Further, the multiple use mandate that BLM operates under provides for other uses in addition to motorized recreation, and these needs must also be considered. The Draft Plan includes an array of alternatives that address the impacts of management actions. Those impacts are characterized in terms of loss and gain of opportunities within the ISDRA. The BLM is still receiving public comment on the draft and will fully consider all comments received before issuing a final plan later this year.

2. The Council requests assistance from the State of California and the Department of the Interior in providing law enforcement in the Imperial Sand Dunes.

Response: We believe that this important recommendation from the DAC has been addressed. In response to lawlessness over the 2001 Thanksgiving weekend, BLM joined forces with the Imperial County Sheriff, the Imperial County Board of Supervisors, and the California Highway Patrol to dramatically increase law enforcement during the Christmas holiday weekend. On December 4, 2001, the Imperial County Board of Supervisors passed a resolution requesting that the State of California assist the BLM and County Sheriff's Department in providing law enforcement at the Dunes. During the New Year's holiday weekend, BLM initiated a multi-agency Incident Command System to provide adequate support personnel and necessary law enforcement presence to support a declared Zero Tolerance policy.

The Incident Command System has significantly decreased lawlessness as evidenced over the New Years, Martin Luther King, President's Day, and Easter holiday weekends. The California State Parks and Recreation, Off-Highway Motor Vehicle Recreation Commission, awarded a \$1.2 million grant to provide law enforcement and logistical support to the Dunes.

- 3. The Council recommends that grazing continue to be authorized at current levels and with current terms and conditions until BLM conducts studies relative to the impacts of livestock grazing on desert tortoise. The Council recommends that BLM actively pursue funding for such studies.**

Response: The forage competition study in the Eastern Mojave Desert ended in 1995. Currently no further studies are being conducted. Starting such studies would require the participation of a willing owner of a grazing allotment and the U.S. Fish and Wildlife Service, and long-term funding, which is not currently available, would need to be secured.

In developing the CDCA amendments, BLM has considered the best and latest information and analyses in a forum of cooperating agencies and interests. The proposals contained in the amendments reflect independent consideration of the best science available and conclusions which are independent of the recommendations contained in the Desert Tortoise Recovery Plan. The U.S. Fish and Wildlife Service will do the same in rendering its biological opinion to the amendments. Upon concluding the planning process, BLM and other land managing agencies will monitor desert tortoise population trends, as well as other related factors noted in the plan amendments, and will adjust its management as a part of its commitment to adaptive management. BLM and the U.S. Fish and Wildlife Service have already agreed to consider some experimental grazing proposals.

- 4. The Council recommends BLM pursue the Freeman exchange proposal.**

Response: (Applicable to the NEMO Planning Area only.) This exchange would facilitate community expansion for Nipton. Based upon this resolution, a review of the U.S. Fish and Wildlife Service *Desert Tortoise Recovery Plan*, and the intended use of the lands for public education, BLM has incorporated the proposal into the Proposed Plan Amendments/Final EIS.

- 5. The Council supports the NECO proposal for additional wildlife guzzlers.**

Response: Based upon this resolution and a considerable number of other public comments, the proposal on artificial waters has been expanded for the 24 waters proposed in wilderness areas to address phasing and the need for additional biological information.

- 6. The Council recommends that BLM request the U.S. Fish and Wildlife Service to update the Desert Tortoise Recovery Plan and the BLM not implement the Recovery Plan or NEMO and NECO until the revision is complete and the on-going GAO audit completed and the report filed.**

Response: BLM wrote to the U.S. Fish and Wildlife Service on March 15, 2002, to request information on whether or not the Desert Tortoise Recovery Plan has been reevaluated, if there is a plan to do so in the future, and, if so, what the date is for a reevaluation. No response has been received to date. However, court stipulation deadlines and other factors require BLM to stay on schedule to issue final decisions on these plans by the end of the year.

7. The Council recommends the five open areas recommended for closure in the NECO plan remain open in the final NECO Plan.

Response: The NECO Plan actually proposes to close only two OHV open areas: Ford Dry Lake and Rice Dunes. The other three areas mentioned--Palen Dunes, Palen Dry Lake, and Ford Dunes--were closed in the 1980 CDCA Plan, but the closures were not as clearly defined as they were for other dunes and playas. The proposal to close Ford Dry Lake and Rice Dunes focuses primarily on three factors: (1) dunes and playas are relatively rare in the western United States and contain specialized and often endemic species; (2) while these two were designated open in 1980, they have remained relatively unused for the past 20 years; (3) due to a variety of factors--size, configuration, topography, and location--they do not have significant value for the OHV use intended and would not be expected to see increased use in the future. Consequently, they are proposed for closure in the preferred alternative of the Proposed Plan/FEIS.

8. The Council recommends that all uses within the NECO and NEMO planning area affected by decisions in the Final NECO and NEMO Plans be mitigated.

Response: As an amendment to the 1980 CDCA Plan, the focus of NECO and NEMO Plan amendments are species and habitats. Those aspects of the CDCA Plan not addressed in NECO continue to apply to BLM's long range and every day multiple use management activities. Developing the CDCA Plan involved consideration of many values and conflicts and making many difficult trade-offs. As much as possible, competing values with inherent conflicting applications were emphasized in different areas to reduce conflicts and restrictions. However, where many conservation and use values are co-located, the mix is considered compatible and acceptable.

Much the same consideration has applied in developing the NECO and NEMO Plan amendments. High value desert tortoise and high value recreation and mineral areas were made as mutually exclusive as possible. For instance, Highway 78 defines a portion of the boundary for the Chuckwalla DWMA. This line divides the DWMA and the area to the southeast, which is valuable for both recreation and mineral uses. In the Shadow Valley DWMA, an area immediately south of Turquoise Mountain and adjacent peaks that provides access to the area was excluded from the proposed plan amendment because of its recreational and mineral value.

Another consideration relates to the goal of having very large DWMA's and the inclusion of 80 percent of the ranges of special status species in some kind of conservation emphasis area. With this high degree of inclusion, it was felt that little change to casual use recreation would be required. Vehicle-related recreation values were prominent in developing these and other proposals and through this approach are as minimally affected as possible.

Public Comments Analysis--USFS Content Analysis Methodology

The U.S. Forest Service's (USFS) Content Analysis Team (CAT) specializes in analyses of public comments. They were contracted to analyze and synthesize public comments into concise "public concern" statements. These public concerns statements were grouped into topics and subject groupings through a process developed by USFS and provided for a number of federal agencies over recent years. The advantages of

going to this team are twofold: professional expertise using sophisticated methodology, and independent review. Following is a description of the methodology.

The USFS documented and analyzed public comments on the NECO DEIS using a process called content analysis. This process provides a systematic method of compiling and categorizing the full range of public viewpoints and concerns. Content analysis is intended to facilitate good decision-making by helping the planning team to clarify, adjust, or incorporate technical information in preparing the Proposed Plan/Final EIS. All responses (i.e., letters, emails, faxes, and public meeting comments) were included in this analysis.

In the content analysis process used for this project, each response was given a unique identifying number, which allows analysts to link specific comments to original letters. Respondents' names and addresses were then entered into a project-specific database program, enabling the creation of a complete mailing list of all respondents. The database is also used to track pertinent demographic information, such as federal, state, tribal, county, and local governments or government associations; business and industry groups; recreational organizations; and preservation, conservation and multiple use organizations.

All input was considered and reviewed by a group of analysts. Each response was first read by one analyst and then separated into comments addressing various concerns and themes. Comments were then entered verbatim into a database. A second analyst reviewed a printed report of the sorted comments to ensure accuracy and consistency while preparing the summary analysis. These reports allow analysts to identify a wide range of public concerns, analyze the relationships among them, and summarize comments into "public concern statements."

A public concern statement is just that, a statement of a public concern. It can represent one unique comment from an individual response, or a common concern from numerous responses. The planning staff, who ultimately respond to these public concerns, do not know how many people shared this concern, but rather evaluate the public concern on its merit. It is important for the public and project team members to understand that this process does not treat comments as votes and thus cannot sway decision makers toward the opinion of individuals, groups, or pluralities. Content analysis ensures that every comment is considered with equal merit in the decision process. For each public concern statement, a supporting sample statement is presented. A sample statement is a quote from one response that best represents the public concern. The final product includes a list of public concern statements (and associated sample statements) organized by general subjects in the Content Analysis Report (USFS 2002). This report and the back-up full-text comments were provided to BLM to serve in preparing responses to comments.

This process and the resulting summary are not intended to replace comments in their original form. Rather, they provide a map to the letters and other input on file with BLM and greatly facilitate the review and responses to concerns.

Responses to Public Comments

Over 460 public concern statements were provided to BLM by the above-described process. BLM's project management personnel reviewed this list of public concern statements and associated sample statements and assigned appropriate staff to each public concern. In making these assignments, it became clear that some of the public concerns could be combined. Assigned staff evaluated the public concern statements and

associated sample statements. They made revisions to this Plan and FEIS as appropriate, and prepared written response to public concern statements that are presented below.

Responses to public concerns are provided below. In reviewing the public concerns and responses, readers should note the following:

- To the extent that two or more public concern statements are the same or very similar, the comments are grouped together and addressed in one response.
- For public concern statements that were characterized as applause, no response was prepared.
- For comments which only cast a preference for a particular alternative or proposal with no justification, no response was prepared.
- For public concern statements for areas well beyond the geographic range of this plan and/or and subjects not pertinent to this plan, no response was prepared.
- For comments which are the same as or similar to topics in both the NECO and NEMO plans, responses are the same or very similar.
- The public concern statements which follow are grouped by subject. Choice was necessary in placing some statements into groups. Therefore, the reader is encouraged to review all the groupings to fully understand public concerns on particular subjects.

In the following section, Public Concern is abbreviated PC. The public concern statements are presented in bold text, and the response is in normal text.

Planning Process--Public Participation and Cooperation

PC 1: The BLM should extend the comment period to allow for adequate review of proposed plans.

PC 2: The BLM should adequately notify the public regarding opportunities for participating in the planning process.

Response: A variety of media are used to notify and involve the public in land use planning and other action proposals: the *Federal Register*, public service announcements in local and regional newspapers and radio stations, mailings to BLM mailing lists, and the BLM website. In the case of newspapers and radio stations, BLM can only hope that the announcements are carried in places and at times to be most communicated. In some cases BLM has returned to communities to repeat the opportunity. In all, it is unfortunate that some people still do not get the word and are left out of the process. The extension of the public review period from February 26, 2001, to November 1, 2001, hopefully has mitigated this issue.

PC 3: The BLM should have a court reporter at public hearings.

Response: The court reporter did record comments at each of the public meetings held. A portion of each meeting was also devoted to questions and answers before and/or after the recording of comments, which helped clarify proposals and broaden understanding to better focus comments. The question and answer portion was not required to be recorded.

PC 4: The BLM should respond to requests for information.

PC 5: The BLM should provide the public with access to the views of other agencies involved in NECO planning to encourage public participation.

Response: BLM and the cooperating agencies on this plan do the best they can to respond to public concerns and represent themselves in public forums. In the case of PC4, specific concerns are addressed in the FEIS. In the case of PC5, only BLM managers and staff conducted the NECO DEIS public meetings because (1) BLM is the lead agency and nearly all the difficult land use decisions in the plan concern public lands managed by BLM, (2) BLM people are articulate enough on other agencies' programs and management, and (3) other agencies' staff had scheduling conflicts.

PC 6: The BLM should simultaneously provide all relevant planning information to facilitate meaningful public comment.

Response: Land use plan amendments of the nature of NECO are difficult to describe. Since it is not practical to bring forward the full 1980 CDCA Plan that is being amended, not to mention similar and pertinent documents of other agencies, BLM must extract and summarize information from other documents, policies, and laws to the extent necessary to state proposals, develop the EIS, and provide context for understanding. BLM feels that NECO brings forward adequate general and current management information from the CDCA Plan, other agencies' plans and policies, and the *Desert Tortoise Recovery Plan* to achieve the need, and that the document itself is complete with rationale, criteria, and analysis to support proposals contained in the alternatives. All the copies of NECO that were mailed to the public, as well as the electronic copy on the BLM California website, contain the same information. To the extent that individuals in the public want to better understand the nature and context of proposals, it is incumbent upon them to obtain the documents they are interested in.

PC 8: The BLM should ensure that resource maps are available to the public early in the public involvement process.

PC 9: The BLM should provide accurate maps and route closure information to encourage public participation.

PC 10: The BLM should provide maps that are sufficient to allow site-specific analysis of every motorized route.

PC 11: The Final EIS should contain maps depicting all county roads in the NECO area.

Response: At 5.5 million acres it was not possible include in the DEIS and FEIS documents maps at the most detailed scale. Given the technology of computer mapping, NECO maps are much more sophisticated, informative, and readable than maps in previous land use plans. Document appendices describe mapping processes, analysis methods, and accuracies. One appendix contains the segment-by-segment description of DWMA boundaries. The public was told that it could request maps of informed preferred alternative routes of travel designations at 7.5' scale, but few in the public actually did request such maps. The public was invited to attend public meetings at which additional maps and overlays were available to review and staff were available to answer questions. The public review period was eight months, a period in which the public had the opportunity to contact BLM for individual attention on any matter at any time. Finally, many interest

groups and individuals cooperated with BLM and other agencies during the planning process that spanned several years and had the opportunity to review the many iterative details.

Throughout the planning process the public was invited to advise BLM of inaccuracies in data, and many corrections were made from such public participation. To the extent that roads and other information are incompletely described, BLM will continue to improve its database. BLM should be advised of specific county roads not shown on the inventory. County roads are not being considered for closure under the routes of travel designation process in any alternative.

- PC 12: The BLM should eliminate bias against motorized recreationists in the planning process.**
PC 20: The BLM should include motorized recreation planners on the Interdisciplinary Team to ensure a balanced perspective on the Travel Plan.
PC 76: The Final EIS should not show bias towards motorized recreation in desert washes, which should be considered as desert watersheds.

Response: The involvement of federal, state, and local agencies and non-agency interests in development of the NECO Plan is described in Chapter 7 (Consultation and Coordination). Throughout Plan development, individuals representing diverse interest groups assisted in the development and analysis of data, participated in the development and review of plan proposals and alternatives, and fostered plan input from their constituencies.

In furtherance of the regulatory route designation criteria at 43 CFR 8342.1, biological parameters to protect certain species of concern were established and considered in proposing route designation scenarios under the various alternatives (see Table 2-11 in Section 2.5, Motorized-Vehicle Access/Routes of Travel Designations/Recreation, for a summary of these parameters). These “biological parameters” are derived from life histories and species accounts for special status wildlife species that relate population declines, in part, to disturbances from human-related activities including recreational use of motorized vehicles (see Sec. 3.4, Biological Resources, and Appendix N, Wildlife History and Wildlife/Plant Tables). Where no such relationships are supported by existing studies, limitations on motorized-vehicle use to protect special status species and their habitats are not proposed. The consequences of applying the biological parameters in designating routes of travel as “open,” “limited,” and “closed,” relative to both special status species and motorized-vehicle recreation, inclusive of “navigable washes,” are described in Chapter 4 (see Sec. 4.2.8, Recreation Management). “Navigable washes” in the context of motorized-vehicle use are defined in Chapter 3 (see Sec. 3.9, Off-Highway Vehicle Use/Motorized-Vehicle Access).

- PC 13: The BLM should ensure that all interested parties are treated equitably and that concerns are not ignored.**
PC 14: The BLM should address the perception that local concerns have been ignored in the planning process.
PC 18: The BLM should comply with NEPA regulations to ensure that public comments are not considered as votes during the planning process.
PC 19: The BLM should investigate and report any misuse of public comments being used as votes in forming decisions regarding the Travel Plan.

Response: Chapter 7 of the FEIS describes in detail the public involvement process that included public outreach and meetings, public involvement steps, and comment periods as required by law. All public comments received during the extended comment period were analyzed and categorized by an independent team from outside the California Desert District. Following the independent comment analysis, the public concerns were analyzed and addressed by resource specialists and considered by BLM managers. The comments were not weighted by the number received or counted as vote, nor was special consideration given to comments received from a particular geographic region, organization, or individual.

PC 15: The BLM should cooperate with local citizens to integrate local knowledge into the planning process.

Response: The planning process for this plan amendment has included numerous public meetings and an extended comment period in which citizens were provided opportunities to be involved in the planning process and to share local knowledge. Chapter 7 of the FEIS describes how information received through the public involvement process was analyzed and considered in the planning process.

PC 16: The BLM should ensure private property concerns are addressed.

Response: The NECO Plan involves the management of public lands and does not make decisions regarding private property. To the extent that concerns are expressed on this topic, they will be addressed.

PC 17: The BLM should use effective outreach methods for informing motorized users about the proposed Travel Plan.

Response: The involvement of federal, state, and local agencies and non-agency interests in development of the NECO Plan is described in Chapter 7 (Consultation and Coordination). As the Plan progressed, a public mailing list of about 800 individuals, interest groups, and agencies was developed. At several times throughout the planning process, notifications were sent to this group regarding (1) completion and availability of the routes of travel inventory for review, (2) public meetings for mid-process Plan review, (3) general Plan updates, and (4) public meetings during the review period of the Draft NECO Plan/EIS wherein comments were recorded for the public record. Elements and status of the Plan were reviewed at regular meetings of the BLM's Desert Advisory Council (public meetings) over the years. Throughout Plan development, individuals representing diverse interest groups, including motorized recreationists, assisted in the development and analysis of data, participated in the development and review of plan proposals and alternatives, and fostered support from their constituencies for the Plan. Further, representatives of the BLM have addressed various clubs and interest groups upon request regarding the manner in which the route designation process was being addressed in the NECO planning process.

PC 21: The BLM should evaluate how nationally funded environmental groups have influenced the NEPA process regarding motorized recreation.

Response: The BLM followed all applicable laws and regulations regarding the NEPA and BLM planning in the process of this amendment to the CDCA Plan. The investigation of nationally funded environmental groups is beyond the legal authority of the BLM and beyond the scope of this plan amendment.

PC 24: The BLM should establish an interagency group to review projects undertaken by cooperators and volunteer groups.

Response: This suggestion has been incorporated into the Proposed Plan (see Commitments common to alternatives under Chapter 2, section 2.2 and 2.3)

PC 25: The BLM should include the California State Department of Department of Fish and Game in the decision-making process.

PC 41: The BLM should coordinate NECO planning with the California Department of Fish and Game.

PC 139: The CDCA Plan Amendment should include flexible provisions to accommodate California State Department of Fish and Game's water development projects.

Response: As a NECO cooperator and Sites Act partner, the California State Department of Fish and Game is included in the decision-making process.

PC 31: The CDCA Plan Amendment should incorporate the recommendations of the Science Panel Report and include the guidelines used for designing management goals.

Response: Adaptive management is an important land use planning and management theme. Many of the Science Panel recommendations point to the need for a long-term program of data collection, monitoring, and research. In the meantime BLM has confidence that the proposed conservation approach and specific decisions are well-based in the array of data and various analyses and models as well as our characterization of current levels of uses. BLM will consider publishing its information and science basis. In addition BLM has a cooperative agreement with the University of California at Riverside to share the information and science for peer review and teaching purposes.

PC 40: The Final EIS should incorporate all CDCA lawsuit settlement conservation measures.

Response: The cooperating agencies stand behind the ecosystem and science basis, analysis of effects, and decisions contained in the proposed plan. Further sweeping sets of restrictions would not meet the Purpose and Need sections described in Chapter 1.

PC 52: The BLM should address how the CDCA Plan Amendment will incorporate potentially conflicting mandates among agencies involved in planning.

Response: The BLM has collaborated with other agencies in the development of this plan amendment. Although the basic mandates and missions of other agencies may differ, valuable information and perspective was gained by the BLM in the collaborative planning process. In addition, the BLM administers the lands in the planning area under various laws such as the Endangered Species Act, the Clean Air Act, and the Federal Land Policy Management Act. All of the applicable laws and regulations regarding the management of the public lands and resources as well as the information and perspective gained from various agencies were carefully considered in development and analysis of the alternatives.

PC 55: The Final EIS should not include additional land use restrictions within the Preferred Alternative.

Response: The land use planning process is participated in by a number of local, state, and federal agencies, a number of interest groups, and many individuals--including all the members of the public who have commented on the DEIS. This broad level of public participation ensures the greatest consideration of points of view. Because much of the planning area is already managed under restriction measures, it was considered important to minimize the imposing of any further restriction measures.

PC 61: The Final EIS should include a Travel Plan Alternative that supports motorized recreation.

Response: Management prescriptions that focus on motorized-vehicle access address only one element of a multi-faceted, complex ecosystem approach for the protection and enhancement, where appropriate, of special status species and their habitats on public lands. An alternative that focuses solely on motorized-vehicle access and development of a "travel plan" as suggested does not address other issues identified by the BLM, other agencies, and the public, such as the management of domestic livestock, the management of wild horses and burros, and the adjustment of land tenure, all of which pertain to the purpose and need for amending the California Desert Conservation Area Plan (see Sec. 1.1, Purpose, Need and Scope). A "travel plan alternative" is not a separate and distinct alternative outside the array of alternatives presented in the Draft NECO Plan/EIS, and is not an alternative that is fully responsive to the stated purpose and need. Hence, such an alternative does not require evaluation in accordance with the National Environmental Policy Act (NEPA).

The NECO Plan alternatives present various route networks consistent with application of the designation criteria at 43 CFR 8342.1 that, in part, require trails be located to minimize harassment of wildlife or significant disruption of wildlife habitat with special attention given to protect endangered or threatened species and their habitats (see Sec. 3.9, Off-Highway Vehicle use/Motorized-Vehicle Access). A reasonable, prudent, and practicable alternative is one that fully addresses the purpose and need identified for the NECO Plan and resolves issues (see Chapter 1, Introduction). An alternative that allows use of all "existing" routes of travel within the NECO Planning Area (see Sec. 3.9 for a definition of "existing" routes), including washes with a history of prior use, fails to prescribe actions that minimize harassment of special status species or significant disruption of their habitats, and does not give special attention to the threatened desert tortoise as required by the regulations. The biological parameters relative to routes of travel designations are incorporated by each alternative, including the No Action Alternative, as necessary to conform to regulatory requirements (see Table 2-11 of Sec. 2.5, Motorized-Vehicle Access/Routes of Travel Designations/Recreation, for a summary of the biological parameters).

PC 64: The BLM should consult with the Environmental Protection Agency prior to releasing the Final EIS, if the Preferred Alternative changes.

Response: The Preferred Alternative has several minor changes. EPA has been consulted on the FEIS.

PC 197: The programmatic consultation for projects affecting desert tortoise will only provide a milkvetch biological opinion from USFWS and not a comparable State endangered species permit from CDFG.

Response: The California Endangered Species Act (CESA) allows the Department to adopt the milkvetch biological opinion to meet its requirements. It will be up to the Department to evaluate projects on a case-by-case basis to determine whether the milkvetch (programmatic) biological opinion for desert tortoise is adequate. If the Department determines that the programmatic is not adequate, a separate CESA permit must be obtained.

PC 203: The CDCA Plan Amendment should include a thorough list of special status animals.

Response: The list of species addressed was based on the records available in the planning process and was developed by the biological team. The list was reviewed over the course of many years by agencies and concerned citizens involved in the interest group committee.

PC 279: The BLM should give preference to enhancing threatened and endangered species populations over game species populations.

Response: BLM does not give preference to game species over conservation of threatened/endangered species. In Chapter 2 the goals and objectives for the desert tortoise, as well as for all the special status species, clearly indicate the need for healthy populations. In some cases to achieve this, certainly for the desert tortoise, population increases are necessary. Enjoyment of species and habitats for recreation purposes is secondary to conservation. However, on BLM-managed milkvetch lands conservation does not imply preservation in all locations. Central to the challenge of BLM's multiple use management mandate is allowing many human uses needs on the land and at the same time assuring the conservation of native species and the habitats and ecological processes upon which they depend.

PC 325: The BLM should coordinate with the National Park Service regarding motor access routes into the Mojave National Preserve.

Response: This situation does not apply to NECO as I-40 lies between NECO and the Mojave National Preserve.

PC 336: The BLM should revise criteria for road closures.

Response: Criteria relative to the NECO route designation process are described in Section 2.5 (Motorized-Vehicle Access/Routes of Travel Designations/Recreation). In furtherance of the regulatory route designation criteria at 43 CFR 8342.1, biological parameters to protect certain species of concern were established (see Sec. 2.2, Recovery of the Desert Tortoise, and Sec. 2.3, Management of Special Status Animals and Plants and Natural Communities). These "biological parameters" are derived from life histories and species accounts for special status wildlife species that relate population declines, in part, to disturbances from human-related activities including recreational use of motorized vehicles (see Sec. 3.4, Biological Resources, and Appendix N, Wildlife History and Wildlife/Plant Tables). Where no such relationships are supported

by existing studies, limitations on motorized-vehicle use to protect special status species and their habitats are not proposed.

An additional criterion for closure of routes relates to route condition, i.e., where routes were declared to be “non-routes” at the time of the inventory (April 1996 and thereafter), such routes are not available for use and are designated “closed” (see Sec. 2.5 for a definition of “non-routes”).

PC 337: The Final EIS should disclose the criteria for determining which roads are redundant.

Response: A redundant route is defined in Section 2.5 (Motorized-Vehicle Access/Routes of Travel Designations/Recreation) as one whose purpose is apparently the same or very similar to that of another route, inclusive of providing the same or very similar recreation opportunities or experiences. Section 2.5 also states that identifying redundant routes requires that judgments be made relative to the uses and purposes of certain routes. A route may be considered redundant based on proximity to another route despite a lack of knowledge about its use and purpose. Whether it is recommended for closure may then be dependent on its apparent use and purpose, its contribution to maintenance of a viable route network, its proximity to navigable washes in an “open” wash zone, and/or the potential for management of the route as “closed.”

PC 341: The BLM should limit road closures to one percent of the CDCA planning area.

Response: The individual submitting the comment does not clarify whether the one percent limit should be applicable to the overall number of routes or the cumulative mileage of routes. Nevertheless, limiting route closures to one percent of the existing route network, whether in the NECO Planning Area in particular or the California Desert Conservation Area as a whole, constrains the application of route designation criteria at 43 CFR 8342.1. For example, if a certain number or mileage of routes is closed to minimize harassment of wildlife or significant disruption of wildlife habitats (8342.1(b)) and the one percent closure limit is reached, no additional closures could occur upon adoption of such limit even if more closures are warranted in accordance with the regulatory route designation criteria. Failure to apply these criteria to all routes, regardless of the cumulative closures that might result from such application, is inconsistent with regulatory requirements and identified planning criteria. Planning criteria include all applicable milkvetch laws, regulations, executive orders, policies, and applicable portions of existing land use plans that the cooperating agencies are required to follow (see Sec. 1.5, Planning Issues and Criteria).

PC 348: The CDCA Plan Amendment should establish a standard that roads in the CDCA planning area are closed unless posted open.

Response: The individual submitting the comment takes exception to BLM’s proposal that routes be designated “open” unless specifically closed (referencing Sec. 2.5.2, Motorized-Vehicle Access/Routes of Travel Designations/Recreation), instead suggesting the converse be adopted whereupon routes would be considered closed unless specifically designated “open” through the planning process. This individual additionally suggests the adoption of a signing strategy whereupon any route not posted “open” is to be considered closed.

The proposal to designate all routes on public lands as “open” with exceptions as specified in Section 2.5.2 does not negate application of the route designation criteria at 43 CFR 8342.1 (which codified Executive

Orders 11644 (87 F.R. 2877) and 11989 (42 F.R. 26959), see Sec. 3.9, Off-Highway Vehicle Use/Motorized-Vehicle Access). The exceptions as described for closure of routes are based on biological parameters and other measures to protect resource values (see Sec. 2.5). These measures were developed through the NECO planning process in furtherance of the regulatory route designation criteria. The designation of routes as “open” under the Proposed Plan is based on the protection of the resources of the public lands, the promotion of the safety of all the users of the public lands, and minimization of conflicts among various uses of the public lands, and in accordance with the regulatory criteria (see Sec. 3.9). Use of “existing routes” in Multiple-Use Class M and I areas in accordance with the California Desert Conservation Area Plan (No Action Alternative) is not allowed under the Proposed Plan; that is, no routes are available for motorized-vehicle use unless designated “open” as specifically required by Executive Order 11989.

Relative to implementing route designation decisions, the installation of signs is but one element of an implementation strategy identified under the Proposed Plan (see Sec. 2.5.2). Routes comprising a basic recreational access network will be individually signed in such a way as to signify their availability for use. Closed routes will be appropriately signed, barricaded, or rehabilitated as necessary to exclude general public access. Routes that are not included in the basic recreational access network but are available for use will not be signed. This strategy represents a balanced approach between effective communication of route designation decisions to motorized-vehicle users and long-term maintenance requirements associated with the installation of signs. Particular attention was paid to the number of signs that would be necessary under various sign installation scenarios (e.g., “routes signed open strategy,” “routes signed closed strategy,” or some combination thereof).

PC 349: The Final EIS should present a clear definition of “road.”

Response: The definition of an “existing” route in the context of motorized-vehicle access was established in the California Desert Conservation Area (CDCA) Plan and reiterated in Section 3.9 (Off-Highway Vehicle Use/Motorized-Vehicle Access) of the Draft NECO Plan/EIS. An existing route is one established before approval of the Desert Plan in 1980, with a minimum width of two feet, showing significant surface evidence of prior vehicle use or, for washes, history of prior use. The term “wash” is defined as a watercourse, either dry or with running or standing water, which by its physical nature (width, soil, slope, topography, vegetative cover, etc.) permits the passage of motorized vehicles (Appendix VI, CDCA Plan).

The Proposed Plan further identify the term “non-route” as used in the context of motorized-vehicle access (see Sec. 2.5, Motorized-Vehicle Access/Routes of Travel Designations/Recreation). Non-routes are previously-existing routes that have been substantially reclaimed by the forces of nature. These routes by virtue of their condition are identified for closure.

PC 352: To help in making route closure decisions, the BLM should assign “beneficial use” designations to travel routes proposed for retention.

Response: The individual submitting the comment suggests that “beneficial use” designations (e.g., through-travel, hunting access, access to a specific area or natural resource, etc.) assigned to each route would be useful in determining whether additional existing routes are redundant and could be closed. Section 2.5 (Motorized Vehicle Access/Routes of Travel Designations/Recreation) of the Draft NECO Plan/EIS defines a redundant route as one whose purpose is apparently the same or very similar to that of another route,

inclusive of providing the same or very similar recreation opportunities or experiences. Further, it is stated that identifying redundant routes requires that judgments be made relative to the uses and purposes of certain routes. A route may be considered redundant based on proximity to another route despite any knowledge about its use and purpose. Whether it is recommended for closure as a redundant route may then be dependent on its apparent use and purpose, its contribution to maintenance of a viable route network, its proximity to navigable washes in a “washes open zone,” and/or the potential for management of the route as “closed.”

Since judgment is usually required in ascertaining a route’s redundancy (e.g., determining the recreational value of one route relative to a near-by route is a process subject to a host of variables that have differing degrees of importance to different individuals), the presence or absence of resource values that would be adversely affected should the route remain available for motorized-vehicle use is an important consideration in making a recommendation about its designation as “open” or “closed.” In the final decision-making process, the designation of any route as “open” must be in accordance with the regulatory route designation criteria at 43 CFR 8342.1 (see Sec. 3.9, Off-Highway Vehicle Use/Motorized-Vehicle Access). In furtherance of these criteria, the Proposed Plan establish that closure of redundant routes shall be strongly considered to protect and enhance habitat for special status species (see Sec. 2.3.10, Management of Special Status Animals and Plants and Natural Communities). Upon application of the regulatory and NECO Plan-specific criteria and a determination that the criteria have been met in designating a particular route “open” that some individuals might consider as redundant, then justification for recommending its closure simply because of its perceived redundancy may be inappropriate. The public review process in this regard, therefore, assists the agency in determining if its assertions of redundancy are accurate.

Planning Process--Implementation, Monitoring, Adaptive Management

PC 42: The BLM should ensure that it has the funding and resources to meet multiple-use mandates while protecting the environment.

PC 43: The CDCA Plan Amendment should clearly identify monitoring objectives and future actions for correcting plan implementation.

PC 44: The BLM should address the availability of funds to provide effective monitoring.

Response: BLM and other cooperating agencies have very limited funds with which to conduct monitoring tasks. At this time, however, there are some opportunities such as combined agencies’ capability, costs, grant opportunities, and volunteers that may help. The long-term NECO group will further refine tasks and priorities from what is contained at this time in Chapter 5.

PC 63: The Final EIS should identify specific elements of other alternatives that will be considered as fallback options if management objectives are not being met.

Response: The CDCA Plan, including all amendments, will be periodically monitored and evaluated. Through the monitoring and evaluation process, the plan will be assessed to determine if there is significant cause for an amendment or revision of the plan. Evaluation includes a cumulative analysis of monitoring records with the broader purpose of determining if the plan’s goals and objectives are being met or are likely to be met, and whether the goals and objectives were realistic and achievable in the first place. Evaluation

will also assess whether changed circumstances or new information has so altered the levels or methods of activities or the expected impacts that the environmental consequences of the plan are substantively different than those anticipated in the FEIS. If changes are warranted, such changes would be implemented through the BLM planning process and associated NEPA analysis. To anticipate such unknown changes and to predict the outcome of the response to the changes would be speculative and not pertinent to the actual legal process by which such changes must be addressed.

PC 206: The BLM should facilitate adaptive management strategies in DWMA's by developing and instituting a tracking system to tabulate development versus restoration on public lands.

Response: This commitment is identified in Chapter 6.

PC 290: The Final EIS should include an alternative to reopen areas that are proposed for closure.

Response: This comment assumes that the proposed DWMA and WHMA designations constitute area closures. This is not the case. However, people will not be allowed to drive just anywhere but must remain on open routes of travel. As for the proposed road closures, Ford Dry Lake and Rice Dunes OHV areas, or any other administrative closure: closures can be reversed at any time in the future with justification and through the adaptive management aspect of land use planning.

PC 291: The BLM should ensure recreation access to public lands in spite of private inholdings.

Response: Generally, motorized-vehicle access in the NECO Planning Area has not been constrained across private lands by the respective landowners. Upon assertion of rights by private landowners to restrict access across their lands, the BLM will address the issue of public access to public lands on a case-by-case basis.

PC 292: The Final EIS should define "reasonable" with regard to providing alternative recreation access.

Response: The analysis pertaining to the effects of restricting motorized-vehicle access under the Proposed Plan has been strengthened and use of the term "reasonable" has been stricken (see Sec. 4.2.8, Recreation Management). Map 2-32 depicts route designations under the Proposed Plan, and Appendix R enumerates all routes designated "open," "limited," and "closed," except for wash routes not individually captured in the route inventory but designated either "open" or "closed" as a class in "washes open zones" and "washes closed zones" respectively. These zones in Desert Wildlife Management Areas (DWMA's) are depicted on Map 2-10. Public lands outside DWMA's occur within "washes open zones" (see Sec. 2.5, Motorized-Vehicle Access/Routes of Travel Designations/Recreation). Maps at the 1:24,000 scale depicting routes and their designations under the Proposed Plan are available for review at BLM offices in Riverside, Needles, Palm Springs, and El Centro, California.

PC 326: The BLM should ensure adequate trail signing and maintenance along travel routes.

Response: Under the Proposed Plan, implementation of route designation decisions includes the signing of routes comprising a basic recreational access network in such a way as to signify their availability for use, installation of informational kiosks at key locations throughout the NECO Planning Area, and distribution

of printed media (e.g., maps, brochures, etc.) regarding motorized recreation opportunities (see Sec. 2.5.2, Motorized-Vehicle Access/Routes of Travel Designations/Recreation).

Where maintenance has been necessary to facilitate continued use of primary access routes (e.g. Government Pass Road, route 660704), the BLM has occasionally repaired these routes to their previous condition. However, such maintenance actions by the BLM are generally not required in the NECO Planning Area given the general lack of rainfall and overall low levels of use. If it is determined that funds are insufficient to accomplish maintenance actions as desired and necessary, opportunities to pursue contributed grant funds through the State of California's Department of Parks and Recreation, Division of Off-Highway Motor Vehicle Recreation, are available with support of key public interest groups.

PC 409: The BLM should develop a plan to use OHV gas tax monies to support OHV recreation and motorized vehicle impact mitigation.

Response: The Off-Highway Motor Vehicle Recreation Act of 1988 (State of California) enables the allocation of grant funds for the purpose of establishing, maintaining, managing, and rehabilitating off-highway vehicle (OHV) recreation areas, trails, and facilities in California. Grants are available for acquisition, development, planning, operation, maintenance, and resource management. Funding must be used for areas or trails that were, will be, may be, or are currently dedicated for legal off-highway vehicle use. Funds for this program are derived from a biennial fee paid for the registration of off-highway vehicles, from a portion of fuel taxes paid by all vehicles used off-highway for recreation, and from fees collected and income from special events at State Vehicular Recreation Areas. All funds are deposited in the Off-Highway Vehicle Trust Fund administered by the Off-Highway Motor Vehicle Recreation Division of the California Department of Parks and Recreation.

On an annual basis, with involvement from OHV users and non-OHV users of the public lands, the BLM identifies projects to support OHV recreation and mitigate motorized-vehicle impacts. In most cases, such projects do not require an amendment to the applicable land use plan, except where changes in land use allocations require an amendment (e.g., designation of a new off-highway vehicle recreation area on public lands). Applications for funds to support such projects are then made through the Off-Highway Vehicle Grants Program ("green sticker" program). Upon approval of the funds, projects are undertaken.

NEPA Compliance

PC 22: The BLM should use an independent scientific panel for objective assessments.

Response: The idea of independent science review is good. Two such reviews were conducted during the planning process with reports printed in Appendix I. One long-term commitment made in NECO is annual meetings of cooperators to advance the cooperative approach to plan implementation. This group might well consider continuing the role of independent science involvement.

PC 28: The Final EIS should clearly articulate the BLM's intentions and expected outcomes for the proposed amendment.

PC 45: The BLM should clearly articulate the goals of the CDCA Plan Amendment and ensure it is consistently implemented in the future.

Response: The plan is detailed and complicated. The introduction to Chapter 2 and the introductions to each to the eight issue sections of Chapter 2 contain a vision statement and goals and objectives on which all proposed decisions are based. In addition, considerable thought was given to the wording of proposed decisions as well as Chapter 4 affects analysis to make the document be as clear as possible. Because of the array of public comments received, BLM has paid additional attention to further improvements in wording and analysis.

PC 29: The BLM should base the Final EIS upon the best available science.

Response: The managers and resource professionals involved in the EIS for this plan amendment used the best science that was reasonably available. The EIS contains a substantial number of citations and referenced literature to provide the public with information about the science on which analysis was based. Notwithstanding the science used in the EIS, it is acknowledged that a great deal of professional judgment was relied upon in assessing the effects of the alternatives. This reliance is not a flaw because (1) the judgments are generally well informed given the data upon which they are based (2) the judgments are of experienced resource professionals with educational credentials and years of on-the-ground experience, and (3) a degree of professional technical judgment is inevitable in evaluations and predictions based on the available science and is primarily relied upon in conducting the assessments of effects of this FEIS.

PC 30: The BLM should re-issue a revised Draft EIS that provides adequate environmental impact analysis, and complies with relevant statutory requirements.

PC 46: The BLM should prepare a new Draft EIS in compliance with federal regulations.

PC 48: The BLM should verify that the ongoing planning process is in accordance with the Federal Land Policy and Management Act.

PC 142: The Final EIS should include supporting data for the conclusion that OHV use negatively impacts water sources.

PC 143: The Final EIS should include supporting data for the conclusion that OHV use negatively impacts soil.

PC 144: The Final EIS should include supporting data for the conclusion that Areas of Critical Environmental Concern improve air quality.

PC 147: The Final EIS should include more extensive data on air quality conditions and contributing factors within the NECO Planning Area.

Response: The BLM has followed all procedural steps required by law and regulation. Changes made between the Draft EIS and Final EIS, which result from both public comments and internal agencies' reviews, strengthened the document by the addition of information, facts, scientific and technical evidence, and logic to support conclusions regarding impact analysis of the alternatives.

PC 32: The Final EIS should identify the standards and criteria used to make plan amendment decisions.

Response: The basis of making the decision of what will constitute the Approved Resource Management Plan in the Record of Decision will be a judgment by the responsible official as to which alternative best meets the stated Purpose and Need of the FEIS. The Purpose and Need are described and explained in detail in Chapter One. In making this determination, the responsible official will use the information in Chapter Four that provides an analysis of environmental effects of the alternatives.

PC 34: The Final EIS should provide data supporting the causal link between resource management goals, impediments to those goals, and the restrictions on uses.

PC 85: The CDCA Plan Amendment should address serious threats to the physical and biological well-being of the plants and animal species which inhabit NECO, and restrict public access to limit impact.

PC 205: The BLM should reevaluate its use of road closures and other vehicle restrictions as a tool for protecting sensitive, threatened and endangered species.

PC 246: The BLM should prove that vehicle mortality and illegal collection harms the desert tortoise.

PC 249: The BLM should protect desert tortoise habitat by requiring construction right of ways be shared with construction corridors and access roads.

PC 289: The BLM should substantiate the claim that it is necessary to limit recreation access.

Response: Chapter 2--Alternatives presents the goals and objectives for each issue and the measures to address them. Very few of the measures involve restrictions on public use. Data supporting some restrictions are given in Chapter 4--Environmental Consequences, usually in the No Action Alternative. Various other supporting documents, such as the *Desert Tortoise Recovery Plan*, describe impacts of various activities on that species and cite extensive literature.

PC 35: The BLM should conduct a cumulative impact analysis of other projects on the NECO Planning Area.

PC 145: The Final EIS should evaluate the cumulative air quality impacts caused by the transportation of garbage across BLM land.

Response: The FEIS contains cumulative impact analysis. This cumulative impact analysis, because of the broad landscape nature of the Proposed Plan and the millions of acres involved in the region surrounding the planning area, must by necessity be somewhat general in nature. The FEIS cumulative effects analysis addresses the incremental impacts of the Proposed Plan when added to other past, present, and reasonably foreseeable future actions.

PC 36: The BLM should coordinate NECO planning and implementation with related plans to ensure consistency.

PC 37: The BLM should evaluate the Preferred Alternative's impacts on existing land-use plans to ensure consistency with objectives of regional, state, and local land-use plans.

Response: From these and other public comments, BLM has made considerable improvements to Chapter 4 effects analysis and other subjects. Regarding cumulative effects and agency-agency conflicts, the reader

should keep in mind that the fundamental nature of cooperative planning brings the mandates, plans, and project actions of many agencies into a more synchronous nature than ever has been the case in the past with single-agency planning. Considerable coordination of planning processes has also occurred among adjacent plans, as well as on a California Desert-BLM basis, given the fact that each plan is a plan amendment to the 1980 CDCA Plan. On the other hand, each plan's approach to the desert tortoise and many species are also unique in that they are tied to the unique qualities of place and combinations of uses. In the case of DWMAs, a "stand alone" management is required. Some actions are plan amendments; these are reviewed in a table in the introduction to Chapter 2. Others are prescriptions to ACEC plans for desert tortoise and other species.

PC 38: The BLM should integrate NEMO, NECO, and WEMO planning documents into one California Desert Conservation Area Plan Revision.

PC 47: The BLM should initiate one amendment for all California Desert Conservation Area planning units.

Response: NECO and other planning efforts currently being developed each amend the 1980 CDCA Plan. The nature of values and levels of uses throughout the CDCA vary and do not necessarily invalidate separate plan amendments. However, separate plan amendment decisions are being scrutinized to ensure that they are the same as, or are consistent with, common CDCA Plan themes and programs and that cumulating impacts analyses consider the CDCA as a whole. At the conclusion of these plan amendments, there will still be the one CDCA Plan.

PC 56: The BLM should draft and implement an alternative that includes all provisions of the *Desert Tortoise Recovery Plan*.

PC 57: The Final EIS should include an alternative drafted with ecosystem preservation as the guiding principle.

PC 59: The Final EIS should include a clear statement of the BLM's project objectives and a wider range of alternatives.

PC 62: The Final EIS should include a section listing alternatives that were considered but eliminated from further consideration.

Response: In response to these concerns, BLM has modified the introduction to Chapter 2. In addition, for each of the eight issue subjects in Chapter 2, a set of goals and objectives was developed. Goals and objectives for the full set of recreation and other major elements of public lands management in the California Desert are described in the 1980 CDCA Plan.

PC 70: The Final EIS should incorporate a cumulative impact analysis of the Eagle Mountain Landfill, superceding the project-level EIS.

Response: A cumulative impact analysis is included in the EIS for the Eagle Mountain Landfill. NECO also contains a cumulative impact analysis that is general to the entire CDCA.

PC 89: The BLM should acknowledge impacts to the desert due to drought conditions and natural occurrences rather than human related impacts.

Response: The *Desert Tortoise Recovery Plan* (USFWS 1994, p. 3) discusses reasons for decline in desert tortoise populations. It states, “The most serious problem facing the remaining desert tortoise populations in the Mojave region . . . is the cumulative load of human and disease-related mortality accompanied by habitat destruction, degradation, and fragmentation. Virtually every extant desert tortoise population has been affected by one or more of these factors. While the recent drought undoubtedly exacerbated already difficult conditions for desert tortoises, current population declines are not simply the result of drought. Drought is a natural occurrence which desert tortoises have experienced and survived for thousands of years (VanDevender et al. 1987).” Notwithstanding this, the discussion of environmental consequences in Chapter 4 of the EIS is intended to discuss impacts of the alternatives presented.

PC 191: The Final EIS should evaluate closing the desert to grazing to preserve vegetation.

Response: This proposal was not considered and evaluated in the NECO Plan because it is beyond the scope of the Proposed Plan as defined by the purpose and need of the DEIS.

PC 294: The BLM should use objective evidence to support land use decisions.

PC 299: The BLM should conduct local surveys of actual recreation use in the CDCA.

Response: The NECO Plan points to anecdotal evidence from BLM staff regarding levels of motorized-vehicle use in general throughout the planning area, and specifically as relates to Ford Dry Lake and Rice Valley Dunes. It further addresses use with such qualitative terms as “low,” “little use,” and “not frequently used” versus quantitative representations of vehicular activity (see Sec. 3.8, Recreation Management).

BLM staff who have provided information on levels of use include Law Enforcement Rangers, who routinely patrol public lands in the course of their duties, and other staff who observe activities on public lands during completion of their field assignments. Their observations indicate infrequent use of such areas as Ford Dry Lake and Rice Valley Dunes (i.e., use by fewer than ten individuals per week); often their observations indicate no use of these areas. These staff have also characterized overall levels of vehicular use of existing back country routes as low. Therefore, significant adverse impacts to motorized-vehicle access and, hence, opportunities for recreation consequent to closing Ford Dry Lake and Rice Valley Dunes to motorized vehicles, as well as closing a limited number of routes under the Proposed Plan, are not reasonably foreseen.

If incomplete information relevant to reasonably foreseeable significant adverse impacts is essential to a reasoned choice among alternatives and the overall costs of obtaining it are not exorbitant, the information must be included in the Environmental Impact Statement (40 CFR 1502.22(a)). “Reasonably foreseeable” includes impacts that have catastrophic consequences, even if their probability of occurrence is low, provided that the analysis of the impacts is supported by credible scientific evidence, is not based on pure conjecture, and is within the rule of reason (40 CFR 1502.22(b)). Whereas significant adverse impacts to motorized-vehicle access or recreation are not reasonably foreseen under the Proposed Plan (a conclusion that is supported with the now-strengthened analysis in Section 4.2.8, Recreation Management), the best available information in making a reasoned choice among alternatives is sufficient. In this case, the best available

information consists of observations made by BLM staff that routinely patrol and conduct their work assignments on public lands.

PC 301: The BLM should consider equally the impacts from various recreational activities.

Response: Due to the remoteness and size of the NECO Planning Area in particular and the California desert in general, visitors use motorized vehicles to engage in most desert recreational activities, whether as the primary recreational activity (e.g., vehicle touring) or for transit to recreation destinations (e.g., designated wilderness areas). Hence, the impacts from vehicle use, whether legally traveling on existing routes or traveling cross-country where not allowed, have been the primary focus of attention relative to recovery of the desert tortoise and protection of other special status species and their habitats. To date, impacts from non-motorized activities, such as a proliferation of trails created by hikers, equestrians, and mountain bicyclists, have not been identified, although illegal activities facilitated by motorized-vehicle access, such as the shooting of desert tortoises, have occurred (see Sec. 4.1.4.1, Wildlife Management).

PC 302: The Final EIS should evaluate impacts to desert resources resulting from proposed dispersed recreation limits.

Response: Some individuals commenting on the Draft NECO Plan/EIS anticipate that closure of certain routes and areas will shunt existing dispersed motorized-vehicle use onto fewer routes and, where existing use of off-highway vehicle recreation areas (open areas) is further constrained, use will be concentrated in smaller areas. Further, it is suggested that such shifts in use will result in impacts to resource values, and comment that the effects of such shifts have not been evaluated.

Under the Proposed Plan, the extent of route closures is minor (see Sec. 4.2.8, Recreation Management). Further, the overall level of motorized-vehicle use in the NECO Planning Area is considered to be low (see Sec. 3.8, Recreation Management). Previous levels of use on routes to be closed under the Proposed Plan are not known, but considered to be low consistent with the characterization of the overall use level. Whether the limited number of vehicles that previously used the closed routes will instead use the remaining open routes is unknown, but such a shift is reasonable to expect. However, shunting low levels of use from a small proportion of routes to the abundance of remaining routes that likewise receive low levels of use is not anticipated to affect resource values, whether recreational, natural, or cultural.

Relative to the closure of Ford Dry Lake and Rice Valley Dunes to motorized vehicles, no other off-highway vehicle recreation areas exist within the NECO Planning Area. Hence, there would be no shift of open, free-play motorized activities to other regions of the planning area. In a broader perspective, shifts of the low levels of use at these two sites to other existing open areas elsewhere would likely be imperceptible (BLM Law Enforcement Rangers report that on average less than ten individuals per week use the Ford Dry Lake and Rice Valley Dunes areas, pers. comm.). Conversely, as reported by BLM staff (pers. comm.), the recent closure of a portion of the Imperial Sand Dunes Recreation Area (outside the NECO Planning Area) to motorized-vehicle use has not led to perceptible increases in use of the Ford Dry Lake and Rice Valley Dunes areas, likely a consequence of the different, and generally less attractive, opportunities offered at the two sites. Whereas the Imperial Sand Dunes is comprised of predominantly barren and towering expanses of sand dunes (a unique land form in the California desert that offers unusual opportunities for motorized recreation), Ford Dry Lake is a relatively small playa with no topographic relief and the Rice Valley Dunes area is a low-lying

dune system interspersed with hummocks of vegetation that constrain free-play activity to some degree. There is no evidence to suggest that the two off-highway vehicle recreation areas within the NECO Planning Area constitute attractive substitutes for displaced motorized recreationists.

PC 303: The Final EIS should analyze statewide cumulative recreation impacts resulting from proposed management activities.

PC 304: The Final EIS should provide discussion of current trends regarding the reduction of motorized recreation opportunities on public lands.

PC 305: The Final EIS should provide analysis of public demand for motorized recreation.

PC 306: The Final EIS should include an analysis of cumulative impacts to motorized recreation.

PC 307: The Final EIS should analyze cumulative impacts associated with loss of motorized cross-country travel opportunities.

PC 308: The Final EIS should address the cumulative effect of closing routes within a loop trail system.

Response: An analysis addressing cumulative impacts to recreation on a statewide basis is beyond the scope of the NECO Plan. The scope of cumulative impacts analyses to recreation in the context of the NECO Plan is limited to the California Desert Conservation Area. These impacts are described in the cumulative effects section at the end of Chapter 4.

Except in areas designated “open” to motorized vehicles in accordance with the California Desert Conservation Area (CDCA) Plan and the regulations at 43 CFR 8342.1, motorized cross-country travel is prohibited throughout the CDCA. Hence, the Proposed Plan do not result in loss of such opportunities except with regards to closure of the Ford Dry Lake and Rice Valley Dunes Off-Highway Vehicle Recreation Areas wherein motorized free-play activities approved through the CDCA Plan would no longer be allowed. The effects of these closures are described in Section 4.2.8 (Recreation Management). Cumulative impacts associated with increasing limitations imposed over time on recreational activities that rely on the use of motorized vehicles are addressed in the cumulative effects section at the end of Chapter 4.

Connectivity of routes providing loop opportunities was addressed in the Draft NECO Plan/EIS (see Sec. 2.5, Motorized-Vehicle Access/Routes of Travel Designations/Recreation). Two new routes (totaling about 3-4 miles) to enhance motorized-vehicle touring opportunities on the east side of the Turtle Mountains are identified under the Proposed Plan (see Sec. 2.5). No closures of routes comprising known loop systems occur under these Amendments. Some routes that were once components of loop systems were closed in areas designated as wilderness upon passage of the California Desert Protection Act of 1994 (Public Law 103-433).

PC 309: The Final EIS should include a detailed description of the preferred alternative’s impacts on OHV recreation.

Response: The analysis addressing impacts to motorized-vehicle recreation under the Proposed Plan is found in Section 4.2.8 (Recreation Management). This analysis has been strengthened for the Final Environmental Impact Statement.

PC 310: The Final EIS should contain an analysis that compares the number of miles and acres available for non-motorized recreation versus the number of miles of roads and trails available for motorized recreation.

Response: Motorized and non-motorized recreation conflicts were not identified as significant enough to be addressed in the planning process.

PC 311: The Final EIS should describe off-road vehicle impacts resulting from designating the Chemehuevi and Chuckwalla Desert Wildlife Management Areas as areas of critical environmental concern.

Response: Designating Desert Wildlife Management Areas (DWMAs) as Areas of Critical Environmental Concern (ACECs), in and of itself, results in no direct impacts to motorized recreation. The Federal Land Policy and Management Act of 1976 (Public Law 94-579) defines ACECs as “areas within the public lands where special management attention is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards” (Sec. 103(a)).

As recognized in the California Desert Conservation Area Plan, ACEC designation “is a process for determining what special management certain important environmental resources or hazards require, and making a commitment to provide this management” (Chapter 4). Such special management actions that provide for recovery of the desert tortoise and protect special status species and their habitats within DWMAs are identified in the Proposed Plan, and it is these actions that potentially affect opportunities for recreation. These actions, in part, pertain to the use of motorized-vehicles in washes (see Sec. 2.2.2, Recovery of the Desert Tortoise); to parking, stopping, and vehicle camping along approved routes of travel in DWMAs (see Sec. 2.2.2); and to the closure of routes proximal to significant bat roosts, prairie falcon or golden eagle eyries, known occurrences of Couch’s spadefoot toad, and natural or artificial water sources (see Sec. 2.3.10, Management of Special Status Animals and Plants and Natural Communities). The effects of these actions on motorized recreation are addressed in Chapter 4 (see Sec. 4.2.8, Recreation Management). This analysis has been strengthened for the Final Environmental Impact Statement.

PC 312: The Final EIS should describe off-road vehicle impacts resulting from redesignating all Multiple-Use Class M lands within the proposed desert wildlife management areas to Multiple-Use Class L.

PC 313: The BLM should re-examine the claim that OHV use in Rice Valley Dunes and Ford Dry Lake “will continue to be very low, or non-existent.”

Response: As reported by BLM staff, the recent closure of a portion of the Imperial Sand Dunes Recreation Area (outside the NECO Planning Area) or other similar areas in the region to motorized-vehicle use has not led to perceptible increases in use of the Ford Dry Lake and Rice Valley Dunes areas, likely a consequence of the different, and generally less attractive, opportunities offered at the two sites. Whereas the Imperial Sand Dunes is comprised of predominantly barren and towering expanses of sand dunes (a unique land form in the California desert that offers unusual opportunities for motorized recreation), Ford Dry Lake is a relatively small playa with no topographic relief and the Rice Valley Dunes area is a low-lying dune system

interspersed with hummocks of vegetation that constrain free-play activity to some degree. There is no evidence to suggest that the two off-highway vehicle recreation areas within the NECO Planning Area constitute attractive substitutes for displaced motorized recreationists.

PC 314: The Final EIS should clarify the information regarding free play areas.

Response: Information pertaining to selection of motorized-vehicle free-play areas as accomplished through the California Desert Conservation Area (CDCA) Plan, including criteria for evaluating such areas, is found in Appendix V (Recreation) of the CDCA Plan. As stated in Section 3.8 (Recreation Management) of the Draft NECO Plan/EIS, thirty-three potential free-play areas were evaluated for designation. These areas occur throughout the CDCA and not solely within the NECO Planning Area. Only two areas within the NECO Planning Area were ultimately approved as off-highway vehicle recreation areas: Ford Dry Lake and Rice Valley Dunes. Although the CDCA Plan is referenced in Section 3.8 (Recreation Management) and included in the “References” section of the Draft NECO Plan/EIS, specifically citing Appendix V of the CDCA Plan would have clearly directed the reader to the source of the information provided, therein facilitating a better understanding of circumstances relative to the designation of free-play areas.

The CDCA Plan was designed to provide a guide for management over a long-term period. In order to do this, an amendment process was provided to permit changes in the face of unanticipated demands or response to future events that, in 1980 when the Plan was developed, could not have been foreseen. Since development of the CDCA Plan, resource conditions have changed. The Proposed Plan respond to these changes, including actions that change the designation and use of Ford Dry Lake and Rice Valley Dunes Off-Highway Vehicle Recreation Areas.

PC 324: The BLM should not use noise from motorized vehicles as a reason to limit motorized activities.

Response: Noise was not an issue and not included as a criterion developed for the NECO Planning Area routes designations.

PC 328: The BLM should not eliminate the Parker 400 Race Course.

PC 329: The Final EIS should provide an expanded analysis regarding the closure of the Parker 400 Race Course.

Response: Nearly 75 percent of the Parker 400 lies in desert tortoise critical habitat. Several years ago the USFWS recommended that the course should be moved out of critical habitat, implying that the event could received a jeopardy opinion. The Proposed Plan proposes that no competitive events occur in DWMAs, which necessitates elimination of this specific event. The rationale is that the nature of how the event is run, including the location and size of spectator and pit areas, creates habitat disturbances which conflict with the conservation emphasis for DWMAs.

PC 330: The Final EIS should provide more detailed information regarding sensitive resources along race routes and impacts.

Response: Biological resources are shown on maps 2-2 and 3-3 through 3-7d in Appendix A. In addition maps H-1 through H-4 show analyses based on the totality of species (e.g., plant and animal species richness). The resources present along the Johnson to Parker and Parker 400 race routes are described in a more site-specific basis in the EIS for that event.

Following is a discussion on impacts with an emphasis on some results from the Barstow-Las Vegas (B-to-V) Motorcycle Race:

Vegetation: The *FEIS for the Proposed Barstow-Las Vegas Motorcycle Race* (BLM 1974) described impacts on vegetation of the Barstow-to-Las Vegas Motorcycle Race. The document referred to field studies that listed the impacts on vegetation as (a) reduction in shrub density, (b) reduction in shrub diversity, (c) reduction in annual plant germination and flowering, (d) reduction in annual plant diversity, and (e) increase in noxious weeds. Through repeated use, competitive event courses substantially widen as a result of racers straying from the course (BLM 1990). Hall (1980) reviewed the effects of off-road vehicle travel on vegetation. The mechanisms for vegetation change are direct impacts, such as crushing of individual plants, and indirect impacts, such as compaction and movement of soil, promotion of weedy species through surface disturbance, soil erosion after loss of soil-holding cryptogamic crusts, loss of seeds in the soil, and reduction of soil moisture through compaction. Adams and Endo (1980) examined aerial photos and 26 sample plots after the 1974 Barstow-Las Vegas race in the area of impact. They found that 40 percent of the ground was covered by tracks, and the area of disturbance had increased by 31 percent that year.

Impacts of racing would be greatest at start and pit areas where there were many spectators and support personnel in vehicles. However, spectators are often widely dispersed along the course. Their driving of four-wheel and two-wheel vehicles off of the authorized route network would result in disturbance of vegetation over a wider area. Based on past races, it is likely that many riders would visit the race area and practice on the course in the weeks before a race; event stipulations to limit cross-country travel would not be enforced at this time (BLM 1990).

In particular, based on monitoring after the 1989 Barstow to Las Vegas Event, in areas outside desert tortoise habitat where the permitted course width was 100 feet, straying and course widening occurred. For example, the course width in the area to the west of a pit area was measured at 260 feet and near Solomon's Knob several transects noted race vehicle tracks over 90 feet outside the permitted course width.

The route in sections 6, 7, and 18 in T15N, R10E is marked on an existing road that is 7-9 feet wide. Much of this road, especially south of the Wander Mine, has numerous large corrugations, which appear to have caused departure of vehicles from the roadbed. In section 6, the zone of principal impact was locally widened to 40 feet. There is evidence of substantial motorcycle and 3-wheel ATV play off the road in all directions around the road junction at the Wander Mine, causing substantial shrub damage and road braiding.

As a result of shortcutting and overrunning in washes, the 1989 event caused extensive damage to vegetation and breakdown of wash banks. There is extensive tracking by motorcycles, 3- and 4-wheel ATVs, and 4-wheel vehicles outside the shallow borrow pit in which Pit 2 is located, especially on the east side. The tracks

occur in the well-vegetated wash adjacent to the two small rock outcrops on the east side of the road, on the steep 6-10 feet high wash banks, and on the terrace above the wash. Motorcycles climbing the wash bank cut slots up to 8 inches wide and 10 inches deep. Individual motorcycle tracks average 8.8 inches wide and 1.5 inches deep, which is equivalent to 1 acre of surface disturbance per 11.3 miles of travel, and about 24 short tons of soil displacement per mile (soil density assumed to be 1.6 gm/cc).

Wildlife: Loss of forage, changes in forage species composition, and loss of cover from predators and weather would result from disturbance of vegetation. In addition, animals would be run over above ground or below ground in burrows. Soil compaction disrupts burrow suitability. In general, it can be expected that biodiversity would be reduced along race routes where vegetation and soil disturbances and changes occur.

Wildlife activities such as foraging would be disrupted by the noise and race activity. Disruptions would take place not only during the race event but also during pre-riding of the course as participants practice. The effects of disruption would be most important in the spring and summer when animals are breeding, nesting, and rearing young and are most closely restricted to a set territory. Displacement during these seasons could result in reproductive failure for that year. Although changes in behavior patterns and animal displacement could occur at any season, effects would be small in winter when most reptiles and small mammals are underground. Driving off of the traveled route would result in some of these animals being crushed or entombed in burrows.

Habitat degradation along off road portions of the course would reduce forage for herbivorous species, and could reduce local populations of species with relatively small home ranges such as kangaroo rats (*Dipodomys* spp.).

Effects on some special status species would be the most important. Among the species that occur along the race corridor are desert tortoise (probably in low densities where they occur), Mojave fringe-toed lizard (primarily on dunes and along playa edges), and LeConte's thrashers (primarily on flats, alluvial fans, and washes).

Although mitigation measures have been applied to other events, measures have mostly been ineffective due to poor compliance by participants and spectators. For example, in the 1989 B-to-V Race, racers impacted three of twelve burrows flagged in Nevada, but none of the flagged burrows in California (BLM 1990). There is also concern that, despite careful pre-race inspections, all burrows that are potentially at risk would not be discovered and flagged because several unflagged burrows were discovered during the 1989 post-race monitoring (BLM 1990). Howard Wilshire made the following observation: "Six possible tortoise burrows were observed, of which three appeared to be active; I made no special search for burrows. None of the burrows was marked and one burrow was closer than 10 feet to the main race route." (Personal observation of the 1989 event from Howard Wilshire from USGS. He has monitored the B-to-V since 1974 as part of his studies of surface processes in arid lands. His observations were made before, during, and after the November 25, 1989, race on a 3.8 mile cross-country segment in desert tortoise habitat, and on December 1-2, in the Baker, West of Baker, Turquoise Mtn., Solomon's Knob, and Valley Wells 7.5' quadrangles.)

The stipulated course through desert tortoise habitat in the 1989 B-to-V Race was only 25 feet. Post race monitoring showed that the average width of the disturbed area in tortoise habitat was 55 feet, or 6.6 acres actually disturbed per mile. (BLM 1990) An analysis of the monitoring data (transect data, photographs, and

BLM staff observations) showed that flagging the race corridor in areas of tortoise presence (as determined by pre-event surveys) was not effective in minimizing the straying of vehicles. The data collected throughout the Barstow Resource Area desert tortoise habitat indicated that racers did not remain within the corridor flagging. The resulting course was two to three times the stipulated width with additional trails and individual tracks established well outside the main trail. Based on these monitoring results, it is likely that impacts to the desert tortoise and its habitat by straying and course widening would occur. The increased width would encourage future OHV use, which would result in additional take of tortoises and further degradation of tortoise habitat.

PC 332: The BLM should rely on objective data regarding impacts from racers straying from Turtle Mountain Race Course.

Response: The description of impacts to wilderness values under current management (No Action Alternative) cites the recollection of Needles Field Office staff that straying did occur during racing events (see Sec. 4.1.5, Wilderness Management). Section 3.8 (Recreation Management) supports this recollection with a reference to Parker 400 post-race evaluations, therein citing incidents of course widening, short cutting, and illegal cross-country travel. Such post-race evaluations are now incorporated by reference in the Final Environmental Impact Statement.

PC 333: The Final EIS should provide an analysis of impacts to the human environment from closing roads.

Response: Analyses of impacts on the human environment under the Proposed Plan and other alternatives, including the effects of designating routes of travel as “open,” “limited,” and “closed,” are presented in Chapter 4. “Human environment” is interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment (40 CFR 1508.14). Analyses have been strengthened for the Final Environmental Impact Statement.

Various alternative strategies to accommodate motorized-vehicle recreation while providing for recovery of the desert tortoise and protecting special status species and their habitats are described in Chapter 2 (see Sec. 2.5.1, 2.5.2, 2.5.3, and 2.5.4, Motorized-Vehicle Access/Routes of Travel Designations/Recreation). An alternative suggested by the public to increase off-highway vehicle user fees to pay for additional enforcement staff constitutes a mechanism to ensure compliance with management prescriptions adopted under any alternative, but such action taken in lieu of designating routes “open,” “limited,” or “closed” fails to respond to the route designation process identified in the California Desert Conservation Area (CDCA) Plan. This process requires BLM to address off-highway use of public lands and routes consistent with the criteria at 43 CFR 8342.1 (see Sec. 3.9, Off-Highway Vehicle Use/Motorized-Vehicle Access). Further, no fees are charged by the BLM for motorized-vehicle use of any public lands within the NECO Planning Area; hence, there are no fees to increase. Funding for additional personnel is acquired through Congressional appropriation, contributed funds such as the “green sticker” program administered by the State of California, or a combination of both.

Another alternative suggested by the public is to increase signage, thereby alerting off-highway vehicle users to the sensitive resources adjacent to routes on which they are traveling. This alternative also fails in responding to the CDCA Plan’s route designation process. Instead, it is another mechanism to enhance

compliance with route designation decisions, and is already addressed in each of the alternatives to implement these decisions (see Sec. 2.5 regarding the installation of information kiosks that address resource protection and other matters).

Given the extent of motorized-vehicle access afforded under the Proposed Plan (see Sec. 2.5.2,) and the determination that impacts to motorized recreation are minor (see Sec. 4.2.8, Recreation Management), measures to mitigate such impacts, including actions that might limit the magnitude of the action (e.g., seasonal or alternating closures) or compensate for the impact by replacing or providing substitute resources (e.g., development of new routes corresponding to the extent of routes designated “closed”), are not necessary. Opportunities for motorized recreation are not substantially affected by these Amendments.

PC 334: The BLM should conduct an on-the-ground assessment of multiple-use values for all existing travel routes.

Response: The Federal Land Policy and Management Act (FLPMA), in requiring that development and revision of land use plans use and observe the principles of multiple use and sustained yield (Sec. 202(c)(1)), defines “multiple use,” in part, as the management of public lands and their various resource values in such manner that “takes into account the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife, and fish,” and allows “the use of some land for less than all of the resources” (Sec. 103(c)).

This multiple-use management mandate was invoked when formulating alternatives for the NECO Plan/EIS. Relative to motorized recreation, the BLM evaluated existing routes of travel on a network basis and identified “recreational touring routes” that were declared to be exempt from application of biological parameters pertinent to the route designation process, unless it was determined that use must be limited for other reasons (see Sec. 2.5, Motorized-Vehicle Access/Routes of Travel Designations/Recreation). Identification of recreational touring routes was based on knowledge of existing routes gained by BLM staff during the course of undertaking their assigned duties. Through the NECO route designation process, additional routes were identified as available for motorized-vehicle use unless restrictions on such use to protect other resource values of the public lands, promote the safety of all users of the public lands, or to minimize conflicts among various uses of the public lands were determined to be necessary. The “biological parameters” established as common to all alternatives consider resource values other than recreation in designating routes according to the criteria at 43 CFR 8342.1. These parameters are based on field surveys that identify locations of and habitats for special status species, as well as life histories and species accounts for these species that relate population declines, in part, to disturbances from human-related activities including recreational use of motorized vehicles (see Sec. 3.4.2 (Wildlife) and Appendix N (Wildlife History and Wildlife/Plant Tables) for a description of special status species). Multiple-use values as related to existing routes of travel, therefore, have been considered in the NECO planning process.

PC 335: The Final EIS should disclose decision criteria for road closures.

Response: Criteria relative to the NECO route designation process are described in Section 2.5 (Motorized-Vehicle Access/Routes of Travel Designations/Recreation). Criteria that relate to recovery of the desert tortoise and protection of special status species and their habitats, and developed in furtherance of the criteria at 43 CFR 8342.1, are excerpted from Sections 2.2 (Recovery of the Desert Tortoise) and 2.3 (Management

of Special Status Animals and Plants and Natural Communities). Application of these criteria on a route-specific basis was not described in the Draft NECO Plan/EIS except as generally depicted on large-scale maps, but route-specific designations are provided for the Proposed Plan in the Final Environmental Impact Statement (see Appendix R). Revisions to designations proposed in the Draft Plan/EIS in response to public comment and further BLM staff review are described on a route-specific basis. Decisions pertaining to designating routes as “open,” “limited,” and “closed” are based on the identified purpose and need for the NECO Plan which, in part, is to provide for recovery of the desert tortoise and protection of special status species and their habitats (see Sec. 1.1, Purpose, Need and Scope).

PC 338: The BLM should base road closure criteria on the merits of each road.

Response: The BLM evaluated existing routes of travel on a network basis relative to providing opportunities for motorized recreation. A system of “recreational touring routes” was identified and declared to be exempt from application of biological parameters pertinent to the route designation process unless it was determined that use must be limited for other reasons (see Sec. 2.5, Motorized-Vehicle Access/Routes of Travel Designations/Recreation). Identification of recreational touring routes was based on knowledge of existing routes gained by BLM staff during the course of undertaking their assigned duties. Through the NECO route designation process, additional routes were identified as available for motorized-vehicle use unless restrictions on such use to protect other resource values of the public lands, promote the safety of all users of the public lands, or to minimize conflicts among various uses of the public lands were determined to be necessary.

The “biological parameters” established as common to all alternatives consider resource values other than recreation in designating routes according to the criteria at 43 CFR 8342.1. These parameters are based on field surveys that identify locations of and habitats for special status species, as well as life histories and species accounts for these species that relate population declines, in part, to disturbances from human-related activities including recreational use of motorized vehicles (see Sec. 3.4.2 (Wildlife) and Appendix N (Wildlife History and Wildlife/Plant Tables) for a description of special status species). Except for the establishment of “washes closed zones,” these criteria were applied on a route-specific basis. In applying these criteria accordingly, maintenance of a viable route network and potential for manageability were considered (see Sec. 2.5); i.e., application of the criteria was not absolute as other factors, including the recreational value of a route, were considered. Hence, in the context of motorized recreation, the merits of each route identified for closure was considered in the route designation process.

PC 340: The BLM should justify proposed area closures in the NECO area.

Response: One purpose of amending the California Desert Conservation Area Plan is to protect special status species and their habitats through an ecosystem approach that offers the best opportunity to arrest the decline in biodiversity and eliminate or minimize the need for further listings of species as threatened or endangered (see Sec. 1.1, Purpose, Need and Scope). Life histories and species accounts for special status species that relate population declines, in part, to disturbances from human-related activities, including recreational use of motorized vehicles, are provided in Section 3.4.1 (Wildlife) and Appendix N (Wildlife History and Wildlife/Plant Tables). The closure of Ford Dry Lake and Rice Valley Dunes to motorized vehicles (in addition to the existing closures of Palen Dunes, Ford Dunes, and Palen Dry Lake in accordance with the California Desert Conservation Area Plan) is prescribed under the Proposed Plan to protect essential

blowsand habitat or sand source for populations of the Mojave fringe-toed lizard (see Sec. 2.3.10, Management of Special Status Animals and Plants and Natural Communities). The effects of these additional closures relative to special status species are described in Section 4.2.4.1 (Wildlife Management). The effects of such closures to opportunities for motorized recreation are addressed in Section 4.2.8 (Recreation Management).

Certain individuals who commented on the Draft NECO Plan/EIS suggest that the prescription to close existing off-highway vehicle areas to motorized recreation activities is based on anecdotal evidence describing use of the Ford Dry Lake and Rice Valley Dunes areas as low. As stated above, the closure is proposed to protect special status species and their habitats. Anecdotal evidence regarding levels of motorized-vehicle use of these areas supports the analysis of impacts to recreation and is not used as the basis for the closure.

PC 351: The BLM should disclose all information relevant to route designation criteria.

Response: Appendix L describes the route inventory process conducted by the BLM for the NECO Plan. An attempt was made to complete an on-the-ground inventory of 100 percent of the routes within the planning area. Inventory maps were provided to the public in 1996, and comments were solicited regarding the completeness and accuracy of the route inventory. Few route-specific comments were received by the BLM prior to release of the Draft NECO Plan/EIS.

Route designation criteria were established by Executive Orders 11644 (87 F.R. 2877) and 11989 (42 F.R. 26959), which, in turn, were codified as regulations at 43 CFR 8342.1 (see Sec. 3.9, Off-Highway Vehicle Use/Motorized-Vehicle Access). These regulations provide general guidance for the route designation process but do not (and could not) identify specific actions to be taken in response to area-specific circumstances such as those occurring within the NECO Planning Area. Hence, in furtherance of the regulatory route designation criteria, various parameters were developed through the NECO planning process including those that provide for recovery of the desert tortoise, protect special status species and their habitats, and ensure that historical and cultural resources on the public lands are addressed relative to motorized-vehicle access (see Sec. 2.2 (Recovery of the Desert Tortoise), 2.3 (Management of Special Status Animals and Plants and Natural Communities), and 2.5 (Motorized-Vehicle Access/Routes of Travel Designations/Recreation)). Biological parameters were derived from life histories and species accounts for special status wildlife species that relate population declines, in part, to disturbances from human-related activities including recreational use of motorized vehicles (see Sec. 3.4, Biological Resources, and Appendix N, Wildlife History and Wildlife/Plant Tables).

The regulatory criteria and criteria developed in furtherance thereof through the NECO planning process are applied to all routes, including wash routes considered as a class in “washes open zones” and “washes closed zones,” in the route designation process. Hence, no routes are available for motorized-vehicle use under the Proposed Plan unless designated “open” as specifically required by Executive Order 11989.

PC 381: The CDCA Plan Amendment should prioritize military explosives removal in order to maintain recreation access.

Response: This topic is beyond the scope of the proposed plan.

PC 390: The Final EIS should incorporate all grazing utilization guideline sources into the List of References.

Response: The references for grazing utilization cited in the DEIS were inadvertently omitted from the reference list. They have since been added to the list of references in the FEIS.

Multiple-Use Consideration

PC 23: The BLM should establish a Multiple-Use Review Board to assure that the Final EIS reflects multiple-use management goals and the needs of the public.

PC 58: The Final EIS should include a preferred alternative that preserves multiple-use principles including motorized recreation.

PC 73: The BLM should not place further restrictions on non-wilderness designated public lands.

PC 74: The BLM should reevaluate plans to close any non-wilderness areas within NECO and consider maintaining these areas for recreation purposes.

PC 287: The BLM should ensure continued opportunities for multiple-use recreation within the CDCA.

Response: The NECO document indicates that decisions will be made that commit the cooperating agencies to a common theme of conservation within the scope of their respective mandates. Throughout the planning process, mutual respect and adherence to cooperating agencies' mandates--including multiple-use management on BLM-managed lands, was paramount. The introduction to Chapter 2 also addresses this subject and emphasizes BLM's "managed uses" mandate. A considerable amount of federal lands are already restricted to many public uses, and none of the four alternatives suggested any further closures. The best and most responsible approach to assuring the continuation of multiple-use management of public lands is a science-based approach to conserving species and habitats.

Relatively few routes are proposed closed (when added to the amount of area currently restricted). While the decisions will affect all users, including the physically disabled, it is important to note that a considerable amount and variety of recreation opportunities, including many that require vehicle access, are still available for many kinds of recreation.

PC 91: The BLM should develop planning strategies comparable to the National Park Service and encourage resource management as a priority.

PC 101: The BLM should clarify the proposed change to the Multiple Use Class designation in the Eagle Mountains.

Response: Maps 2-2 and 2-7 in the Proposed Plan show the change in classification. The current and proposed classifications do not apply to private lands. Private lands are not shown on the two maps. BLM and NPS management mandates are different and defined by law. BLM cannot adopt NPS management strategies.

Standards and Guidelines

PC 33: The Final EIS should specify observable criteria as a basis for assessing the indicators cited in the preferred alternative.

Response: The Proposed Plan would implement the four standards of Public Land Health: soils, native species, riparian/wetland and stream function, and water quality. Each standard has several indicators of health. For example, you would find indicators for the soil standard list canopy and ground cover, diversity of plant species, soil organic matter present, and hydrologic and nutrient functions maintained. The amounts of cover, diversity, organic matter, and hydrologic and nutrient function are not specified because the amounts vary considerably from one site to the next. As more data are collected, a range of appropriateness would be developed for a number of indicators.

The assessment team qualitatively reviews all of these processes for the indicators and those for the rest of the standards to ascertain the current health of the area. The assessment process requires a team to complete, and the interested public is welcome to join the effort. The results from the assessment, along with other data and recommendations for future management, are forwarded to the manager for signature and implementation of recommendations.

PC 85: The CDCA Plan Amendment should address serious threats through Public Land Health Standards to the physical and biological well-being of the plants and animal species that inhabit NECO.

Response: Under the Proposed Plan, Public Land Health Standards will be reviewed for all public lands in the NECO area. Currently, in the NECO area health standards are reviewed in grazing allotments and after the NECO Plan has been implemented the scope and review would be expanded beyond grazing allotments. Health assessments that were conducted on Ford Dry Lake, Rice Valley, Chemehuevi, and Lazy Daisy Allotments would be conducted on other public lands. During those assessments, the team would evaluate physical and biological functions such as soil erosion, soil crusts, composition of annual and perennial native and non-native plant species, habitat condition, plant vigor, riparian proper functioning condition, and special status species. The type of actions (human or ecological) impacting resource conditions would be specified when the assessment team's appraisal of resource condition indicates that the standard has not been met. Staff would provide needed recommendations to management for improvement of resource conditions so the standard could be met.

PC 90: The Final EIS should detail the Public Land Health Standards proposed for the NECO Planning Area.

Response: The Proposed Plan provides background discussion on this topic in both Chapter 2 and Appendix B. The idea is that a broad, single set of Standards, which are the same thing as goals, can be applied to all habitats/ecosystems. From one habitat to another, the elements to measure and the measurement of elements to assess whether Standards are being achieved or not will vary.

PC 186: The BLM should require management change in areas of heavy livestock use or multiple trails of hillsides to improve rangeland health.

Response: The preferred method would be to implement the soils and native species standards through field assessments. If excessive trailing were affecting conditions for soils or native species on a portion of the allotment, then prescribed actions would be detailed to alter those practices. Such practices or techniques that could become a term and condition of continued grazing use may include a temporary or permanent reduction in grazing use, adding drift fence, moving a portion of the herd into another part of the allotment, and adding a water source. The two standards and their indicators are found in chapter 2, but are listed below. In addition, some of the guidelines for grazing management may apply to this situation.

Soils: Soils exhibit infiltration and permeability rates that are appropriate to soil type, climate, geology, land form, and past uses. Adequate infiltration and permeability of soils allow accumulation of soil moisture necessary for optimal plant growth and vigor, and provide a stable watershed, as indicated by:

- canopy and ground cover are appropriate for the site
- there is diversity of plant species with a variety of root depths
- litter and soil organic matter are present at suitable sites
- micro biotic soil crusts are maintained and in place
- evidence of wind or water erosion does not exceed natural rates for the site
- soil permeability, nutrient cycling and water infiltration are appropriate for the soil type

Native Species: Healthy, productive and diverse habitats for native species, including special status species (Federal T&E, federally proposed, Federal candidates, BLM- sensitive, or California State T&E, and unusual plant assemblages) are maintained in places of natural occurrence, as indicated by:

- photosynthesis and ecological processes continue at levels suitable for the site, season, and precipitation regimes
- plant vigor, nutrient cycle, and energy flow are maintaining desirable plants and ensuring reproduction and recruitment
- plant communities are producing litter within acceptable limits
- age class distribution of plants and animals are sufficient to overcome mortality fluctuations
- distribution and cover of plant species and their habitats allow for reproduction and recovery from localized catastrophic events
- alien and noxious plants and wildlife do not exceed acceptable levels
- appropriate natural disturbances are evident
- populations and their habitats are sufficiently distributed to prevent the need for listing special status species.

PC 187: The Final EIS should clarify the use of the Standards and Guidelines for Rangeland Health and National Research Council's Rangeland Health Evaluation Matrix

PC 188: The Final EIS should clarify Rangeland health and existing standards relevant to the NECO Planning Area.

PC 190: The Final EIS should provide appropriate reference to the National Research Council's Rangeland Health Evaluation Matrix.

Response: In Appendix B, Fundamentals of Rangeland Health, the last sentence of the paragraph referring to the "Rangeland Health Matrix" should have been deleted. It has been deleted from the FEIS.

On February 22, 1995, the Final Rule was issued in the *Federal Register* and direction was provided for rangeland health. Under Title 43 CFR 4180 the State Director must develop regional or state standards and guidelines with the assistance of Resource Advisory Councils. After the standards and guidelines are developed, they are to be sent to the Secretary of the Interior for approval. Until development of regional standards and guidelines, the National Fallback standards and guidelines as shown in the grazing would be utilized.

The California Desert District (CDD) along with the District Advisory Council requested that the CDD be exempt from the statewide effort to develop standards and guidelines. Shortly thereafter the State Director granted approval for the NECO planning effort to develop regional standards and guidelines. Except for the CDD, the BLM completed the *Rangeland Health Standards and Guidelines for California and Northwestern Nevada EIS*, and the Secretary of Interior approved the final standards and guidelines. The California Desert Advisory Council formed a subcommittee, and with assistance from BLM staff developed recommendations for standards and guidelines listed in Appendix B; with some slight modification, these are the same regional standards and guidelines shown in Chapter 2 DEIS. Early in the planning process, the title of rangeland health standards changed to regional public land health standards and regional guidelines. Regional public land health standards would guide future management on all public lands.

Field office staff conducted rangeland health assessments during the past several years. Assessments were conducted on Rice Valley, Chemehuevi, Lazy Daisy, and Ford Dry Lake Allotments. Assessments are conducted with BLM staff, and if available, lessees and interested public. The assessment team defined whether the site under review has met or not met the standard, and when the site meets the standards does it do so with the potential risk of soon failing to meet the standard. Once on the site, indicators for standards are reviewed and the team forms a consensus about the standards based on discussions.

The combined area assessed in the grazing allotments covers over 600,000 acres (over 937 sections of land). The allotments range in size from 49,000 acres to over 300,000 acres. Currently all assessments are conducted on allotments. Future assessments would be conducted on public lands irrespective of grazing activities; however, grazing regulations still require periodic assessments of standards on allotments. The assessment process has undergone changes through the years, and recent Washington Office guidance for assessments means more changes for the assessment process are likely.

Determinations are completed and signed by the manager after the assessment process. The determination is a written review of background information, compilation of available data, rationale for the determination, contributing factors for standards not met, BLM staff recommendations, persons involved in the process, and the manager's implementing signature. Actions are implemented and a review of these prescribed actions is scheduled.

PC 189: The CDCA Plan Amendment should implement the proposed Standards and Guidelines for Rangeland Health with additional science-based recommendations.

Response: The guidelines and the table for utilization listed under the Proposed Plan cover a wide variety of management prescriptions for grazing use. Guidelines can be adjusted over time with additions and deletions as necessary to accommodate new scientific information. These guidelines were cooperatively developed with members of the California Desert District Advisory Council with representation from a variety of interests. Guidelines are to be utilized by managers to achieve the Public Land Standards not to make additional requirements of grazing use.

Guidelines set the tone about livestock prescriptions that would be translated into terms and conditions for the grazing lease. For example, under the Proposed Plan a guideline states, "Grazing on designated ephemeral range land shall be allowed only if reliable estimates of production have been made, an identified level of annual growth or residue to remain on site at the end of the grazing season has been established." This guideline translates into, "Cattle grazing would not occur until ephemeral forage reaches and is maintained at 200 pounds air-dry weight per acre." Another term and condition for grazing use from this guideline might be, "Grazing use of ephemeral forage would cease on June 1."

Soil, Air, Water

PC 136: The CDCA Plan Amendment should establish guidelines for evaluating the significance of soil sedimentation impacts resulting from natural and unnatural disturbances.

Response: The overwhelming cause of soil erosion and movement is natural processes: wind and water. Desert ecosystems are defined and sustained by such processes. Human factors add to natural processes in urban areas, areas of industrial development, roads and other route disturbances, and animal grazing. These human causes are not considered to be significant on public lands, and soil erosion is not the major basis for NECO land use decisions.

PC 146: The BLM should install monitors to evaluate air quality impacts caused by military bombing exercises.

Response: There is no bombing near the Kaiser RR where it is aligned in the Chocolate Mountains Aerial Gunnery Range (CMAGR). CMAGR is the responsibility of the Marine Corps Air Station, Yuma (USMC), and inquiries about its operations and activities may be addressed to the Marine Corps Air Station, Yuma.

PC 148: The BLM should protect air quality by limiting all local pollution sources.

PC 149: The Final EIS should outline the potential air quality benefits of the Preferred Alternative.

Response: The contributions to and amounts of air pollution from both on-site and off-site (from the planning area) can not be quantified. BLM generally expects, however, that prescriptions for management of uses in conservation areas--e.g., surface disturbance limits, land acquisition, routes and washes driving reductions--should reduce pollution within the planning area.

PC 323: The BLM should consider mitigating sedimentation concerns from motorized recreation instead of limiting access.

Response: Stream sedimentation, including its application as a criterion for routes designation, is not an issue in the planning area.

General Conservation

PC 66: The CDCA Plan Amendment should take all necessary measures to protect and preserve the 5.5 million acres within NECO.

Response: The Proposed Plan provides an array of proposals that will provide ecosystem conservation. The mandates of BLM and the U.S. Navy (for the Chocolate Mountains Aerial Gunnery Range) are specific to an array of land uses which do not provide for complete preservation of the 5.5 million acres of land. Conservation of a general/overall nature, and managed uses, are provided for; additional preservation is not.

PC 69: The BLM should protect and restore native biodiversity to the Sonoran public lands within NECO.

Response: The Proposed Plan contains goals and objectives and measures that address this concern.

PC 75: The Final EIS should not cite previously closed washes as conservation gains.

Response: The Draft and Proposed Plans mean to suggest that it is the total of previously restricted washes, including those relatively recently closed by the CDPA plus the new proposed washes closures, that would provide, along with a host of other existing and new proposed measures, adequate conservation for the desert tortoise as well as other components of the ecosystem.

PC 84: The CDCA Plan Amendment should give priority to healthy ecosystems and allow recreational use only if the viability of the ecosystem is not compromised.

Response: The cooperating agencies feel that, given the array of conservation proposals presented in the Proposed Plan and the nature of current and predicted levels of use, future allowable uses should not compromise the integrity of ecosystems. A healthy ecosystem does not necessarily require exclusion of uses, but can be sustained through managed uses.

PC 92: The BLM should address effects of the Border Patrol activities on wilderness and sensitive habitats.

Response: This concern relates to a management issue, not a planning issue. Since it pertains to wilderness areas and areas of sensitive species and habitats, Border Patrol activities in such areas is an ongoing issue. The BLM and Border Patrol have recently met to address and resolve these issues.

PC 204: The Final EIS should incorporate reasonable measures to ensure public access to BLM lands and protect sensitive, threatened, and endangered species.

Response: The Proposed Plan and FEIS purpose and need section in effect captures this comment. The cooperating agencies feel that the document's proposal achieves the goal.

PC 277: The BLM should protect wildlife by not expanding protected areas into bombing ranges.

Response: The degree to which wildlife are conserved, or are injured or killed, on the Chocolate Mountains Aerial Gunnery Range will not be changed by the Proposed Plan or other alternatives. The fact that less than one-half of 1 percent of the Range is bombing targets offers considerable conservation benefits for species and habitats, even when bombs occasionally miss the target. The Range in turn plays an important conservation role when combined with conservation mandates for BLM and National Park lands. As military uses change on the Range over time, the management plans of the involved agencies will be reconsidered.

Desert Tortoise

PC 71: The BLM should consider both size and shape when designating areas.

Response: In delineation of the boundaries of the DWMA's, BLM has considered the distribution of the tortoise, ecosystem elements upon which it depends, connectivity between units, principles of reserve design, and land management constraints. Both the Chemehuevi and Chuckwalla DWMA's meet the minimum size of 1,000 square miles as specified in the *Desert Tortoise Recovery Plan*. To the extent allowed by the distribution of the tortoise and management constraints (e.g., Interstate 10, Highway 62), BLM has considered the guidelines for reserve design given in the Recovery Plan (Section II.D.1.b). Examination of Map 2-35 shows that adjacent wilderness areas augment DWMA's and effectively add to the size and change the shape of reserve areas. This is especially true of the Chemehuevi DWMA.

PC 103: The BLM should justify changes in BLM tortoise habitat categories within the desert.

PC 104: The CDCA Plan Amendment should specify that all acquired replacement habitat become designated critical habitat.

Response: The requirement for their designation, definitions for the three categories, goals for each category, and criteria for the categories were specified in the BLM's *Desert Tortoise Habitat Management on the Public Lands: A Rangelwide Plan*, which was signed by the Director in 1988. After operating under an interim desert tortoise habitat category map for several years, the BLM amended the CDCA Plan in 1993 to incorporate the official map. The categories are intended to indicate BLM management priority and are not merely indications of population density or status.

As stated in the Rangelwide Plan, the goals of Category I habitat are to maintain stable, viable populations of desert tortoise, to protect existing habitat values, and to increase populations, where possible, and the goal of Category III habitat is to limit tortoise habitat and population declines to the extent possible by mitigating impacts. The goals of category I are similar to the goals of the DWMA's as defined by USFWS in the

Recovery Plan. In the *Desert Tortoise Recovery Plan*, USFWS indicated general areas where DWMA's should be established, but it specifically left the designation of boundaries to the land management agencies (Recovery Plan, p. 48, item 1.b.). Bringing the DWMA designations in accord with the Category designations makes the policy direction in the Rangewide Plan consistent with BLM's management strategy for the DWMA's.

For similar reasons, USFWS has agreed to change the boundary of critical habitat to correspond with the DWMA's. Thus, this was included in the Proposed Plan (see actions on designation of DWMA's in Section 2.2.2). This action would seem appropriate because the DWMA's are a concept presented in the Recovery Plan developed and signed by USFWS. However, the designation of critical habitat is the responsibility of USFWS, and they will evaluate changes, if any, based on the Endangered Species Act and federal regulations. A change, if any, will be proposed and reviewed through a separate process.

PC 117: The CDCA Plan Amendment should not eliminate critical habitat within Chemehuevi and Chuckwalla Desert Wildlife Management Areas.

PC 118: The CDCA Plan Amendment should base size of Desert Wildlife Management Areas on designated critical habitat units.

PC 119: The Final EIS should justify proposals for deleting critical habitat from Desert Wildlife Management Areas.

Response: The *Desert Tortoise Recovery Plan* recommends the designation of desert wildlife management areas (DWMA's) of at least 1,000 square miles (640,000 acres). The Proposed Plan and alternatives propose DWMA's that generally exceed the minimum size. (One exception, the Chuckwalla DWMA, is slightly smaller in two alternatives, but does meet or exceed many other attributes and therefore essentially is of sufficient size.) The Recovery Plan does not suggest that the DWMA's should adhere precisely to current critical habitat. The USFWS has also indicated that upon implementation of DWMA's it will re-describe the area of critical habitat to conform with the area of DWMA's. In the Proposed Plan the Chemehuevi and Chuckwalla DWMA's each exceed 800,000 acres. It is important to point to three essential attributes of these DWMA's: (1) outside wilderness areas and the Chocolate Mountains Aerial Gunnery Range, the boundaries are definable to demographic features, which greatly improves manageability; (2) important use areas (e.g., high recreation and mineral values) are excluded in order to reduce as much as possible difficult conservation-use management issues; and (3) areas of critical habitat that were not included in DWMA's contain the lowest densities of desert tortoise and are presumably the lowest in value.

PC 120: The CDCA Plan Amendment should restrict all motor vehicles to designated roads and designate all washes as closed zones within Desert Wildlife Management Areas.

PC 123: The CDCA Plan Amendment should prohibit all competitive and organized events on designated routes within Desert Wildlife Management Areas.

PC 138: The BLM should prohibit roads and vehicle use in river washes.

PC 250: The BLM should protect desert tortoise habitat by eliminating the Johnson Valley to Parker ORV race.

PC 124: The BLM should establish restrictions for car camping within Desert Wildlife Management Areas to prevent resource damage.

PC 239: The BLM should protect the desert tortoise by restricting camping to designated areas.

Response: In the Proposed Plan driving off roads to park and camp is limited to 100 feet on either side of road centerline in DWMA's and 300 feet elsewhere. BLM feels that 100 feet is reasonable considering that: (1) people need safety and quiet from traffic on roads, and (2) very few people drive over undisturbed land for such purpose, preferring instead to seek short spur roads to secluded camp sites. The current level of recreation camping and uses is very small, is projected to continue, and does not create a significant management issue for any species and habitats. The level of routes and washes that would be designated open should be compatible with recovery of the desert tortoise. All competition vehicle events are proposed to be removed from DWMA's.

PC 125: The BLM should consider withdrawing significant portions of entire Desert Wildlife Management Areas from mineral entries to prevent further habitat loss.

Response: There is a certain amount of unknown with the 1 percent rule in that the location and configuration of future disturbance cannot be foreseen. However, in looking at the commitment from the reverse, one can say that there is a 99 percent non-disturbance rule, a very significant commitment to tortoise recovery regardless of disturbance design. The amount and array of wilderness and mineral resources are not relevant to the 1 percent rule and tortoise recovery commitment. While it is not possible to be certain on future resource use demands, a review of mineral potential (outside of wilderness areas) and mineral development market forces for the foreseeable future suggests a very low likelihood of significant mining-related disturbance inside DWMA's. Finally, any further large-area restrictions (e.g., DWMA mineral withdrawal) would considerably detract from the stated purposes and needs in the CDCA Plan, which is based on BLM's multiple use management mandate. This mandate is considerably reduced due to current restrictions--i.e., about 60 percent of the NECO Planning Area is already withdrawn from mineral entry.

PC 126: The BLM should clarify the one percent disturbance cap on land within Desert Wildlife Management Areas in regards to land ownership and ensure consistency with the West Mojave Plan.

Response: In the Proposed Plan and two alternatives indicate that the proposal applies only to federal lands. Private lands would not be affected. The proposal is same for both the NECO and NEMO plan amendments. BLM will ensure consistency among all the amendments to the CDCA Plan on a variety of plan decisions.

PC 127: The BLM should consider a disturbance cap in Wildlife Habitat Management Areas (WHMA's) similar to that proposed for Desert Wildlife Management Areas in order to protect habitat.

Response: WHMA's primarily address special status species and their habitats that are not listed under the Federal Endangered Species Act. They provide fundamental conservation commitment within the mandate of multiple use management commensurate with the general status of the target species. Any further disturbance restrictions would be unnecessary and not be in keeping with the stated purposes and needs in the CDCA Plan.

PC 128: The CDCA Plan should adequately protect rare and sensitive species and habitats which reside outside Desert Wildlife Management Areas and Wildlife Habitat Management Areas within NECO.

PC 130: The BLM should preserve the desert for the public and not allow more land to be exchanged within NECO.

PC 209: The BLM should maintain ownership of all public lands that have sensitive plant species.

Response: Land exchanges would generally result in acquisitions in WHMAs, weigh value conservation areas, and dispose of public lands with low value habitat. NECO does provide some priority to retention of “fixed site” species. NECO also suggests that this cannot always be possible. In the conduct of BLM’s multiple use management mandate, many factors of natural resources and uses vie for management consideration. In the particular mix of resources and uses in a place, there may be overriding or compelling actions in which some matters of resource conservation cannot be met or in which a greater conservation need is achieved at the cost of smaller ones.

PC 194: The BLM should ensure the effectiveness of the NECO plan in recovering species at Chuckwalla Bench.

Response: The Proposed Plan and FEIS suggest that the comprehensive array of actions, along with the many existing management measures, should provide for the recovery of the desert tortoise. Current disturbing activities affect a relatively very small amount of area and should not detract from the goal.

PC 196: The BLM should protect the desert tortoise by developing an effective avian and mammal predator control program.

Response: Raven predation on desert tortoise hatchlings and juveniles has been well documented; Boarman (1999) reviewed the published and unpublished records. Censuses have shown that raven populations are substantially higher than even 30 years ago (Knowles *et al.* 1989).

Examination of carcasses from permanent study (i.e., monitoring) plots has shown that canid predation on all tortoise age classes is common in some areas (Kristin Berry, USGS tortoise researcher, pers. comm.). At a study site near Goffs in the mid-1980’s Turner and Berry (1985) found canid destruction of tortoise nests to be 24 percent, 28 percent, and 48 percent over a three-year period. Historic records of coyotes and kit foxes are not available for comparison with today’s populations.

The BLM has proposed a program presented in Appendix A (Sec. A.2.12) to address the raven predation issue. Some aspects of the program have been tested (e.g., targeted raven removals), and some have been implemented (e.g., closure and rehabilitation of local, unauthorized dumps on BLM lands).

PC 199: The BLM should ensure that the designation of 1 percent new surface disturbance in Desert Wildlife Management Areas is not detrimental to sensitive species.

Response: The BLM has not proposed to designate 1 percent new surface disturbance and does not anticipate that there will be 1 percent cumulative new surface disturbance. Rather, it is a commitment that there will not be more than that. The effects of projects will be analyzed in NEPA documentation, such as an

environmental impact statement, environmental assessment, or other mechanism, as appropriate. Projects affecting desert tortoise (virtually all those that disturb the surface in a DWMA) will be analyzed by USFWS through consultation procedures of the Endangered Species Act or under case-by-case review procedures of the proposed programmatic biological opinion. In addition, the state requirement for environmental review under the California Environmental Quality Act (CEQA) and California Endangered Species Act will still occur. No present interagency oversight or public review will be reduced in the proposed amendments.

PC 201: The BLM should identify the effects that vehicle parking and camping have on sensitive species.

Response: A discussion of impacts has been added to Chapter 4 (Environmental Consequences) from Issue 5 (Motorized-Vehicle Access Routes of Travel Designations/Recreation) for desert tortoise for each alternative. The basic effects are presented in the No Action Alternative.

PC 202: The BLM should develop a stronger monitoring program for desert tortoise due to disease problems.

Response: The proposed monitoring program for desert tortoise is presented in Table 5-1. Monitoring of tortoise populations using the line-distance sampling methodology was initiated in all critical habitat units in 2001. This monitoring program is being conducted under the guidance of Phil Medica, the Multi-agency Desert Tortoise Coordinator, a newly established position directed by the Desert Tortoise Managers Oversight Group (MOG). This program is intended to determine trends in population size for each DWMA. The program is being funded by numerous milkvetch agencies.

In addition, the USGS Biological Resources Division has continued monitoring at permanent trend plots, including Ward Valley and Chemehuevi Valley Plots (in proposed Chemehuevi DWMA) and Chuckwalla Valley and Chuckwalla Bench Plots (in proposed Chuckwalla DWMA). These studies will provide more detailed information on size-class densities, sex ratios, age distribution, and causes of mortality. Kristin Berry of USGS is administering these studies.

In addition, USGS is conducting research on disease pathogenesis and epidemiology. Some diseases identified in desert tortoises include upper respiratory tract disease (URTD), herpes virus, cutaneous dyskeratosis, and shell necrosis. A protocol has been developed to record clinical signs of disease on live tortoises. In addition, blood and nasal washes are being collected to test for herpes virus and URTD. A protocol to salvage ill, dying, and recently dead tortoises for necropsy has been developed. Since 1989, several dozen tortoises have been necropsied by licensed veterinary pathologists with expertise in reptiles. Research is also being done on elevated levels of toxins in tortoise tissues. Funding of these research projects has been limited. (Kristin Berry, USGS, desert tortoise researcher, pers. comm.)

PC 226: The BLM should provide more information on diseases and especially the relationship between OHV use and diseases in tortoises such as cutaneous dyskeratosis and shell necrosis in desert tortoises.

PC 227: The Final EIS should disclose information on the relationship between OHV use and Cutaneous Dyskeratosis in desert tortoises.

PC 228: The Final EIS should disclose any information on the relationship between OHV use and Shell Necrosis in desert tortoises.

Response: Some information on diseases is presented in Section 3.4 (Affected Environment--Biological Resources) under Desert Tortoise Management. The references cited provide additional information. Research on these disease is continuing, but no cause or mode of transmission has been identified. See the response to comment 202 for additional information on the monitoring of diseases.

PC 229: The BLM should protect the desert tortoise from raven predation.

PC 230: The BLM should remove ravens that prey on the desert tortoise through non-lethal means only.

Response: All ravens will take young tortoises on an opportunistic basis, but only a few will focus primarily on them. The Proposed Plan proposals eliminate only those ravens which are documented to primarily take the desert tortoise as food. Actions are also emphasized which focus on sanitation around human facilities to reduce the number of ravens. It is felt that this mix of actions is cost-effective and best addresses both tortoise protection and management of the raven, which is a native species.

PC 231: The BLM should facilitate desert tortoise recovery by eliminating livestock grazing from all desert Wildlife Management Areas.

Response: The introduction to Chapter 2 of the Proposed Plan and FEIS contains an explanation of why the full *Desert Tortoise Recovery Plan* was not included as an alternative. In addition, Chapter 4 analysis of cattle grazing indicates that with the additional, new management proposals forage competition and other effects of cattle grazing on desert tortoise should be at an acceptable, low level.

PC 232: The BLM should limit desert tortoise recovery efforts to designated wilderness areas.

Response: Wilderness areas alone would constitute fragmented conservation of the desert tortoise and, given the biological habitats and needs of the species, as defined in the *Desert Tortoise Recovery Plan*, would not adequately provide for its conservation.

PC 233: The BLM should protect the desert tortoise by creating Desert Wildlife Management Areas of at least 1000 square miles.

Response: The size of each DWMA in the Proposed Plan considerably exceeds 1000 square miles (which is equal to 640,000 acres). The sizes of the DWMA's exceed 800,000 acres.

PC 235: The BLM should develop a tagging program for counting desert tortoises.

Response: On the 15 tortoise permanent study plots, tortoises are marked to track their survivorship between census periods. However, the total population is too large to consider such a program for all tortoises. If declines continue, a program for identifying individual tortoises and tracking their progress may be considered.

PC 236: The BLM should explain why the EIS includes few measures to keep the desert tortoise off heavily traveled highways and roads.

PC 237: The BLM should protect the desert tortoise through proper maintenance of guzzlers.

PC 238: The BLM should protect the desert tortoise from the impacts of military activity.

Response: These concerns address issues of protection.

1. Initial installation and upkeep measures for fencing highways is extremely costly. The effort is cost-effective only where tortoise population is of relatively high density and where highways are elevated (i.e., with bridges and culverts). Fences cannot effectively be kept functional for minor highways and roads over which water and alluvium periodically spreads.
2. Retrofitting animal guzzlers is a commitment made in Chapter 2, section 2.2, Decision and Policy Common to all Alternatives, 7.
3. Military bombing targets comprise one-half of 1 percent of the area of the Chocolate Mountains Aerial Gunnery Range. While there are occasions of human or mechanical error in which non-target areas are affected, the incidence of this is rare and deemed an acceptable risk. Vast areas of the Gunnery Range are unused at all due to the general restriction and provide well for conservation.

PC 240: The Final EIS should include a comparative analysis of desert tortoise mortality rates in areas open to OHV use and in the protected areas.

Response: There are currently no data available to compare tortoise populations inside and outside of off-highway vehicle open areas. Tortoise populations have been studied in depth on four permanent study plots in the planning area. They are in Ward Valley and Chemehuevi Valley (in proposed Chemehuevi DWMA) and in Chuckwalla Valley and Chuckwalla Bench (in proposed Chuckwalla DWMA). These studies provide detailed information on size-class densities, sex ratios, age distribution, and causes of mortality. Kristin Berry of USGS is administering these studies. Tortoise habitat quality in OHV open areas within the planning area is not the same as on these study plots, and populations would be expected to differ greatly. Proposed closures of OHV open areas in the Proposed Plan are not generated by concern for tortoises.

Such studies have been proposed for the West Mojave where there are numerous large OHV open areas (e.g., Stoddard Valley, Johnson Valley, Spangler Hills) with good tortoise habitat as judged by historic populations. On a study plot in the Johnson Valley Open Area, adult tortoises dropped from 69 (1980) to 49 (1986), to 15 and 16 (1990, 1994) per square mile. This is a greater decline than a nearby plot in Lucerne Valley, outside of the OHV open area, where populations declined from 93 to 75 to 64 and 65 per square mile in the same years.

PC 242: The Final EIS should list drought as an important cause of desert tortoise decline.

Response: The effects of short-term drought and long-term drought and whether or not drought has even occurred in the past 20 years is arguable but untested (Boarman 1999). Regardless, tortoise populations have undoubtedly survived longer and more severe droughts in the past thousand years. Drought, to the extent that it may have occurred, would be expected to exacerbate effects of habitat degradation, disease, predation, and other human-induced factors and vice versa.

PC 243: The BLM should quantify the causes of desert tortoise mortality and give a relative importance to them.

Response: It is not possible to quantify all of the causes of mortality. Some, such as gunshot deaths, have been quantified; gunshot deaths have been shown to be very high (as high as 29 percent) in some areas and nil in other areas (Berry 1986). Although there is little information on collecting of tortoises in the wild, the large numbers in captivity in Southern California imply that there has been intensive collecting over a long period of time. The adverse effects of some highways on tortoises have been quantified, but the relative importance is localized (Nicholson 1978).

The main problem with quantifying causes of mortality is that many of the adverse effects are interrelated and confounding. For example, the invasion and widespread distribution of weedy species such as Mediterranean spilt grass (*Schizmus* spp.) has lowered the nutritional value of forage plants available to tortoises. This may result in poorer health and susceptibility to disease. Avery and Neibergs (1998) showed that cattle step on burrows and that, as a result, tortoises in grazed areas spend more time out of burrows at night. This makes them more susceptible to exposure to weather and predators. More examples could be given. It is not feasible to isolate activities and quantify the contribution of each to tortoise population declines.

PC 244: The BLM should implement desert tortoise breeding programs to mitigate population decline.

Response: The Department of Defense has funded preliminary studies on captive rearing and release of young tortoises. Morafka *et al.* (1996) and Spangenberg (1996) reported on these studies at Ft. Irwin and their use in conservation of neonatal (<1 year old) and juvenile (1-7 years old) tortoises. Captive rearing programs have been considered and investigated because (1) raven predation on hatchling and juvenile tortoises has prevented tortoise recruitment in some area; (2) a rearing program would hold young tortoises until past the primary age of predation; and (3) disease has depleted populations below habitat carrying capacity in some areas. However, more must be learned before a project is proposed for large-scale population augmentation. Such a project may be proposed at a later time.

Morafka, D. J., K. H. Berry, and E. K. Spangenberg. 1996. Predator-proof field enclosures for enhancing hatching success and survivorship of juvenile tortoises: a critical evaluation. *In*: J. Van Abbema (Ed.), Proceedings: Conservation, Restoration, and Management of Tortoises and Turtles--an International Conference. WCS Turtle Recovery Program and the New York Turtle and Tortoise Society, New York.

Spangenberg, E. K. 1996. Field enclosures: their utility in life history studies and conservation of juveniles of the desert tortoise (*Gopherus agassizii*). M.A. Thesis, Calif. St. Univ. Dominguez Hills.96pp.

PC 247: The BLM should assess the impacts of desert tortoise fencing on other wildlife.

Response: Boarman (1995) reported on surveys for vertebrates along both sides of 24 km (14.4 mi.) of Highway 58 (a heavily traveled divided highway) that had tortoise-proof fencing and along both sides of 4.8 km (2.9 mi.) of Highway 58 and 24 km (14.4 mi.) of Highway 395 that had no fencing. On four reported surveys between 1992 and 1994 (i.e., 1992, 1993, May 1994, and July 1994, as reported by Boarman), 1190 carcasses of 31 species (13 reptiles, 8 birds, 10 mammals) were found along the highways. In the four reported surveys, 37.8 carcasses per km (1,088 in 28.8 mi.) were found along unfenced highway and 4.3 carcasses per km (102 in 24 km) were found along unfenced highways. Surprisingly, individuals of leopard lizard (2), zebra-tailed lizard (2), and antelope ground squirrel (2) were found only along the fenced portion. Six species of snake (of only eight species recorded) were found only on the unfenced portions. Also, surprising is that seven species of birds also had reduced mortality on fenced portions of highway, perhaps due to the reduced prey on the roadway. Tortoise mortality was 1.2/km (35) along unfenced highway and <0.1/km (2) along fenced highway. The conclusion is that fencing of roadways greatly reduces highway kills of many vertebrate species.

Fenced highways will require culverts or under bridges to allow the movement of individuals across the highway for genetic interchange and population dispersal. Boarman (1995) also reported on the use of culverts by tortoises along the highways described above; results were inconclusive due to the low numbers of tortoises near the highways. Additional studies will be needed to assess the overall population fragmentation effects of fencing and culverts combined. However, the mortality along even fenced highways indicates that some animals are crossing the barrier. As indicated above, small snakes might be the exception.

Some direct mortality resulting from animals caught in the fence has been observed. Animals caught included leopard lizard (1), western whiptail lizard (5), zebra-tailed lizard (1), coachwhip snake (3), and Mojave rattlesnake (1). These mortalities and other observations of behavior by Boarman indicate that primarily lizards may become caught in the fence.

Boarman, W.I. 1995. Effectiveness of fences and culverts for protecting desert tortoises along California state highway 58: 1991-1994. Natl. Biol. Survey Rept. 37pp+Appendices.

PC 251: The BLM should examine the impacts to the desert tortoise by the introduction of contaminants into the environment by military activities at Chocolate Mountains Aerial Gunnery Range.

Response: The effects of military training at Chocolate Mountains Aerial Gunnery Range have been evaluated in a separate EIS. The U. S. Navy has consulted with the USFWS on the effects of their operations on desert tortoise; a biological opinion has been issued. The NECO Plan contains no changes in military operations on the Range, and operations there are not being reviewed or analyzed in the NECO planning process and EIS.

PC 327: The BLM should eliminate competitive vehicle events in the Desert Wildlife Management Areas.

Response: Competitive vehicle events are proposed to be eliminated in DWMA's in the Proposed Plan.

PC 354: The Final EIS should justify designating desert management areas as Category I Desert Tortoise Habitat.

Response: Most of current desert tortoise critical habitat is Category I and would be included in proposed DWMA's. Category I articulates the highest conservation commitment to recovery of the desert tortoise and is commensurate with DWMA and ACEC designations.

PC 372: The BLM should restrict use of firearms within Desert Wildlife Management Areas.

PC 373: The CDCA Plan Amendment should designate the NECO area as off limits to target shooting.

Response: The *Desert Tortoise Recovery Plan* recommended that discharge of firearms, except for hunting of big game or upland game birds from September through February, should be prohibited in DWMA's. This was presumably based on a study (Berry 1986) that showed a high incidence of gunshot deaths on some permanent study plots. However, for the two permanent study plots in the NECO Planning Area and one just outside (Goffs), the incidence was very low. Specifically, on the Chuckwalla Bench plot (Chuckwalla DWMA), 2 of 110 (1.8 percent) were shot. On the Chemehuevi Valley Plot (Chemehuevi DWMA), 1 of 35 (2.8 percent) was shot. On the Goffs Plot, just north of Interstate 40, 0 of 34 (0 percent) were shot. These low numbers do not indicate a need to restrict use of firearms.

PC 379: The Final EIS should clarify that educational or recreational casual use is not subject to the one percent surface disturbance limitation.

Response: Casual use is not subject to permit. By its very nature there should be no disturbance or contribution toward the 1 percent surface disturbance limit.

PC 431: The BLM should not install tortoise fencing along the Cottonwood section of the Joshua Tree National Park road.

Response: The fence is not included in the Proposed Plan.

Natural Communities, Special Status Plants, Exotic Vegetation

- PC 86:** The BLM should establish vegetation restoration requirements that reflect the pre-disturbance conditions, annual plants, and species diversity.
- PC 87:** The BLM should include restored lands within disturbance area determinations until comprehensive restoration criteria are developed.
- PC 167:** The BLM should consider proposed vegetation criteria presented by the California Native Plant Society.
- PC 168:** The Final EIS should include annual plants as part of the restoration and vegetation process.
- PC 169:** The Final EIS should reflect the pre-disturbance conditions and maintain diversity in the restoration and vegetation process.

Response: Appendix E, Desert Restoration, discusses vegetation restoration. As stated in Appendix E, the Desert Restoration Task Force will continue to address and provide information on restoration planning and techniques. This task force is a working group of botanists, wildlife biologists, and other specialists commissioned by the Desert Managers Group, a multi-agency coordination forum for managers. More research and testing is needed to determine the most effective restoration methods. In any event, case-by-case field applications will be needed. Appendix E lists some site considerations; these include, among others, special status species, the rarity and quality of the plant community, management goals for the area, ecological processes, and site characteristics.

Appendix G, Limit on Cumulative New Surface Disturbance, includes triggering criteria for site evaluation with regard to the 1 percent limit on new surface disturbance. These criteria are not restoration criteria or requirements. Rather, passing of the criteria described in Appendix G would suggest that sufficient progress toward restoration may have been made to warrant a site-specific evaluation to determine whether the lands had been restored sufficiently to warrant their removal as “disturbed lands” under the 1 percent cumulative new disturbance limitation. Passing of the evaluation trigger alone will not remove the disturbed lands from the cumulative disturbance total, but rather it is the point at which evaluation of lands would be initiated. The full level of restoration would be left to the evaluation and might involve many other factors.

- PC 150:** The BLM should clarify the existing NECO vegetation map by indicating specific resources within the planning area.

Response: Vegetation, soils, and other resources have been mapped in the CDCA several times under different techniques, and these efforts have provided general maps without sufficient detail for management utility. Maps resulting from these efforts are included in allotment management plans where they are effective. However, the BLM-approved method to inventory soil and vegetation has not been conducted in the CDCA due in large part to the cost of such an endeavor. Soil and vegetation inventory have been conducted in limited areas of the CDCA, and results from these efforts would be used when maps overlay grazing allotments.

PC 151: The BLM should make additions to the vegetation map for NECO to clarify unmapped species occurrence ranges and discussion of text for the specific species not mapped.

Response: The NECO cooperators who worked on the rare plants included botanists from the federal and state agencies, University of California at Riverside, and the California Native Plant Society. They found that too little is known about some species to be able to develop predictive occurrence range maps.

PC 157: The BLM should provide evidence that off-highway vehicles cause appreciable vegetation loss either in open wash areas or in adjacent areas outside the wash, and evidence of any other environmental impact.

PC 158: The BLM should provide evidence supporting the Draft EIS assertion that off-highway vehicles negatively impact the desert environment in a number of ways.

PC 159: The BLM should provide evidence that off-highway vehicles have significantly affected vegetation and justify the need for any further restrictions on off-highway vehicle routes.

PC 160: The BLM should provide data which supports the EIS assertion that off-highway vehicles are responsible for significant losses of vegetation cover which negatively impact sand dunes.

PC 161: The BLM should explain and provide supporting technical data on the connection between surface disturbance and exotic species proliferation.

PC 248: The BLM should present data justifying protection of the desert tortoise by closure of washes to OHV use.

PC 285: The BLM should disclose technical data supporting the assertion that long term vehicle travel within washes has caused soil loss, vegetative decline, and proliferation of exotic plant species.

Response: Jennings (1997) studied tortoise use of various habitat strata at the Desert Tortoise Natural Area. He found that tortoises used washes, washlets, and hills almost exclusively and avoided flats. During each of three plant phenological periods, the primary food of tortoises was found along the margins of washes and washlets, and overall more than 25 percent of all the plants on which tortoises fed were in the washes and washlets even though these areas comprised only about 10 percent of the area. During the third phenological period (1 to 30 June), when weather was hot and dry, the few tortoises above ground ate mostly (68 percent) along washes and washlets. Overall, of the ten most-preferred plants, three were largely confined to washes. Jennings concluded that tortoises were vulnerable to negative effects from off-highway vehicle use because of their habitat preferences.

Others (Woodbury and Hardy 1948, Burge 1978, and Baxter 1988) have shown that tortoises use washes and washlets for travel, burrowing, nesting, and feeding. The disproportionate time spent in these areas makes tortoises vulnerable to being run over by vehicles using the washes as travel routes. Other studies have described the impacts of off-highway vehicles on washes including disturbance of soil and terrain resulting in deterioration or denudation of vegetation (Burge 1983, Woodman 1983, Goodlett and Goodlett 1993) and destruction of wash margins as washes are widened over time (Berry, et al. 1986). These effects reduce the tortoise's preferred food and cover sites.

PC 170: Several rare plant species (e.g., *Acleisanthes longiflora* [Angel trumpet], *Croton wigginsii* [Wiggin's croton], *Cryptantha holoptera* [Winged cryptantha], *Echinoceraus engelmannii* var. *howei* [Howe's hedgehog cactus], *Pholis sonora* [Sand food]) are included in Table 3-5 and all except winged cryptantha are shown on Maps 7a-d. Why are they included if they only occur outside of the NECO Planning Area?

Response: The goal for special status plants (section 2.3) is to maintain the naturally occurring distribution of 30 special status plants species in the planning area. These plants were included because of the proximity of known occurrences to the planning area. The known distribution plus predicted nearby occurrence was considered in the delineation of the Multi-species WHMA boundaries, and Table N-12 shows the areas and percent of range of each of these in DWMA, Multi-species WHMA, and "Conservation Zone" in the Proposed Plan.

PC 171: The BLM should not try to eliminate non-native plant species from the Planning Area.

Response: The BLM will not be attempting to eradicate all non-native species from the Planning Area. Some (e.g., Mediterranean split grass, red brome) have been well established and widespread for decades and have replaced native plants over extensive areas. It would not be possible to eliminate them. The BLM will make efforts to control the introduction and spread of additional non-native species by limiting activities that cause surface disturbance and/or destroy native plants, thus giving invasive non-native plants the opportunity for establishment and spread. Most BLM control efforts will be focused on localized infestations of non-native plants in critical habitats (e.g., tamarisk at desert springs). Eradication programs have shown that tamarisk infestations can be removed and replaced with native willows, mesquite, and other plants. This is especially important to Neotropical migrant birds that rely on these desert oases as stopovers on their long migrations across the desert.

PC 172: The Final EIS should address the impact foot travel and equestrians have on the spread of noxious weeds within the desert.

Response: The questions and natural and human vectors involved in the issue of spread of weeds are numerous, and answers are difficult to define. There is negotiable recreation related to equestrian and foot traffic, and currently many weeds have already spread widely throughout the region. The document provides discussion in this subject. The nature and long-term effects of weeds is not entirely understood.

PC 174: The CDCA Plan Amendment should include acquisition of private lands to preserve the Coachella Valley milkvetch and should include measures to maintain all ecosystem processes necessary to sustain this plant community.

Response: The approximate distribution is shown on Map 3-7b. Surveys will be conducted in the spring and summer of 2002 to more precisely identify the distribution of Coachella Valley milkvetch in the planning area. Surveys in subsequent, wetter years may be needed to complete this task. When these surveys are completed, BLM will evaluate the need for land acquisition, route closure, and other methods to protect the species and the ecosystem upon which it depends. It should be noted that the fenced Desert Lily Reserve (see Map 2-4) is in the middle of the known distribution.

PC 175: The BLM must strive to eradicate non-native weed species, including Coachella milkvetch, to protect desert areas and natural resources.

Response: Regardless of how the Coachella Valley milkvetch has moved to areas outside Coachella Valley, it is a federally listed native species, and federal land managing agencies are required to protect it.

PC 176: The BLM should thoroughly evaluate various strategies and methods for controlling tamarisk.

Response: For some time, the BLM has had an ongoing program to control tamarisk. Past efforts have focused on the removal of tamarisk in key riparian sites. In the planning area, removal efforts have been undertaken in Bonanza Springs (Clipper Mountains), Tan-Tan Spring (Sacramento Mountains), Crescent Spring (Sacramento Mountains), and at various other springs. Research and experimentation on effective means of removing and preventing tamarisk infestations is continuing. In the past the BLM has used burning (primarily to open human access into thicketized tamarisk stands), cutting, and herbicide treatment. Some researchers (e.g., Jack DeLoach) have been investigating the feasibility of using biological controls, such as insects. The BLM will continue to participate with groups such as the California Exotic Pest Plant Council and Desert Restoration Task Force to refine methods. It is not necessary to define specific techniques in the CDCA Plan.

PC 178: The BLM should prioritize funding for land acquisitions for areas with unique plant communities.

Response: BLM generally applies compensation funds first to habitat acquisitions and secondarily to enhancement and rehabilitation efforts.

PC 179: The CDCA Plan Amendment should eliminate the Parker 400 racecourse to protect vegetation and plant species.

Response: In the Proposed Plan the Parker 400 corridor is entirely eliminated as a place for competitive vehicle events.

PC 180: The CDCA Plan Amendment should protect portions of the Lazy Daisy Allotment to preserve the only occurrence of the Mojave Pinyon/Juniper Woodland species in the NECO Planning Area.

Response: This plant community is present in a very low amount in the NECO Planning Area because the planning area is generally below the elevation where pinyon pine and juniper woodlands are found. The plant community is more abundant immediately north across Interstate Highway 40 in numerous higher mountains. Notwithstanding this, the plant community is entirely within the Old Woman Mountains Wilderness Area and is subject to little disturbance. No information indicates that cattle grazing threatens this community.

PC 184: The Final EIS should separate grazing activities from the preservation of micro biotic crust.

Response: Depending on the manner and degree of grazing activities, grazing use could alter micro biotic crusts. Micro biotic crusts primarily exist and flourish in the first inch of topsoil, and depending on the species, some soil disturbing activities would affect their continue maintenance of that area. Disturbance of the soil can occur with not only livestock use, but with foot traffic or vehicle use.

PC 210: The Final EIS should disclose technical data supporting the assertion that Conservation Zones will benefit all but three special status plants “to a very high degree.”

Response: The document contains text and tables in various places which indicate to what degree (number or percent of sites) each special status species is found inside one of the areas included in conservation management. Three plants are outside such that through project location and design or land exchange they could be obliterated. To those which are found in significant numbers/area inside conservation management areas, the milkvetch land managing agencies commit to their conservation through a variety of proposed actions--e.g., avoidance, mitigation, and land acquisition--and there is a very good chance that they should be able to persist over a great period of time.

PC 211: The Final EIS should show the survey data for Coachella Valley milkvetch and provide information supporting the assertion in Table 3-5 that OHV use has negative impacts on the Coachella Valley milkvetch.

PC 212: The Final EIS should include survey data on the milk vetch.

Response: The write-up in Table 3-5 for *Astragalus lentiginosus* var. *Coachellae*, Coachella Valley milkvetch, states, “In the Coachella Valley, heavy vehicle use can destroy plants, and development can result in loss of habitat or disruption of natural processes. The sites in Chuckwalla Valley may also be subject to vehicle use.”

The vast majority of plants in this species are located in the Coachella Valley outside of the planning area. These populations and their impacts are not an issue in the NECO Plan. Nevertheless, vehicle use off of roads is extensive, with hill climbs developed in some areas (e.g., Edom Hill, Windy Point). These populations are being addressed in a concurrent planning effort for the Coachella Valley and adjacent mountains.

BLM has records of about six small populations in Chuckwalla Valley (see Map 3-7b). All are adjacent to Highway 177 and readily accessible by vehicles. At this time, there is no information that off-highway vehicle use is disturbing these populations. In fact, the fenced Desert Lily Reserve (see Map 2-4) is in the middle of the known distribution. Surveys will be conducted in the spring and summer of 2002 to more precisely identify the distribution of Coachella Valley milkvetch in the planning area. Surveys in subsequent, wetter years may be needed to complete this task. When these surveys are completed, BLM will evaluate the need for additional management action to protect the species and the ecosystem upon which it depends.

PC 213: The BLM should seasonally exclude sensitive plant species habitat from grazing until studies show impact does not occur.

Response: In grazing allotments within the Planning Area, there are no known endangered plants. Direction for monitoring is located in the Proposed Plan after the guidelines for grazing management on page 2-11 of DEIS. The direction from the DEIS states, "In those areas not meeting one or more standards, monitoring processes will be established if they do not presently exist to monitor indicators of health until the standard or resource objective has been attained." As assessments of standards are completed throughout the planning area, monitoring priorities would be established for those constituent components of the standard that failed during the assessment process. Most likely, resource data collection would occur for several aspects of the indicators. The BLM has limited personnel and funding resources so judicious application of monitoring efforts would occur.

PC 214: The BLM should protect endangered plant species by reducing cattle grazing.

Response: Prescription for grazing use detailed under the Proposed Plan would maintain a low level of grazing use while providing measures to protect and recover the desert tortoise. The level of grazing use planning area-wide is low and slowly becoming less. For example, grazing use on three of the four allotments in the planning area has not occurred in the last four years. The Proposed Plan would provide the lessee an opportunity to relinquish the grazing lease (allotment) in DWMA. Annual use of perennial grasses and shrubs by cattle is tied to sufficient spring production of ephemeral grasses and forbs in DWMA. When ephemeral production is insufficient then cattle and sheep would not graze on perennial or ephemeral rangelands, respectively. Continuation of mitigation measures for ongoing activities in desert tortoise habitat plus other measures for other activities such as burro use and vehicle access would lead to recovery of the desert tortoise.

Other Special Status Animals

PC 193: The BLM should include provisions for recovery of listed species occurring on lands adjacent to the NECO Planning Area, such as Yuma clapper rail and desert pupfish.

Response: The needs of these species are being addressed in planning efforts currently underway for these adjacent areas. Among these planning efforts are the Northern and Eastern Mojave (NEMO) Planning Area north of I-40, the Western Mojave (WEMO) Planning Area to the northwest, the Coachella Valley Planning Area to the west, the Imperial Dunes Planning Area to the southwest, and the lower Colorado River MSCP.

PC 198: The BLM should prove the effectiveness of mitigation measures used to protect special status species.

Response: Most mitigation measures have not been tested for effectiveness on an individual basis. However, most projects involving desert tortoise have biological monitors, and they commonly report verbally to BLM staff on their observations regarding the effectiveness of various measures. For larger projects, end of project reports address effectiveness of mitigation measures. Mitigation measures are modified and refined based on these reports. In 1996, Circle Mountain Biological Consultants (CMBC 1996) examined mitigation measures (i.e., terms and conditions) in 234 milkvetch biological opinions from USFWS

and contacted 145 individuals, including biological monitors. CMBC concluded that implementation of terms and conditions for projects had significantly reduced the number of tortoises killed relative to the numbers authorized by USFWS in the biological opinions. They concluded that tortoise awareness programs, defined work zones, on-site monitors, and tortoise-proof project fencing gave the best protection for tortoises.

Circle Mountain Biological Consultants. 1996. Federal Biological Opinion Analysis for the Proposed Eagle Mountain Landfill Project. Contract Rept., Wrightwood, Calif. 11pp + Appendices.

PC 207: The BLM should set a survey schedule for southwestern willow flycatcher and least Bell's vireo.

Response: In habitat surveys in winter of 2001-2002, suitable nesting habitat was identified at Willow Springs and Old Woman Statue Springs in the Old Woman Mountains. These sites will be surveyed in spring and summer of 2002. Both sites are in the Old Woman Mountains Wilderness Area. No other potential breeding sites have been identified.

PC 215: The BLM should show the survey data supporting the assertion that the Palen Dunes, Rice Valley Dunes, Ford Dunes, Palen Dry Lake, and Ford Dry Lake currently support populations of the Mojave fringe-toed lizard and should provide information supporting the assertion that OHV use has negative impacts on the species.

PC 216: The Final EIS should disclose technical data supporting the assertion that OHV use has caused significant impacts to the Mojave Fringe-toed lizard.

PC 217: The BLM should specify whether the Mojave Fringe-toed lizard is a threatened species, an endangered species, or a species of concern.

PC 223: The BLM should disclose information regarding the designation of "essential blowsand or sand source habitat" for the Fringe-toed lizard.

Response: The Mojave fringe-toed lizard was recorded by Margaret Fusari at a number of sites in Chuckwalla Valley, including "Chuckwalla Valley Dunes" and Palen Dunes and other sites in 1976 and 1978 (Vertebrate Distribution Records, BLM Calif. Desert Dist. Library). Specimens curated at the Los Angeles County Museum of Natural History, San Diego Natural History Museum, and Museum of Vertebrate Zoology (U. C. Berkeley) were collected in dunes and playas throughout Chuckwalla Valley (i.e., Palen Dunes and Dry Lake and Ford Dunes and Dry Lake) and Rice Valley Dunes (Museum Records, BLM Calif. Desert Dist. Library). A general distribution map and other references on life history and distribution may be found in Zeiner *et al.* (1988).

Off-highway vehicles do not heavily use the dunes and playas listed (<10 vehicles per week) (John Blachley, BLM, law enforcement ranger, pers. comm.). Nevertheless, the vegetation on fine, blowsand dunes and playa edges used by fringe-toed lizards is susceptible to loss and degradation with repeated use. In addition, the escape behavior of fringe-toed lizards (i.e., diving into the sand) makes them vulnerable to being run over.

Knauf (2002) compared Colorado Desert fringe-toed lizard (*Uma notata*) occurrences on 25 transects in an area closed to vehicles and 25 transects in an adjacent area used heavily for OHV free-play. Comparisons were made in both spring and fall. In the spring and fall seasons, respectively, mean numbers observed on the transects were 2.4 and 2.2 times higher in the OHV closed area than in the open area.

Knauf, C. R. 2002. Preliminary report--A comparative analysis of Colorado Desert fringe-toed lizard (*Uma notata*) populations in OHV open and closed areas of the Algodones Dunes, Imperial County, CA. BLM Rept., El Centro, Calif. 2pp.

Zeiner, D. C., W. F. Laudenslayer, and K. E. Mayer (Ed.). 1988. California's wildlife Volume I Amphibians and Reptiles. Dept. of Fish and Game. 272pp.

PC 218: The BLM should show the survey data supporting the assertion that OHVs have negatively affected Couch's spadefoot toad populations or their viability and should identify the routes that come within ¼ mile of habitat.

PC 219: The BLM should indicate whether the Couch's Spadefoot Toad is a sensitive species or a species of special concern.

PC 220: The BLM should identify all routes that come within 1/4 mile of Couch's spadefoot toad habitat.

PC 286: The BLM should re-evaluate its concern for the health of the Couch's spadefoot toad.

Response: Couch's spadefoot toad is a BLM California sensitive species and a CDFG State Species of Concern. Mark Dimmitt (Ph.D. candidate at Univ. of Calif. Riverside and later BLM wildlife biologist in 1970's) recorded numerous sites in the late 1970's in his studies on the species (Vertebrate Distribution Records, BLM Calif. Desert Dist. Library). Specimens curated at the Los Angeles County Museum of Natural History were collected along the major wash beside Highway 78 (Museum Records, BLM Calif. Desert Dist. Library). Dimmitt (1977) mapped 25 sites where he found spadefoot toads in far eastern San Bernardino (1 site), Riverside (5 sites), and Imperial (19 sites) Counties. All the sites are along highways and major roads--Highway 95 in San Bernardino County; Blythe-Midland Road, Chuckwalla Rd, and Interstate 10 in Riverside County; and Highway 78, Ted Kipf Road, and Ogilby Road in Imperial County. He also examined 21 other ponds under favorable conditions where no spadefoot toads were seen. Kim Nicol (CDFG, ecologist, pers. comm.) observed Couch's spadefoot toads in 2000 along impoundments in "Midway Well Wash" alongside Highway 78.

In the arid environment of far eastern San Bernardino, Riverside, and Imperial Counties, activity of spadefoot toads is restricted to short periods following rains when they emerge to feed and reproduce. Spadefoots are underground most of the year to avoid desiccation. Therefore, the cues for emergence are critical to their survival. Dimmitt and Ruibal (1980) observed that vibration from an electric motor resulted in almost 100 percent emergence except when soil temperature was below 20 degrees C. They speculated that the motor resembled the sound of rain, vital to survival above ground, on the surface. Soil wetting and increasing soil temperature failed to break dormancy in the absence of a sound stimulus. They also noted that toads are easily disturbed when above ground and will retreat quickly into their burrows at night when struck with a flashlight beam.

During, and perhaps just before, the short above-ground period, spadefoots seek refuge just below the surface in shallow burrows. They are then vulnerable to crushing by vehicles driving in washes. However, emergence occurs after summer rains (July-September) when human activity in the desert is lowest.

No roads were closed due to proximity to known spadefoot toad breeding sites.

Dimmitt, M. A. 1977. Distribution of Couch's spadefoot toad in California (preliminary report). BLM Rept., Riverside, Calif. 6pp.

Dimmitt, M. A., and R. Ruibal. 1980. Environmental correlates of emergence in spadefoot toads (*Scaphiopus*). Journ. of Herpetology 14(1):21-29.

PC 221: The BLM should provide information supporting the assertion that open routes have negative impacts on the prairie falcon and golden eagle.

PC 222: The Final EIS should disclose information which makes the assertion that OHV races have negative impacts on the prairie falcon and golden eagle.

Response: Nesting sites used by these species are usually on cliff faces, and are referred to as eyries. There are few golden eagle and prairie falcon eyries in the planning area. Parents of these species are easily disturbed during nesting and rearing, especially by people on foot. Only two routes were closed due to proximity to eyries.

PC 252: The BLM should develop site-specific management plans for the special status bird species occurring in the planning area.

PC 253: The BLM should develop a site-specific management plan to protect the vermilion flycatcher.

PC 254: The BLM should develop a site-specific management plan to protect the willow flycatcher and the southwestern willow flycatcher.

PC 255: The BLM should develop a site-specific management plan to protect the Bendire's thrasher.

PC 256: The BLM should develop a site-specific management plan to protect the Crissal thrasher.

PC 257: The BLM should develop a site-specific management plan to protect the LeConte's thrasher.

PC 258: The BLM should develop a site-specific management plan to protect the yellow warbler.

Response: Various proposals have been set forth in the NECO Plan to protect and restore avian habitat quality (see Section 2.3, Issue: Management of Special Status Animals and Plants and Natural Communities, and Section 2.1, Issue: Recovery of the Desert Tortoise). Based on population trend data collected by CDFG and others, BLM will consider management actions to arrest observed declines in special status birds.

Springs and Artificial Waters

PC 51: The BLM should suspend the proposal to construct guzzlers in wilderness areas until the agency completes a project-specific NEPA analysis.

PC 88: The BLM should reevaluate justification for the proposed water developments for the existence and welfare of wildlife.

PC 111: The CDCA Plan Amendment should manage wilderness areas without added water developments which can lead to artificial expansion of species populations, especially herd animals.

PC 112: The BLM should consider the negative impacts water developments have on desert species and wilderness areas.

PC 113: The BLM should provide site-specific analysis to justify water developments in wilderness areas.

Response: The Proposed Plan FEIS has been slightly modified from the Draft Plan/DEIS on this point (See chapters 2 and 4). Chapter 2 also states that the waters are needed because human alteration of the southern part of the NECO Planning Area is such that the proposed waters are required. As much as possible the proposed waters were located outside of wilderness areas. The analysis of effects suggests that the waters would be very unobtrusive and would have only slight effects upon ecosystem components. The effects of construction and periodic maintenance would lower little effect in wilderness. Conversely, the drinker would help enhance wilderness values from the standpoint of better conserving the continued existence of bighorn sheep, which occupy wilderness areas.

PC 140: The BLM should protect and restore natural springs and seeps as well as artificial guzzlers.

Response: The NECO Plan includes several actions relative to the protection and restoration of natural waters for wildlife. Specifically, in Section 2.3.10 an action addresses rehabilitation and protection of springs and seeps. Various methods are listed, and reference is made to Map 2-22, which shows 45 sites that need tamarisk removal and 93 sites that may need exclosures for cattle or burros. Also, in the Proposed Plan for Routes of Travel Designation (Section 2.5), the parameter to minimize harassment of wildlife and disruption of habitats (Table 2-11 and section 2.3.10) includes consideration of closure of any route within one-quarter mile of any natural water source (e.g., springs, seeps, streams) or artificial watering facility (e.g., guzzlers). Twenty-one routes were closed in their entirety and six routes in part due to proximity to natural and artificial waters. In addition, the Proposed Plan for Management of Special Status Animals and Plants and Natural Communities includes a decision and policy common to all alternatives that "CDFG will continue to construct, improve, and maintain new and existing natural and artificial water sources and exclosures around them." CDFG, together with various volunteers and organizations, has performed this function for many years. Also, in the Proposed Plan (Section 2.3.2) there is a measure allocating natural waters among burros, deer, and bighorn sheep to prevent over-utilization of both forage and water.

PC 141: The BLM should coordinate the maintenance of guzzlers with private organizations.

Response: The proposals regarding routes of travel do not affect authorized access to existing springs and artificial waters for operation and maintenance. This access is also provided for in the 1994 California Desert Protection Act.

PC 162: The BLM should evaluate the impacts of proposed water developments to vegetation and consider locating water developments in plant communities that are not regionally unique.

Response: A discussion of impacts of new water developments on vegetation has been added to the environmental consequences for Vegetation-Natural Communities (Section 4.2.4) from Issue 3: Management of Special Status Animals and Plants and Natural Communities.

PC 163: The Final EIS should clarify enclosure considerations for natural water sources within the NECO Planning Area.

PC 164: The Final EIS should work to improve all springs and seep developments to meet conditions of natural processes and functions.

Response: Enclosures with water piping are proposed only for areas for which large, non-native animals such as cattle and burros are part of the management picture. These animals can cause disturbance and unacceptable lowering of proper functioning condition. Such facilities are unnecessary elsewhere.

PC 224: The Final EIS should include a conservation strategy for the bighorn sheep before guzzlers are constructed in their habitat.

Response: The bighorn strategy for the NECO Planning Area is set forth in Section 2.3. Proposed goals, objectives, policies, and actions are presented.

BLM guidance and policy on a National level can be found in *Mountain Sheep Ecosystem Management Strategy in the 11 Western States and Alaska* (BLM 1995). It provides overall guidance for management of bighorn sheep habitat and populations on BLM lands. The strategy remains current in policy and concept. It approaches California Desert bighorn sheep on a metapopulation basis. CDFG guidance and policy is presented in *A Plan for Bighorn Sheep in California* (CDFG 1983). It remains current as policy and guidance for management of bighorn sheep. It addresses bighorn management at the deme (i.e., subpopulation or mountain range) level. CDFG also publishes an annual environmental impact report on its bighorn sheep hunting program.

Within the planning area, CDFG is currently preparing a Southern Sonoran Mountain Sheep Metapopulation Plan. Although, the draft is currently in preparation, the guzzler proposals to be incorporated into that plan were given to BLM and used in the Proposed Plan.

In addition, CDFG has management plans for several demes or bighorn management units. CDFG says that all are current and are being implemented. These plans include the following:

1. *Bighorn Sheep Management Plan: Orocochia Mountains Management Unit.*
2. *Bighorn Sheep Management Plan: Sheephole Mountains Management Unit.*
3. *Bighorn Sheep Management Plan: Turtle Mountains Management Unit.*
4. *Bighorn Sheep Management Plan: West Chocolates Mountains Management Unit.*
5. *Bighorn Sheep Management Plan: East Chocolates Mountains Management Unit*

Calif. Dept. of Fish and Game. 1983. A plan for bighorn sheep in California. CDFG Rept. 11pp.

PC 276: The BLM should help wildlife by allowing vehicle access to water holes for maintenance.

Response: The 1994 California Desert Protection Act that created wilderness areas on lands managed by BLM allowed for continued vehicle access by California Department of Fish and Game and their agents into the wilderness areas to maintain the waters. The Proposed Plan and other alternatives do not change that allowance.

PC 284: The BLM should protect native wildlife by not establishing new guzzlers in the NECO Planning Area.

Response: Chapter 3 of the Proposed Plan/FEIS updates information on the number and kinds of waters south of I-10 in the NECO Planning Area. Most existing waters, natural and artificial, cannot be counted on to sustain populations of bighorn sheep and deer. Most springs and tenajas are not dependable from year to year or are of too little capacity. Most are designed for small animals and are not accessible for large animals, and many of the large animal type are no longer functional. Likewise bighorn sheep will not cross I-10 or go to the Colorado river to drink. Their drinking at the Coachella Canal is not desired due to risk of falling in and drowning. In areas of burros, BLM proposes to fence burros out of waters designed for bighorn sheep and deer. Chapter 4 provides an analysis that indicates that the proposed waters would have a beneficial effect for large animals with no significant negative effects for other native species and their habitats.

Livestock Grazing

PC 65: The BLM should clarify how projected range condition outcomes justify selecting the Preferred Alternative over the No Action Alternative.

Response: The Proposed Plan provides a suite of actions to protect desert tortoise and habitat that do not occur under the No Action Alternative. The BLM's designation of ACECs for the DWMA is a substantial change over existing management. Improvement of range conditions aside, continued perennial grazing use in DWMA is directly tied to annual ephemeral forage production. Numerous actions, including potential relinquishment of grazing leases, would have direct impact on desert tortoise habitat as well.

PC 166: The Final EIS should scientifically justify the proposed action to maintain perennial plant utilization at or below 40 percent.

Response: Utilization of perennial forage plant species at 40% or below for Mojave and Colorado Desert is based upon guidance from Guidelines for Grazing Management page 2-11 of the DEIS and a citation from page 207, *Range Management; Principles and Practices*, J.L. Holechek 1998. Utilization is achieved by either measuring perennial plants in a study area along sample plot line or through observation with a skilled field specialists.

PC 386: The BLM should evaluate the long-term viability of grazing in the NECO area.

Response: This proposal was not considered and evaluated in the NECO Plan because it was beyond the scope of the Proposed Plan as defined by the purpose and need of the EIS.

PC 387: The BLM should indicate how continuous, season-long livestock use has been demonstrated to be consistent with achieving healthy, properly functioning ecosystems.

Response: The BLM authorizes cattle grazing on the Lazy Daisy Allotment all year-long. The allotment has undergone rangeland health assessment and resource conditions met all standards. Holechek (1998) states, "Although it has been speculated that desirable plants, particularly grasses, will be grazed excessively under continuous grazing, actual research does not support this speculation [The] advantage of continuous grazing is that actual grazing pressure during the critical growing season is relatively light (10 percent to 20 percent) since adequate forage must be left to carry animals through the dormant season."

Holechek, J.L., R.D. Pieper, and C.H. Herbel, 1998. Range Management, Principles and Practices. Prentice Hall, Upper Saddle River, New Jersey.

PC 388: The BLM should consider the livestock grazing management plan prepared by Dr. Wayne Burkhart and Dave Thomson as an alternative in the Final EIS.

Response: The Proposed Plan would establish a grazing strategy for cattle use in DWMA. Changes to the grazing strategy would be altered under provisions for research of grazing forage utilization and relevant variables. The BLM, FWS, and lessee(s) would develop a written research proposal; after agency review and approval, the proposal would be implemented.

PC 389: The BLM should justify the application of any grazing utilization guidelines.

Response: To see citations for grazing utilization please refer to page 2-11, Table 2-2 Preferred Alternative, Chapter 2 DEIS.

PC 391: The BLM should clarify the use of different threshold values for grazing management.

Response: The statement refers to section 4.1.5 Wildlife Management, *From Issue 2: Recovery of the Desert Tortoise*, Desert Tortoise. This section of Chapter 4, Environmental Consequences, is under the No Action Alternative or current management. Under current management those portions of Lazy Daisy Allotment in Category I and II desert tortoise habitat may authorize cattle use of ephemeral forage (annual grasses and forbs) during spring for one-month increments. Ephemeral forage production must be maintained at or above 350 pounds air dry-weight per acre during grazing use. The 350 pound requirement was utilized prior to turnout of sheep in allotments within west Mojave Desert in Category I and II habitats, however, the requirement is no longer in use in sheep allotments. Measurement of 350 pounds per acre and identification of the area(s) producing ephemeral forage can be obtained with current monitoring techniques.

PC 392: The BLM should reduce or eliminate cattle grazing on BLM managed lands.

Response: This proposal was not considered and evaluated in the NECO Plan because it is beyond the scope of the proposed action as defined by the purpose and need of the EIS.

PC 393: The CDCA Plan Amendment should implement Alternative A for the greatest reduction of grazing areas.

Response: There is no new information provided with this comment and the comment is not substantive.

PC 394: The CDCA Plan Amendment should reduce grazing allotments systematically until large animal grazing in desert regions cease to exist.

Response: There is no new information provided with this comment and the comment is not substantive.

PC 395: The BLM should work with the National Park Service to acquire and permanently retire cattle grazing permits from willing sellers.

Response: Delete PC 395. This comment does not apply to the NECO Planning Area. It is a comment for the NEMO planning area that has been answered.

PC 396: The BLM must provide scientific data justifying any reduction in grazing or change in management of the Lazy Daisy allotment.

Response: Under the Proposed Plan cattle grazing in the Lazy Daisy would continue without reductions in grazing use. A grazing strategy would be developed with staff from BLM and FWS and the lessee(s). This strategy will be developed to address forage competition between cattle and desert tortoises specifically. When ephemeral forage production is less than 230 pounds per acre, cattle shall be substantially removed from the DWMA as per the grazing strategy from March 15 to June 15. The grazing strategy will be a written plan detailing the area of cattle removal, natural cattle movements, existing and potential improvements, and other constraints of cattle management. Hal Avery 1998 found that competition occurred between cattle and desert tortoises when ephemeral forage production dropped below 230 pounds per acre, but forage competition ceased at or above 230 pounds per acre.

Avery, H.W. 1998. Nutritional Ecology of the Desert Tortoise (*Gopherus agassizii*) in relation to cattle grazing in the Mojave Desert. Dissertation to UCLA.

Wild Horses and Burros

PC 260: The BLM should coordinate wild horse and burro herd management between the California and Arizona BLM offices.

Response: In developing the plan amendment considerable collaboration has occurred between BLM offices in California and Arizona. In addition managers from three U.S. Fish and Wildlife refuges, California Department of Fish and Game, and California State Parks and Recreation have been involved. Chapter 2 is replete with references unitizing management between the two sets of offices, including combining herd management areas and appropriate management levels. The plan indicates that agreements, further management details, and implementation will follow the signing of the Record of Decision.

PC 261: The BLM should fully analyze the impacts of wild horses and burros on vegetation and wildlife.

Response: The discussion in Section 4.1.4 (impacts on Vegetation Management, No Action Alternative), *From Issue 4: Wild Horse and Burros* has been expanded to more fully describe the impacts of burros on vegetation. The discussion in Section 4.1.5 (impacts on Wildlife Management, No Action Alternative), *From Issue 4: Wild Horse and Burros* describes the impacts of burros on wildlife. The EIS for the CDCA Plan in 1980 addressed the impacts of wild horses and burros on vegetation and wildlife; the Proposed Alternative in the NECO Plan is to reduce both herd management areas and burro numbers.

PC 262: The BLM should substantiate its counts of wild horses and burros.

Response: The BLM is continually searching for improved methods of conducting population counts. In the past, the CDD employed the direct count census method in determining population estimates. It has been shown that the paint ball mark-re-sight census technique for developing population estimates of wild burros yields statistically sound population estimates. However, this technique is costly and involves hazardous, low-level helicopter flight. The current population census method utilized by the CDD, developed through the efforts of Arizona BLM and the Arizona Department Game and Fish, is the simultaneous double count method. There has been an attempt to use infra-red census techniques, but this is still under evaluation.

PC 263: The BLM should focus on mitigating the impacts of burros rather than restricting the access of recreational users.

Response: Burro management is addressed in law (the 1971 Wild Horse and Burro Act) which requires that, as applied to the planning area, burros be considered as part of the ecosystem on the same footing as natural elements. No consideration was made to manage for a number of burros at the expense of human uses. Chapters 2 and 4 indicate and discuss proposals in various alternatives to reduce areas for and numbers of burros to manage them in concert with native species. For the most part, issues related to the management of burros are unrelated to those from human uses.

PC 265: The BLM should prevent burros from entering the Picacho State Recreation Area.

Response: In order to minimize burro activity on these lands, BLM will be addressing actions that include, but are not limited to, continuing to remove nuisance burros, erecting fencing, and/or providing additional water sources on Public lands for wildlife and burros. It may not be possible that burro activity in Picacho SRA will entirely be instigated.

PC 266: The BLM should support the development of a cooperative interagency management agreement allowing California state parks to manage wild burros within Picacho State Park.

Response: A 1977 Deputy Solicitor Opinion on wild horses and burros on Fish and Wildlife Service Game Ranges concluded that “those animals whose range or any part of their range traverses the public lands are within the scope of the Act.” This opinion recognizes that BLM is responsible for the health and welfare of burros, which are protected under the Act, that roam onto other administered lands.

This does not limit the ability for the BLM to coordinate management activities through cooperative agreements with individuals or agencies to achieve management goals and objectives. As for example, the USFWS policy from the USFWS Refuge Manual 7RM 6 states that “burro populations will be reduced to and maintained at the lowest possible level. Reduction will occur in accordance with cooperative agreements with the Bureau of Land Management”

PC 267: The BLM should facilitate public input in the protection of burros and wild horses by performing a Programmatic Environmental Impact Statement on the national wild horse and burro program.

Response: The impetus to perform such a programmatic EIS is beyond the scope of NECO.

PC 268: The BLM should maintain Appropriate Management Levels of burros within Herd Areas.

Response: It is stated in 43 CFR 4700--Protection, Management, and Control of Wild Free-Roaming Horses and Burros, under 4710.3-1 Herd management areas, that delineation of herd management areas should “consider the appropriate management level for the herd, the habitat requirements of the animals, [and] the relationship with other uses of the public and adjacent private lands.”

The majority of the reductions in the HMAs occur on lands which burro populations do not occupy or are infrequently used and are being designated as DWMAs. Reductions in the northern portion of the Chocolate Mule Mountain HMA occur in the Palo Verde Valley, where privately owned, irrigated agricultural fields occur and private land owners request the BLM to remove the burros from damaging their crops under CFR 4720.2-1, Removal of strayed animals from private lands.

The removal of lands in Picacho State Recreation Area, USFWS refuges, Tribal lands and portions of BLM public lands requires that AMLs be reduced.

A table has been added to Chapter 3.7 Wild Horse and Burro Management, reflecting these burro herd areas and their current status.

BLM will still manage for two viable burro herds in NECO.

PC 269: The BLM should protect burros and wild horses by updating all Herd Management Area Plans.

Response: In the NECO Plan, BLM recognizes that the HMAPs are old, and commits to them being updated. (See Chapter 2, Page 47--HMAPs and Unitized Program Administration.).

PC 270: The BLM should ensure that wild horses and burros are afforded the protections guaranteed under the Wild Free-Roaming Horse and Burro Act.

PC 271: The BLM should facilitate free roaming of wild horses and burros to ensure conservation of genetic diversity.

Response: For the existing herd areas and herd management areas in the California Desert District, very little public land remains to be managed for burros which does not have some portion of that management affecting private lands or lands managed by other agencies. Burro populations may not be determined by the ecological carrying capacity, but dependant upon achieving the other agencies' goals, while at the same time maintaining a population of burros.

The NECO Planning area has very few manmade barriers preventing the free roaming nature of burros on Public lands. The only herd that has had a population below 150 over numerous years is the Piute Mountain Herd, which has a current management prescription to reduce the population to zero. The Chocolate/Mule Mountains, Picacho, and Cibola/Trigo HMAs (combined) have just in the past year dropped below an estimated 150 animals. The animals that have been periodically removed have shown to be in good genetic health, some had low body fat scores due to the lack of available forage, especially during drought years. A table has been added to Chapter 3.7 Wild Horse and Burro Management, reflecting the herds sex ratio, recruitment rates, and age structure.

Chapter 3.7 Wild Horse and Burro Management added a population viability analysis section describing the Singer and Zeigenfuss (2000), study on genetic effective population to maintain genetic variation, which ranged from 139 to 185 animals. In accordance with current policy and guidance, BLM has initiated collecting blood samples on wild burros in the plan area for genetic baseline data. As this data is compiled and analyzed, it will be included in the HMAP and the genetic health of a herd would be monitored. BLM would evaluate viable management alternatives for conserving or enhancing genetic diversity within populations, which would include recommendations from the BLM Wild Horse and Population Viability Forum.

PC 272: The BLM should ensure Herd Management Areas are principally managed for the benefit of wild horses and burros.

PC 273: The BLM should ensure that the welfare of wild horses and burros is not superseded by the management of other uses.

Response: In defining an HMA and setting an AML for burro BLM commits to managing for a viable herd in accordance with law and regulation as well as multiple-use management requirements and plan commitments for other values and uses.

PC 275: The BLM should advance the natural biotic community along the Lower Colorado Region by removing burros from the Chocolate/Mule Mountains Herd Area.

Response: The pattern of administrative agencies along the Colorado River creates a difficult context for managing burros, with ongoing efforts for a solution that both addresses the various agencies' mandates and meets the requirements of the Wild Horse and Burro Act. The hope is that the proposed reduction of herd management areas and appropriate management levels, along with creating a unitized approach to managing burros and offering a greater array of management tools, will go a long way toward reducing ecosystem and agency conflicts.

Cultural and Native American Values

PC 411: The BLM should ensure appropriate consultation with Native American tribes that have a cultural affiliation with areas affected by NECO before the Plan is finalized.

PC 428: The BLM should collaborate with outside sources to ensure proper management of culturally sensitive areas and resources.

PC 429: The BLM should manage resources using a landscape-based approach to protect Native American cultural resources.

PC 26: The BLM should meet its consultation requirements with the Quechan Tribe.

Response: BLM has consulted in person with a number of tribal councils and with the State Historical Preservation Office in developing the Proposed Plan. In addition no attention has been brought to the nature and location of specific cultural resources. This is possible because the focus of the plan amendments is conservation of species, narrative cultural resources descriptions and analyses are very general, and no locality information is provided on maps.

PC 412: The Final EIS should include provisions that address the identification, evaluation, preservation of cultural resources, especially as it relates to impacts from OHV and route designation.

PC 414: The BLM should preserve sites of western heritage and cultural significance.

PC 421: The BLM should close all routes where travel may potentially impact surveyed cultural resources to facilitate further analysis.

PC 422: The BLM should protect cultural resources by permanently closing routes in the Johnson Valley to Parker Race corridor.

PC 426: The CDCA Plan Amendment should emphasize the preservation of Native American cultural resources.

PC 427: The BLM should conduct surveys to identify cultural resources within the CDCA Plan area.

PC 428: The BLM should collaborate with outside sources to ensure proper management of culturally sensitive areas and resources.

PC 429: The BLM should manage resources using a landscape-based approach to protect Native American cultural resources.

Response: This Proposed Plan would not change the Cultural Resources Element of the CDCA Plan. BLM would continue to implement the CDCA cultural resources management strategy in accordance with the

CDCA Plan, as implemented in the CDCA Programmatic Agreement (*Programmatic Memorandum of Agreement Among the Advisory Council on Historic Preservation, the Bureau of Land Management (DOI), and the California State Historic Preservation Officer Regarding the California Desert Conservation Area (1980)*) and the BLM National Programmatic Agreement (*Programmatic Agreement among the Bureau of Land Management, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers Regarding the Manner in which the BLM will meet its Responsibilities under the National Historic Preservation Act (1997)*). The National Programmatic Agreement is implemented in California by a Protocol Agreement between BLM California and the California SHPO (*State Protocol Agreement Between The California State Director of The Bureau of Land Management And The California State Historic Preservation Officer (1998)*). The National Programmatic Agreement and Protocol continue to reinforce all of the goals and actions necessary to achieve the cultural resources management proscriptions outlined in the CDCA Plan, but provide BLM more authority and responsibility in carrying out these responsibilities. The cultural resources management goals for the CDCA Plan include: (a) Recognition through ACEC and other special designations; (b) Preservation and Protection; (c) Monitoring; (d) Inventory; (e) Mitigation Plans; (f) Research, and (g) Review and Coordination. Proposed actions subsequent to the Proposed Plan would continue to be reviewed in accordance with Section 106 of NHPA, as implemented in the BLM Statewide Protocol and the 1980 CDCA Programmatic Agreement for cultural resources.

Specific to route designation decisions, the FEIS has been strengthened to address this issue. For the Proposed Plan for route designation, BLM would propose to amend the CDCA Programmatic Agreement with SHPO to formalize the implementation of a phased cultural resources strategy for routes of travel within the NECO Planning Area. The agreement would define the nature of the undertaking and the level of effort necessary to address effects, allow the designation of routes to proceed, provide for a phased identification and evaluation effort over a specific period of time, provide for consultation with SHPO, interested persons, and tribal entities over the design and implementation of identification efforts, and provide remedies (route closure, mitigation) when eligible cultural resources would be determined to be affected. Implementation of the amendment to the CDCA Programmatic Agreement would satisfy agency responsibilities under Section 106 of the NHPA.

PC 413: The Final EIS should include scientific data supporting that OHV use and off-road racing events impact sensitive historical or cultural resources.

Response: The Chapter 4 Impacts Analysis has been augmented and addresses this topic.

PC 423: The BLM should define “reconnaissance surveys.”

Response: The FEIS has been clarified to eliminate redundancy and simplify description. Surveys are generally defined as any effort carried out by the agency to identify and record historic properties. Surveys can be characterized by the degree of comprehensiveness of coverage of the Area of Potential Effect. BLM cultural resources managers generally delineate surveys into three categories that generally describe the level of survey coverage. These levels are generally defined as comprehensive survey, sample survey, and literature review.

PC 424: The BLM should protect glacial/pluvial lakebeds for archeological potential.

PC 425: The BLM should eliminate the Lazy Daisy and Rice Valley grazing allotments to protect known and unknown cultural sites.

Response: The conflicts and effects that might be involved in these resource protection and use questions were considered and decided in developing the 1980 CDCA Plan.

Access

PC 49: The BLM should examine proposed route closures for compliance with RS 2477.

Response: Revised Statute 2477 (R.S. 2477) was passed by Congress as Section 8 of the Mining Act of 1866. It was repealed when the Federal Land Policy and Management Act (FLPMA) was passed on October 21, 1976. However, FLPMA did not terminate any existing “rights-of-way” granted under R.S. 2477. The Mining Act established the first system for patenting lode-mining claims and provided for access. RS 2477 said: “The right-of-way for the construction of highways over public lands, not reserved for public uses, is hereby granted.”

There are often questions of what was offered under RS 2477, to whom, and how the rights-of-way were to be perfected. These questions have not been answered in a clear and consistent manner either locally or nationally. Many routes across public land came into existence with no documentation of the public land records. Routes across public land after 1866, but before withdrawal, patent, mining claim, or reservation for a specific purpose, and before the passage of FLPMA, may be RS 2477 rights-of-way.

In an attempt to clear up these ambiguities, Congress directed the Department of the Interior to study the history, impacts, status, and alternatives to RS 2477 rights-of-way and to make recommendations for processing claims (assertions). This process began in November 1992. Public meetings were held to assist in preparing a report that was submitted to Congress in May 1993. The Report stated that, until completion of the report, the Department “deferred processing pending claims unless there is an immediate and compelling need to recognize or deny any claims.”

The BLM was directed to prepare regulations to guide the process of reviewing RS 2477 claims. Draft regulations were published in 1994. Three terms are important in determining which roads are RS 2477 rights-of-way: (1) “construction,” (2) “highways,” and (3) “not reserved for public uses.” The terms “construction” and “highways” are among the most controversial provisions of RS 2477 and the regulations. On November 19, 1995, Congress approved a moratorium on the regulations. Because there are no final regulations that provide criteria for processing claims under RS 2477, the policy of deferring processing claims unless there is a compelling need remains in place.

The route network identified under the Proposed Plan was developed through a route designation process that considered resource management issues and regulatory and statutory closures (such as in designated wilderness). This process did not make any determinations under RS 2477. If a route is designated as “closed,” that designation is not a determination that an RS 2477 right-of-way does not exist. Such a closure

does not extinguish any RS 2477 right-of-way that may exist. Conversely, a route designated “open” does not mean that the route was determined to be an RS 2477 right-of-way.

PC 50: The BLM should review proposed route closures for accordance with multiple-use management directions.

Response: The Federal Land Policy and Management Act (FLPMA), in requiring that development and revision of land use plans use and observe the principles of multiple use and sustained yield (Sec. 202(c)(1)), defines “multiple use,” in part, as the management of public lands and their various resource values in such manner that “takes into account the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish,” and allows “the use of some land for less than all of the resources” (Sec. 103(c)).

In developing the NECO Plan alternatives, including the Proposed Plan, BLM staff observed the principles of multiple use and sustained yield in providing for protection of special status species, in particular for the recovery of the desert tortoise, while not significantly constraining opportunities for a diversity of recreation activities including those that are motorized-vehicle based. Limiting vehicle access to a greater extent in some areas than others to achieve such goals as recovery of the desert tortoise (e.g., Desert Wildlife Management Areas wherein, in part, vehicle access is restricted to specific routes that are individually designated “open” or “limited”), conforms with the multiple-use mandate established by FLPMA, that is, some public lands need not accommodate all resource uses. Analysis in Chapter 4 addressing limitations on motorized-vehicle access (hence recreation) under the Proposed Plan supports a conclusion that such limitations are not substantial (see Section 4.2.8, Recreation Management). The cumulative effects of limitations on vehicle-based recreation, including those stemming from the designation of wilderness upon passage of the California Desert Protection Act of 1994 (Public Law 103-433), are discussed in the cumulative effects section at the end of Chapter 4.

PC 77: The Final EIS should identify desert washes designated as “Jurisdictions Waters of the U.S.”

Response: The designation of desert washes involves access by motorized vehicles only.

PC 78: The CDCA Plan Amendment should protect desert washes, both for their inherent resource values and to protect sensitive plant and animal species.

PC 79: The BLM should analyze the environmental impacts of all proposed routes and washes to determine the off-road vehicle effects to wildlife, plants and soils.

PC 80: The CDCA Plan Amendment should prohibit all present and future vehicle access to desert washes to protect desert tortoises, other wildlife and vegetation.

Response: A considerable amount of washes are proposed to be closed. On some of these, closure is already in effect. Chapter 4 analysis has been modified somewhat and suggests that (1) given the array of open and closed washes to various species and habitat occurrences, and (2) given the current amount, time of year, and nature of vehicle uses in washes, that the array of open and closed washes areas is adequate to provide for the conservation of the ecosystem in general and the special status species and habitats in particular.

PC 81: The BLM should restrict vehicle access in pristine areas for the protection of vegetation and wildlife.

Response: The array of currently existing and proposed new decisions provides for the conservation of ecosystem elements including the restriction of vehicles to designated roads and navigable washes. Currently there are also laws against littering. The basis of conservation of biodiversity does not necessarily require pristine environments but does consider arrays and complexities of managed uses.

PC 82: The BLM should analyze the long-term environmental effects associated with off-road vehicle use within NECO.

PC 83: The BLM should evaluate the long-term effects of closing over-used and under-use areas within the NECO.

Response: Analysis in Chapter 4 addresses environmental effects associated with off-highway vehicle use consequent to implementation of management prescriptions under each of the alternatives, including effects on air quality, soil quality, vegetation, wildlife, wilderness, recreation, and cultural resources. This analysis has been strengthened for the Final Environmental Impact Statement. No areas or specific routes of travel within the NECO Planning Area are identified as having been over-used by off-highway vehicles, including the Ford Dry Lake and Rice Valley Dunes Off-Highway Vehicle Recreation Areas. Hence, it is not anticipated that closures of such areas or individual routes under the Proposed Plan will divert substantial motorized-vehicle use to other areas or routes.

PC 195: The Final EIS should contain action statements which are more definitive than the “strongly considered” statements in DEIS to protect sensitive species and natural resources.

Response: Several actions are criteria for designating routes of travel open, closed, or limited. The wording of these criteria suggests an emphasis that, depending upon the nature of conflicting values (open road v. closed road to keep vehicles away from a species location), may or may not always be applied. Each point of conflict or potential conflict was evaluated on several merits. In some instances, a decision was made to close a road based upon the criteria; in others, the use of the road was the more important consideration.

PC 278: The BLM should protect wildlife by prohibiting new routes and individually analyzing routes to be left open within the NECO Planning Area.

Response: Effects of motorized-vehicle use of the route network under each alternative are described in Chapter 4, including impacts to the desert tortoise (see Sec. 4.1.4, 4.2.4, 4.3.4, and 4.4.4, Biological Resources). Individual routes identified in Appendix R are designated in accordance with the regulatory designation criteria at 43 CFR 8342.1 (see Sec. 3.9, Off-Highway Vehicle Use/Motorized-Vehicle Access, for a description of these criteria).

Only two new routes are identified in the Proposed Plan, both located just outside the eastern boundary of the Turtle Mountains Wilderness. The two routes, totaling 3-4 miles in length, enhance motorized-vehicle touring opportunities by connecting routes in this area. Prior to construction, a site-specific environmental review will occur.

Regarding wash routes, a wash need only be two feet wide and have a history of prior use to qualify as an “existing” route in accordance with the California Desert Conservation Area Plan (see Sec. 3.9). Washes are addressed on a zone basis in the context of motorized-vehicle access. Therefore, since a history of prior use is virtually impossible to establish in most instances and the number of two-foot-wide washes in the planning area is estimated to be in the thousands, the task of identifying all individual wash routes for inclusion in the NECO inventory was considered as unreasonable to undertake (see Sec. 3.9). However, some of the frequently used individual wash routes are captured in the route inventory. With many washes being addressed on a zone basis, the only feasible approach to the route designation process for these washes is to address them as a class in identified zones. The designation of these wash routes as “open” in “washes open zones,” and “closed” in “washes closed zones,” is in accordance with the regulatory designation criteria at 43 CFR 8342.1.

PC 297: The Final EIS should examine the relationship between NECO and the California Back country Discovery Trail footprint.

Response: Information pertaining to California Back Country Discovery Trails has been added to Section 3.8 (Recreation Management). Effects of route designation decisions on the Discovery Trails under the Proposed Plan are now addressed in Section 4.2.8 (Recreation Management).

PC 315: The BLM should restrict motorized use to designated areas.

Response: Use of vehicles is restricted to designated routes of travel except in OHV open areas. The existing two OHV open areas in the planning area are proposed closed. All inventoried routes of travel and navigable washes on a washes system basis are designated open, closed, or limited in the Proposed Plan and each plan alternative.

PC 316: The BLM should ensure that certain routes remain open to motorized use.

Response: Individuals have cited specific routes in their comments and suggest that such routes be designated “open.” Accordingly, the responses herein provided are on a route-specific basis. U.S. Geological Survey (USGS) 1:24,000 scale quadrangles within which the routes occur are identified.

Red Canyon Jeep Trail (route numbers 660194, 660202, and 661203; USGS quadrangles: Hayfield, Red Canyon, and East of Red Canyon): The mid-section of the Red Canyon Jeep Trail is depicted on the Draft NECO Plan/EIS maps as a non-route. Such depiction is in error. Under the Proposed Plan, the entire length of the Red Canyon Jeep Trail is designated “open.” No impacts to resource values or other uses of the public or neighboring lands are anticipated as a consequence of this designation.

Hidden Saddle Area (route 670557; USGS quadrangles: Little Chuckwalla Mountains and Wiley Well): The route is depicted on the Draft NECO Plan/EIS maps as a redundant route. Upon further review by the BLM El Centro Field Office staff, it was determined that the route provides the best access to the Hidden Saddle Geode Beds, and the route located immediately to the south (route 670558) provides non-redundant access to the general area. Individuals using this route, as well as route 670558, have not ventured from them with their vehicles. Under the Proposed Plan, route 670557 is designated “open.” No impacts to resource values or other uses of the public or neighboring lands are anticipated as a consequence of this designation.

Route 660626 (USGS quadrangles: Aztec Mines and East of Aztec Mines): Only a portion of this route (the paved section from the old highway to a gravel pit) is depicted on the Draft NECO Plan/EIS maps. This section is incorrectly depicted as a dirt non-route. Under the Proposed Plan, the entire length of the route is addressed. The paved segment from the old highway to the gravel pit is designated "open" and is now depicted as a paved route on the Final EIS maps. No impacts to resource values or other uses of the public or neighboring lands are anticipated as a consequence of this designation. The segment from the gravel pit to its intersection with route 660580 is designated "closed" as a non-route. Field review by BLM Palm Springs staff accompanied by the individual submitting the comment confirmed the status of the route.

Route 660703 (USGS quadrangle: East of Aztec Mines): The continuation of route 660703 (a power line maintenance route) from the Hopkins Well and Roosevelt Mine quadrangles is not depicted on the East of Aztec Mines quadrangle. Field review by BLM Palm Springs staff confirmed the presence of the route. Under the Proposed Plan, it is designated "open." No impacts to resource values or other uses of the public or neighboring lands are anticipated as a consequence of this designation.

Route 660971 (USGS quadrangle: Thumb Peak): Upon further review by BLM Palm Springs Field Office staff, the segment north of route 669990 constitutes an existing route that is used on an occasional basis for access to rockhound collection areas. This determination is contrary to its characterization on the Draft NECO Plan/EIS maps as a non-route. Under the Proposed Plan, this segment is designated "open." No impacts to resource values or other uses of the public or neighboring lands are anticipated as a consequence of this designation. The segment of route 660971 south of its intersection with route 669990, depicted as a non-route on the Draft Plan maps, is designated "closed" under the Proposed Plan.

Route 690499 (USGS quadrangles--Mohawk Spring, Savahia Peak NW, and Savahia Peak SW): Upon further review by BLM Needles Field Office staff, this route is incorrectly characterized as a non-route on the Draft NECO Plan/EIS maps. Although the route is rough in certain locations, it offers a challenging off-highway vehicle experience for many motorized recreationists. Under the Proposed Plan, this route is designated "open." No impacts to resource values or other uses of the public or neighboring lands are anticipated as a consequence of this designation.

Routes depicted on the Arlington Mine quadrangle: The individual submitting the comment states that the routes on this map provide the only access to the mines, and that the only remaining access to this area since wilderness designation is via Palen Pass Road. Palen Pass Road (route 660656) and Arlington Mine Road (route 660665) provide primary access from the west and east, respectively, to the Arlington and Black Jack Mines are designated "open" under the Proposed Plan. No impacts to resource values or other uses of the public or neighboring lands are anticipated as a consequence of these designations.

Route 661253 (USGS quadrangle--Inca): This route provides access to Brown Mine where significant bat roosts are located. The majority of the route, including the segment at Brown Mine, occurs on private lands. To protect these roosts from human disturbance as prescribed under the Proposed Plan (see Sec. 2.3.10, Management of Special Status Animals and Plants and Natural Communities), the segment of the route on public lands is designated "closed" to motorized vehicles. Non-motorized access is not prohibited on the route. Brown Mine is located approximately 1.5 miles from the nearest open route (661254). Motorized-vehicle access to Victor Mine located about 1.2 miles south of Brown Mine is provided via route 661255 that is designated "open" under the Proposed Plan.

Routes 660790, 660792, 660795, and 660796 (USGS quadrangles--Big Maria Mountains SW and McCoy Wash): The individual submitting the comment asserts that beekeepers, snowbirds, and hunters use these routes. Review by BLM Palm Springs Field Office staff affirms the characterization of these routes as non-routes. Accordingly, they are designated "closed" under the Proposed Plan. These formally existing routes, each of which is approximately two miles in length as depicted on the Draft NECO Plan/EIS maps, can be accessed by non-motorized means via Midland Road.

PC 317: The BLM should ensure that all existing trails remain open for motorized recreation.

PC 318: To ensure continuing motorized recreation opportunities, the BLM should create new trails when existing trails are closed.

PC 319: The BLM should maintain and expand the existing trail system in the CDCA planning area.

PC 320: The Final EIS should ensure that opportunities for motorbike recreation will continue.

PC 321: The BLM should provide loop trails on public lands for motorized recreation.

Response: BLM is obligated under regulations and Executive orders to designate routes as described in the introduction to section 2.5. To implement the requirement, criteria were developed for the planning area for designating routes on BLM lands that reflect the general intent of regulation. These criteria are listed in Chapter 2, section 2.5. Routes are proposed closed only where the criteria apply; however, in some cases the use need of a route was more compelling than applying the criterion, and the route was designated open. Routes proposed closed do not include major elements of access, but instead focus on short segments and ends of routes. In a few places new routes are proposed to be constructed to enhance recreation opportunities. Proposed route designations also reflect the intent of the State of California Discovery Trail initiative. Chapter 4 describes the cumulative affects desert-wide from designation of routes. In designating routes no distinction is made for class of vehicle as there are few, if any, vehicle-type conflicts in the planning area. Adaptive management is part of land use planning and plan change. Changes to route and area designations can occur based upon local and regional conservation and uses trends and changes.

PC 339: The BLM should consider road reclassification as an alternative to road obliteration.

Response: Under the Proposed Plan, the rehabilitation of routes designated "closed" constitutes one of several options to exclude access. Signing and barricading closed routes are identified as other options to accomplish the task (see Sec. 2.5.2, Motorized-Vehicle Access/Routes of Travel Designations/Recreation). However, the Proposed Plan does not identify mechanisms on a route-by-route basis for implementing route closures. Site- and circumstance-specific considerations will determine the most appropriate and effective way to exclude access for individual routes. Where rehabilitation of routes is determined necessary, project-specific analysis of environmental impacts will be completed prior to approval.

The individual submitting the comment suggests that a more viable alternative to route obliteration is reclassification of routes as either restricted-width or unrestricted-width trails, but fails to explain how such classifications are applicable to the NECO Plan. All routes in the NECO Planning Area are considered as "restricted-width trails." Except for the purposes of stopping, parking, and vehicle camping for which specific distances from the centerline of a route are identified under the Proposed Plan (see Sec. 2.5.2), travel beyond the edge of the roadbed is considered as cross-country travel. Cross-country vehicle travel is not permitted in the California Desert Conservation Area (CDCA) except in off-highway vehicle recreation areas specifically designated for such use. The term "unrestricted-width trail" has no meaning in the context of

motorized-vehicle access in the CDCA. The individual who submitted the comment did not provide a definition of this term.

PC 342: The CDCA Plan Amendment should retain access roads for mineral collection activities.

Response: Access to mineral collection areas under the Proposed Plan is largely retained (see Map 2-32 depicting the network of motorized-vehicle routes designated “open” under the Plan and Map 4-2 depicting historic rockhounding areas). Public comments regarding specific routes to collection areas were considered in developing these Amendments. Some routes identified in the Draft NECO Plan/EIS for closure are now proposed as open in response to these comments, while the proposal to close other routes to collection areas is not modified in order to protect special status species and their habitats.

PC 343: The Final EIS should clarify that the BLM has no authority to close county roads.

PC 344: The Final EIS should ensure the preservation of RS 2477 rights-of-way for future generations.

PC 345: The Final EIS should recognize all travel routes claimed under RS-2477.

Response: BLM is not proposing to close any county road in the planning area. Any RS2477 claims that counties may make in the future will be addressed at that time. Nothing in the Proposed Plan or Record of Decision that will be signed later will affect the opportunity or process for RS2477 claims.

PC 346: The CDCA Plan Amendment should establish that Route 660656 will remain open.

Response: Route 660656 south of its intersection with route 660669 is designated “closed” due to its proximity to a water source. Under the Proposed Plan, closure of any route within 1/4 mile of a natural or artificial water source shall be strongly considered (see Sec. 2.3.10, Management of Special Status Animals and Plants and Natural Communities). The closed segment of route 660656 is approximately six miles in length with the southern terminus located at the Palen-McCoy Wilderness boundary. As stated in Sec. 2.5 (Motorized-Vehicle Access/Routes of Travel Designations/Recreation), application of location-specific biological parameters, which include the restriction relative to water sources, occasionally leads to the designation of an entire route on public lands as “closed” rather than limiting the closure to a portion of the route. Such broadening of the parameters in this manner is generally based on judgments regarding potential for manageability.

The segment of route 660656 south of its intersection with route 660669 traverses a broad alluvial area where control of motorized-vehicle access is best accomplished at the point one route diverges from another route, rather than further along the route where opportunities exist to bypass gates or barricades. The individual requesting that route 660656 remain open suggests that closure of the southern segment of the route precludes direct access to Wiley’s Well and “cuts off the upper valley from the lower valley.” From the point of closure, the Wiley’s Well Road exit on Interstate Highway 10 is about 20 miles to the south. Upon enactment of the California Desert Protection Act of 1994 (Public Law 103-433), the Palen-McCoy Wilderness was established, thereby effectively terminating motorized-vehicle travel on route 660656 at the wilderness boundary. Opportunities to access the Wiley’s Well area from the point of closure are provided under the Proposed Plan via Palen Pass Road to the west and Arlington Mine Road to the east.

PC 347: The BLM should reevaluate information provided in the DEIS on Rd. 690142.

Response: The individual submitting this comment indicates the proposed closure of route 690142 in accordance with the Draft NECO Plan/EIS is based on the route's proximity to a spring. This assertion is in error. The Draft Plan/EIS proposes the route's closure due to its status as a non-route (see Sec. 2.5, Motorized-Vehicle Access/Routes of Travel Designations/Recreation, regarding the definition of a "non-route"). Upon further review by the BLM Needles Field Office staff, the route is determined to exist and easy to follow in its entirety, hence its characterization as a non-route is incorrect. Under the Proposed Plan, route 690142 is identified for designation as "open." No impacts to resource values or other uses of the public lands or neighboring lands are anticipated as a consequence of this designation.

PC 350: The BLM should ground truth routes that have been declared non-routes.

Response: Appendix L describes the route inventory process conducted for the NECO Plan. To reiterate, in part, an attempt was made to complete an on-the-ground inventory of 100 percent of the routes within the planning area. In ascertaining whether natural reclamation had sufficiently obscured some routes such that they should be considered as "non-routes," the BLM recognized that not everyone would agree on these determinations. The variations in surface conditions from route to route, and even along individual routes from one location to another, necessitated that interpretations be made in the field. To ensure the inventory reflected the existing situation, the public was requested in 1996 to review the route inventory maps and submit comments as to the completeness and accuracy of the inventory. Prior to release of the Draft NECO Plan/EIS, few route-specific comments were received by the BLM, hence the characterization of certain routes as "non-routes" was carried forward with no revision into the draft document.

Based on comments received during the Draft NECO Plan/EIS public comment period and upon further review of route conditions by BLM Field Office staffs in Needles, Palm Springs, and El Centro, it was determined that the characterization of some routes as non-routes was incorrect. Route designations proposals have been accordingly modified for the Proposed Plan.

PC 353: The CDCA Plan Amendment should implement the Memorandum of Understanding between the BLM, the California Department of Parks and Recreation and the U.S. Forest Service as part of the route designation process.

Response: The Memorandum of Understanding (MOU) referenced in the public concern statement was entered into by the BLM, U.S. Forest Service, and Off-Highway Motor Vehicle Recreation (OHMVR) Division of the California Department of Parks and Recreation for the purpose of developing a framework under which to coordinate planning, development, and designation of a Statewide Motor Vehicle Trail and provide long-distance touring opportunities for off-highway vehicle recreation. It was executed by each of the parties in 1989. In 1994, the State's Off-Highway Motor Vehicle Division Recreation Commission adopted California Back Country Discovery Trails as the official name for California's off-highway vehicle trail system and designated the California Back Country Discovery Trails as an element of the Statewide Motorized Trail System.

Information regarding California Back Country Discovery Trails has been added to Section 3.8 (Recreation Management). Although the State's OHMVR Division is the lead agency for the California Back Country

Discovery Trail system, resource management, law enforcement, maintenance, and operation of the system remain the responsibility of the appropriate land management agency.

Routes of travel in the NECO Planning Area have not yet been designated as Discovery Trails. A report published by The Resource Protection Institute in May 1999 identifies California Back Country Discovery Trails in the BLM's California Desert District. Proposed Discovery Trails occurring within the NECO Planning Area are described in Section 3.8. Under the Proposed Plan, such routes are available for motorized-vehicle use, i.e., they are identified for designation as "open" (see Sec. 4.2.8, Recreation Management).

PC 369: The Final EIS should provide additional analysis of safety impacts from limiting vehicle parking on county roads.

Response: The individual submitting the comment expresses concern regarding the 30-foot limit for stopping, parking, and vehicle camping as proposed under the Small DWMA A--Alternative, and indicates support for the limits imposed under the Proposed Plan (see Sec. 2.5.2, Motorized-Vehicle Access/Routes of Travel Designations/Recreation). The individual does not, however, provide sufficient information in the comment regarding the safety issue desired to be addressed in further detail (e.g., potential for contact between parked and passing vehicles, potential for contact between pedestrians and passing vehicles, potential for vandalism to parked vehicles when out of sight of owners are pursuing non-motorized activities away from vehicles, potential for harm to individuals camping in desolate areas in close proximity to County roads, etc.). In accordance with the Proposed Plan, stopping, parking, and vehicle camping are restricted to areas within 300 feet of the centerline of a route, except within sensitive areas (such as Areas of Critical Environmental Concern) where the limit is 100 feet. BLM concludes that under these Amendments, such limits provide adequate space for these activities (see Sec. 4.2.8, Recreation Management).

PC 371: The BLM should consider the needs of disabled visitors.

Response: The individual submitting the comment relates the availability of motorized-vehicle access to available opportunities for disabled visitors, suggesting that handicapped, elderly, or physically impaired individuals can recreate only on motorized roads and trails. The BLM recognizes that many of the California desert's most attractive resources can be enjoyed only by use of vehicle access routes (see Sec. 3.9, Off-Highway Vehicle Use/Motorized-Vehicle Access). Thus substantial limitations on motorized-vehicle access would concomitantly affect opportunities for all visitors to experience and enjoy the myriad of resource values contained within the California desert, and may especially impact those with no other options such as travel on foot, horseback, or bicycle due to physical limitations or impairments.

As required by the regulations at 43 CFR 8342.1, the designation of areas and trails (routes) as either "open," "limited," or "closed" shall be based on the protection of the resources of the public lands, the promotion of the safety of all the users of the public lands, and the minimization of conflicts among various uses of the public lands, and in accordance with specific criteria (see Sec. 3.9, Off-Highway Vehicle Use/Motorized-Vehicle Access, for a description of the criteria). Under the Proposed Plan, routes of travel are so designated in accordance with the regulations. Analysis in Chapter 4 addressing limitations on motorized-vehicle access, hence recreation, concludes that such limitations under these Amendments are minor (see Section 4.2.8, Recreation Management). Motorized-vehicle access to all regions of the NECO Planning Area is little

changed for all visitors, including those that rely to a greater degree on motorized vehicles for recreational purposes than other less-physically challenged individuals.

PC 376: The CDCA Plan Amendment should allow recreational activity in desert washes.

Response: The individual submitting the comment asserts that a species of concern must be documented as occurring in specific washes in order to support the closure of washes to motorized vehicles, and that addressing the designation of washes by zones rather than on a wash-by-wash basis is unacceptable. Rationale for addressing washes on a zone basis, except for those identified and mapped as individual routes, is provided in Section 3.9 (Off-Highway Vehicle Use/Motorized-Vehicle Access). The establishment of “washes closed zones” in Desert Wildlife Management Areas under the Proposed Plan (see Sec. 2.2.2, Recovery of the Desert Tortoise) is identified as a biological parameter developed in furtherance of the regulations at 43 CFR 8342.1 which require that the designation of areas and trails (routes) as either “open,” “limited,” or “closed” shall be based on the protection of the resources of the public lands, the promotion of the safety of all the users of the public lands, and the minimization of conflicts among various uses of the public lands, and in accordance with specific criteria (see Sec. 3.9, Off-Highway Vehicle Use/Motorized-Vehicle Access, for a description of the criteria). Distributions of the desert tortoise and causes for its decline in numbers are addressed in Appendix N (Wildlife History and Wildlife/Plant Tables). The establishment of “washes closed zones” is based on the species account and life history. Various studies support the establishment of “washes closed zones.” These are discussed and cited below.

Jennings (1997) studied tortoise use of various habitat strata at the Desert Tortoise Natural Area. He found that tortoises used washes, washlets, and hills almost exclusively and avoided flats. During each of three plant phenological periods, the primary food of tortoises were found along the margins of washes and washlets, and overall >25 percent of all the plants on which tortoises fed were in the washes and washlets. Even those these areas comprised only about 10 percent of the area. During the third phenological period (1 to 30 June), when weather was hot and dry, the few tortoises above ground are mostly (68 percent) along washes and washlets. Overall, of the ten most-preferred plants, three were largely confined to washes. Jennings concluded that tortoises were vulnerable to negative effects from off-highway vehicle use because of their habitat preferences.

Others (Woodbury and Hardy 1948, Burge 1978, and Baxter 1988) have shown that tortoises use washes and washlets for travel, burrowing, nesting, and feeding. The disproportionate time spent in these areas makes tortoises vulnerable to being run over by vehicles using the washes as travel routes. Other studies have described the impacts of off-highway vehicles on washes including disturbance of soil and terrain resulting in deterioration or denudation of vegetation (Burge 1983, Woodman 1983, Goodlett and Goodlett 1993) and destruction of wash margins as washes are widened over time (Berry *et al.* 1986). These effects reduce the tortoise’s preferred food and cover sites.

In “washes closed zones,” vehicle use is restricted to specific routes individually designated “open” or “limited,” including navigable washes (see Sec. 2.5.2, Motorized-Vehicle Access/Routes of Travel Designations/Recreation, and Map 2-32 depicting Desert Wildlife Management Areas and the approved access network). Outside “washes closed zones,” navigable washes are considered to occur within “washes open zones” and are available for motorized-vehicle use as a class unless it is determined that use in specific

washes or wash zones must be further limited (see Sec. 2.5.2). Hence, opportunities for motorized-vehicle use of washes is not altogether precluded. Non-motorized access to washes is not restricted.

Baxter, R.J. 1988. Spatial distribution of desert tortoises (*Gopherus agassizii*) at Twentynine Palms, California: Implications of relocations. *In* Proc. Symposium on Management of Amphibians, Reptiles, and Small Mammals in North America, pp. 180-189. Flagstaff, Ariz.

Burge, B.L. 1978. Physical characteristics and patterns of utilization of cover sites used by *Gopherus agassizii* in southern Nevada. Proc. Desert Tortoise Council Symp. 1978:132-140.

Burge, B.L. 1983. Impact of Frontier 500 off-road vehicle race on desert tortoise habitat. Proc. Desert Tortoise Council Symp. 1983:27-38.

Goodlett, G.O., and G.C. Goodlett. 1993. Studies of unauthorized off-highway vehicle activity in the Rand Mountains and Fremont Valley, Kern County. Proc. Desert Tortoise Council Symp. 1993:163-187.

Woodbury, A.M., and R. Hardy. 1948. Studies of the desert tortoise, *Gopherus agassizii*. Ecol Monogr. 18:146-200.

Woodman, A.P. 1983. Effects of Parker 400 off-road race on desert tortoise habitat in the Chemehuevi Valley, California. Proc. Desert Tortoise Council Symp. 1983:68-79.

PC 377: The BLM should designate established camping areas as exempt from the 100 foot vehicle camping limit.

Response: The 100-foot limit for stopping, parking, and vehicle camping in sensitive areas such as Areas of Critical Environmental Concern was established through the California Desert Conservation Area Plan. Elsewhere, the limit is 300 feet (see Sec. 2.5, Motorized-Vehicle Access/Routes of Travel Designations/Recreation). The only change prescribed under the Proposed Plan is that limits for these activities be measured from the centerline of a route (versus measurements from a route's edge) to establish consistency in expressing the limitations (see Sec. 2.5). For routes twelve feet wide, for example, the area for vehicle camping to each side of the route is reduced by six feet; for routes sixteen feet wide, the area to each side is reduced by eight feet; and so forth. The effects of modifying the existing limitations are addressed in Section 4.2.8 (Recreation Management).

Vehicle camping alongside routes with few restrictions as to location (except as regards distance from a route) has long been a recreational opportunity often unique to public lands (see Sec. 4.3.8, Recreation Management, Small DWMA A Alternative). Over the years, hundreds of vehicle campsites (generally recognized by the presence of fire rings and evidence of vehicular access) have been established throughout the California desert (pers. comm., BLM staff). Although it is not known how many campsites have been established beyond the 100- and 300-foot limits, observations by BLM staff support a conclusion that such occurrences are not wide-ranging in the NECO Planning Area. Therefore, exempting established camping areas from the 100-foot limit in Areas of Critical Environmental Concern would do little to enhance opportunities for vehicle camping. Further, it would constitute approval of vehicle travel that occurred in a manner inconsistent with management prescriptions set forth in the California Desert Conservation Area (CDCA) Plan (except where

vehicle camping occurred within the limits established under the CDCA Plan but outside the limits established under the Proposed Plan upon shifting of the limit's measurement point to the centerline of a route).

The individual submitting the comment further requests that established campsites at the Hauser Geode Beds be specifically exempted from the 100-foot limit and cites instances when up to 80 vehicles have visited the site at one time, suggesting that vehicles would be forced to move from established camping areas to other areas along existing roads under the Proposed Plan. Some lands in the vicinity of the Hauser Geode Beds are not under jurisdiction of the BLM; the limit for stopping, parking, and vehicle camping does not apply to these lands. Camping beyond the 100-foot limit on public lands is not prohibited, rather the restriction applies only to travel with vehicles. The network of routes designated "open" in this area is sufficient to accommodate vehicular camping with 80 vehicles, although it may necessitate spreading them out along the approved routes. Hence, an exemption to the 100-foot rule is not warranted for the few occasions per year whereupon increased visitation to the Hauser Geode Beds occurs and individuals desire to camp in such close proximity to others that the 100-foot rule constrains their ability to do so.

PC 378: The BLM should justify its proposal to close routes to the mine in the Trilobite Wilderness.

Response: The closures of routes 690360 and 690361, the latter diverging from the former and both providing access to the same general location, are based on information furnished to the BLM in March 1999 by Pat Brown (Brown and Berry Consulting) regarding observation of a maternity roost of the California Leaf-nosed bat at this site in the Marble Mountains. Route 690360 is approximately 3/4-mile in length; route 690361 is about 6/10-mile in length. Alternate vehicle access to the Marble Mountains portion of the Trilobite Wilderness is furnished via several routes located 3 to 5 miles to the west including routes 690325, 690327, 690328, 690330, 690331, and 690332.

PC 380: The BLM should clarify how the parking limit of 100 feet from the centerline will be determined on desert roads.

Response: Most non-paved routes of travel in the NECO Planning Area are defined by recognizable berms on each side, typically where routes are maintained with the use of graders, or by the presence of well-established vehicle tracks where routes are "maintained" simply by the repeated passage of vehicles. The centerline of these routes, respectively, is located at the midpoint between the berms or the outer edges of the vehicle tracks. Whether the limit is 100 feet in such sensitive locations as Areas of Critical Environmental Concern or 300 feet elsewhere, the limits for stopping, parking, and vehicle camping are determined relative to this centerline.

PC 382: The BLM should ensure that opportunities for earth science oriented education continue.

Response: The individual submitting the comment cites losses of opportunities for rock and mineral collecting on public lands due to enlargement of National Parks, creation of a National Preserve, designation of wilderness, enlargement of military areas, transfer of milkvetch lands to state parks, and creation of Areas of Critical Environmental Concern, and suggests that no further actions should be approved that eliminate earth science-oriented education and recreation on public lands.

Under the Proposed Plan, the collection of rocks and minerals as a hobby (recreational rockhounding) is allowed consistent with existing regulations and the California Desert Conservation Area Plan, i.e., no changes are identified. Access to mineral collection areas under these Amendments is largely retained (see Map 2-32 depicting the network of motorized-vehicle routes designated “open” under the Plan and Map 4-2 depicting historic rockhounding areas). Public comments regarding specific routes to collection areas were considered in developing the Proposed Plan. Some routes identified in the Draft NECO Plan/EIS for closure are now proposed as open in response to these comments, while the proposal to close other routes to collection areas is not modified in order to protect special status species and their habitats. Hence, opportunities for rock collecting and other earth science-oriented educational activities continue to be provided under the Proposed Plan.

PC 407: The BLM should prioritize enforcement over new restrictions in response to motorized access violations.

Response: The Draft NECO Plan/EIS does not cite violations of motorized-vehicle management prescriptions set forth in the California Desert Conservation Area Plan as rationale for imposing limitations on vehicular access in order to provide for recovery of the desert tortoise and protect other special status species and their habitats. Under the Proposed Plan, routes of travel are designated as “open,” “limited,” or “closed” consistent with the regulations at 43 CFR 8342.1 (see Section 3.9, Off-Highway Vehicle Use/Motorized-Vehicle Access) and biological parameters developed in furtherance of these regulations (see Table 2-11 of Sec. 2.5, Motorized Vehicle Access/Routes of Travel Designations/Recreation, for a summary of these parameters). These “biological parameters” are derived from life histories and species accounts for special status wildlife species that relate population declines, in part, to disturbances from human-related activities including recreational use of motorized vehicles (see Sec. 3.4, Biological Resources, and Appendix N, Wildlife History and Wildlife/Plant Tables). Where no such relationships are supported by existing studies, limitations on motorized-vehicle use to protect special status species and their habitats are not proposed through the NECO Plan.

Application of these criteria to identify a route network that achieves the stated NECO Plan objectives (see Sec. 1.1, Purpose, Need and Scope) addresses legal casual use of existing routes. Driving responsibly in a legal manner on certain routes of travel, including wash routes, can crush tortoises; disrupt vital life functions and affect population status of bats, hawks and falcons; disrupt critical activities (e.g., nesting and breeding) of various species of birds and lizards; and disturb species sensitive to noise such as birds and bighorn sheep (see Sec. 4.1.4.1, Wildlife Management). Certain routes are identified for closure under the Proposed Plan to avert these impacts.

Despite the best efforts of rangers and visitor services staff to provide law enforcement and education, various illegal activities occur on the public lands. Among the illegal activities affecting the desert tortoise in particular are collecting them for pets or other uses; shooting them; collecting vegetation, especially cactus and ocotillo; dumping refuse, car bodies, and hazardous waster; salvaging scrap metal from bombing; manufacturing methamphetamine; and illegal immigration (see Sec. 4.1.4.1). Efforts to curtail such illegal activities will continue.

PC 415: The Final EIS should analyze the impacts of route closures to the preservation of western culture.

PC 416: The Final EIS should evaluate utilizing multiple-use management principles to protect western culture and values.

PC 420: The BLM should not close access routes to sites of historical interest.

Response: BLM has been very painstaking to develop very specific criteria for closing roads and apply these criteria primarily in DWMAs and WHMAs. In areas with high mineral, utilities, and recreation values species and habitat conservation are generally not emphasized nor have road/washes closures been emphasized. As a result, the amount of roads and washes systems proposed closed are small and have not significantly added to restrictions and closures affecting economic and social pursuits that are already in place. BLM has also been as sensitive as possible to retaining access where roads are known to provide access for specific purposes: e.g., economic activities, rock hounding, camping, hunting, trail heads into wilderness areas, and important sightseeing areas.

PC 433: The BLM should upgrade the portion of route 660727 that passes through Coon Hollow to Wiley Well Road to "Proposed Open Dirt Route."

Response: Route 660727 is identified in the Draft NECO Plan/EIS as proposed open except for certain segments for which designations are deferred pending cultural resources assessment. The approach for such assessments relative to the route designation process has been revised for the Final Environmental Impact Statement (see Sec. 2.5, Motorized-Vehicle Access/Routes of Travel Designations/Recreation). Route 660727 is designated "open" under the Proposed Plan.

PC 434: The BLM should upgrade the portion of route 660701 that lies east of the Little Chuckwalla Wilderness Area from "Proposed Closed" to "Proposed Open Dirt Route."

Response: A portion of Government Pass Road, route 660701, was incorrectly characterized in the Draft NECO Plan/EIS as a non-route. This route is regularly used, provides an important link between Interstate Highway 10 and the Bradshaw National Back Country Byway, and forms the eastern boundary of the Little Chuckwalla Mountains Wilderness. The route is designated "open" in its entirety under the Proposed Plan. No impacts to resource values or other uses of the public or neighboring lands are anticipated as a consequence of its designation as "open."

PC 435: The BLM should upgrade portions of route 671300 (to BaSO4 mining area) and route 670560 (to the southern end of Potato Patch collecting area) from "Proposed Open Pending Additional Assessment" to "Proposed Open."

Response: Routes 671300 and 670560 are identified in the Draft NECO Plan/EIS as proposed open except for certain segments for which designations are deferred pending cultural resources assessment. The approach for such assessments relative to the route designation process has been revised for the Final Environmental Impact Statement (see Sec. 2.5, Motorized-Vehicle Access/Routes of Travel Designations/Recreation). Routes 671300 and 670560 are designated "open" under the Proposed Plan.

PC 437: The BLM should upgrade the portion of route 660972 that lies south of route 679986 from "Proposed Closed" to "Proposed Open Dirt Route."

Response: In the Draft NECO Plan/EIS, the segment of route 660972 south of its intersection with route 679986 is identified as a redundant route proposed for closure. Upon further BLM review and recognition that route 660972 provides the best access to the Clapp Springs rockhounding area, the segment south of the route's intersection with route 679986 is designated "open" under the Proposed Plan. No impacts to resource values or other uses of the public or neighboring lands are anticipated as a consequence of its designation as "open."

PC 438: The BLM should upgrade the western end of route 679986 from "Already Closed" to "Proposed Open Dirt Route."

Response: The western end of route 679986 leading to the boundary of the Palo Verde Mountains Wilderness was incorrectly identified in the Draft NECO Plan/EIS as a closed wilderness route. It was intended that the proposal for a designation of "open" extend to the wilderness boundary. Hence, route 679986 to the wilderness boundary is designated "open" under the Proposed Plan. No impacts to resource values or other uses of the public or neighboring lands are anticipated as a consequence of its designation as "open."

PC 439: The BLM should upgrade route 670596 (Highway 78 into Gold Basin) from "Proposed Closed" to "Proposed Open Dirt Route."

Response: Route 670596 is identified in the Draft NECO Plan/EIS as a non-route proposed for closure. As a navigable route providing access to a gold nugget specimen area for rockhounding, it is designated "open" under the Proposed Plan. No impacts to resource values or other uses of the public or neighboring lands are anticipated as a consequence of its designation as "open."

PC 440: The BLM should upgrade route 670601 from "Proposed Closed" to "Proposed Open Dirt Route" or consider a seasonal open status.

Response: The southern segments of route 670601 are identified in the Draft NECO Plan/EIS as proposed closed due to ecological criteria, in this instance being the route's proximity to a natural or artificial water source (see summary of "biological parameters" in Table 2-11 of Sec. 2.5, Motorized-Vehicle Access/Routes of Travel Designations/ Recreation). The northern segments of the route are identified as redundant and proposed for closure. This designation of "closed" is not changed under the Proposed Plan. Under this Proposed Plan, however, only the northern segment identified as redundant is numbered as 670601. The segments closed due to ecological criteria have been renumbered as 670602 and 679990.

PC 441: The BLM should open routes 670806, 670807, 670708, 670709, and 670810.

Response: The individual submitting the comment requests that routes 670806, 670807, 670708, 670709, and 670810 be opened for use upon closure of the American Girl pits and upon a determination that use of them would be safe and productive for rockhounding. Presently, access to routes 670807 and 670810 is precluded by the presence of a locked gate. Route 670806 and a portion of route 670708 were incorrectly

identified in the Draft NECO Plan/EIS as non-routes proposed for closure. They are existing routes that provide access to the American Girl Mine area. Under the Proposed Plan, route 670806 and the segment of route 670708 south of its intersection with route 674011 are designated "open." No impacts to resource values or other uses of the public or neighboring lands are anticipated as a consequence of such designation. "Route 670709 is identified in the Draft NECO Plan/EIS as an existing route proposed for designation as "open." This designation is not changed under the Proposed Plan.

PC 442: The BLM should upgrade routes 671066 and 671501 from "Proposed Open Pending Additional Assessment" to "Proposed Open Dirt Routes."

Response: Routes 671066 and 671501 are identified in the Draft NECO Plan/EIS as proposed open except for certain segments for which designations are deferred pending cultural resources assessment. The approach for such assessments relative to the route designation process has been revised for the Final Environmental Impact Statement (see Sec. 2.5, Motorized-Vehicle Access/Routes of Travel Designations/Recreation). Under the Proposed Plan, routes 671066 and 671501 are designated "open."

A short route (less than 1/4 mile in length) on the Hedges quadrangle was redundantly identified as route 671066 in the Draft NECO Plan/EIS. It was characterized as a non-route proposed for closure. Under the Proposed Plan, it is identified as route 672010; the designation of "closed" is not changed.

PC 443: The BLM should upgrade the routes near the south end of Black Mountain from "Proposed Closed" to "Proposed Open Dirt Roads."

Response: The individual submitting the comment did not specify routes by number. However, a segment of route 670640 south of Black Mountain is incorrectly characterized in the Draft NECO Plan/EIS as a non-route proposed for closure. Contrary to this characterization, the route exists and comprises an important link to the remainder of the route on the west side of Black Mountain. Under the Proposed Plan, route 670640 is designated "open" in its entirety. No impacts to resource values or other uses of the public or neighboring lands are anticipated as a consequence of its designation as "open."

PC 444: The BLM should identify the road that departs from route 670585 at a point southeast of Mount Barrow and heads northeast for 1-1/2 miles.

Response: BLM staff from the El Centro Field Office concurs with the individual submitting the comment that an existing route as described was not identified in the Draft NECO Plan/EIS. This route provides regularly used access to the Chocolate Mountains Aerial Gunnery Range boundary. Under the Proposed Plan, it is identified as route 674002 and designated "open." No impacts to resource values or other uses of the public or neighboring lands are anticipated as a consequence of its designation as "open."

PC 445: The BLM should upgrade routes 660586 and 660587 from "Proposed Closed" to "Proposed Open Dirt Routes" or at least a seasonal basis.

Response: Route 660586, approximately 3/4 of a mile in length, provides access to Mesquite Spring. Route 660587, also about 3/4 of a mile in length, provides access to Chuckwalla Well. These routes are identified in the Draft NECO Plan/EIS as proposed closed due to ecological criteria (see summary of "biological

parameters” in Table 2-11 of Sec. 2.5, Motorized-Vehicle Access/routes of Travel Designations/Recreation). In this instance, the closures are based on the routes’ proximity to a natural or artificial water source. Recognizing the importance of water sources to desert wildlife regardless of the time of year and disturbances to these wildlife that are related to motorized-vehicle access (see Sec. 3.4.2, Wildlife, and Appendix N, Wildlife History and Wildlife/Plant Tables), the proposed designation of “closed” for each route is not changed under the Proposed Plan.

PC 446: The BLM should repair route 660576 at its southern terminus.

Response: The repair of specific routes is outside the scope of land use plan decisions; therefore, the repair of route 660576 is not addressed in the Proposed Plan.

PC 447: The BLM should upgrade routes 671066, 671065, 671305, 671372, 671309, 671301, 671941, 671310, and 671304 from "Proposed Open Pending Additional Assessment" to "Proposed Open Dirt Routes."

Response: Routes 671065, 671066, 671301, 671304, 671305, 671309, 671310, and 671941 are identified in the Draft NECO Plan/EIS as proposed open except for certain segments for which designations are deferred pending cultural resources assessment. The approach for such assessments relative to the route designation process has been revised for the Final Environmental Impact Statement (see Sec. 2.5, Motorized-Vehicle Access/Routes of Travel Designations/Recreation). These routes are designated “open” under the Proposed Plan.

No route numbered 671372 is identified in the Draft NECO Plan/EIS or Proposed Plan.

PC 448: The BLM should upgrade the routes providing access to the historical TUMCO mining site from "Proposed Closed" to "Proposed Open Dirt Roads."

Response: The individual submitting the comment did not specify any routes by number. Routes 670668, 670669, 670673, 670674, and 670675 (located in the Tumco area of the Cargo Muchacho Mountains) are identified in the Draft NECO Plan/EIS as proposed open except for certain segments for which designations are deferred pending cultural resources assessment. The approach for such assessments relative to the route designation process has been revised for the Final Environmental Impact Statement (see Sec. 2.5, Motorized-Vehicle Access/Routes of Travel Designations/Recreation). These routes are designated “open” under the Proposed Plan.

Route 670676 east of Hedges (site) and accessing the Tumco Mine is identified in the Draft NECO Plan/EIS as proposed open. However, a gate precludes public access to the mine. Under the Proposed Plan, the segment of route 670676 east of Hedges (site) is designated “closed.”

PC 449: The BLM should upgrade route 670685 to allow access into the eastern portion of the Cargo Muchacho Mountains.

Response: Route 670685 is identified in the Draft NECO Plan/EIS as a non-route proposed for closure. Contrary to this characterization and upon further review by BLM El Centro Field Office staff, it is identified

under the Proposed Plan as an existing route that provides regularly used access to the east side of the Cargo Muchacho Mountains. Due to redundancy in numbering, it is identified in the Proposed Plan as route 672024 and designated “open.” No impacts to resource values or other uses of the public or neighboring lands are anticipated as a consequence of its designation as “open.”

PC 450: The BLM should upgrade route 671220 to allow access into the northeastern edge of the Cargo Muchacho Mountains.

Response: Route 671220 is identified in the Draft NECO Plan/EIS as proposed open except for certain segments for which designations are deferred pending cultural resources assessment. The approach for such assessments relative to the route designation process has been revised for the Final Environmental Impact Statement (see Sec. 2.5, Motorized-Vehicle Access/Routes of Travel Designations/Recreation). Under the Proposed Plan, route 671220 is designated “open.”

Recreation

PC 72: The BLM should consider providing land compensation for land withdrawn from recreational access.

PC 288: The Final EIS should outline mitigation measures to compensate when lands are withdrawn from recreation use.

Response: There is no “withdrawal” of lands from recreational use or access under any alternative presented in the Draft NECO Plan/EIS. Consistent with the Federal Land Policy and Management Act of 1976, which allows the use of some public land for less than all resource uses in achieving multiple-use management in a manner that does not permanently impair the quality of the environment with consideration given to the relative values of the resources (Sec. 103(c)), and in conformance with the regulations at 43 CFR 8342.1 which require, in part, that trails be located to minimize harassment of wildlife or significant disruption of wildlife habitat with special attention given to protect endangered or threatened species and their habitats (see Sec. 3.9, Off-Highway Vehicle Use/Motorized-Vehicle Access), motorized-vehicle access is constrained in certain areas, i.e., certain existing routes of travel are closed to motorized-vehicle access. However, such closure of routes does not constitute a withdrawal of lands from recreational use. Recreational uses of the public lands are diverse and include both motorized and non-motorized activities. Where motorized-vehicles are restricted to certain routes of travel designated “open” under the Proposed Plan, recreational use of adjacent lands is not precluded; that is, the lands are not withdrawn from recreational use. Similarly, where routes are closed, the route itself and adjacent lands are not withdrawn from recreation, but the manner in which recreational use can occur on the route itself is changed.

There is no presumption of unlimited motorized-vehicle access throughout the California Desert Conservation Area (CDCA). Under the CDCA Plan, as amended, motorized-vehicle access is managed in accordance with Multiple-Use Class Guidelines (see Sec. 3.9). At a minimum in Multiple-Use Class L (Limited Use) and M (Moderate Use) areas, use is allowed only on “existing” routes of travel; i.e., cross-country travel is prohibited. In Multiple-Use Class L areas, use is directed toward approved (“open” or “limited”) routes. Under the Proposed Plan, motorized-vehicle access is managed in accordance with Multiple-Use Class L guidelines irrespective of the Multiple-Use Class (except in Multiple-Use Class C (Controlled Use) areas and

I (Intensive Use) areas that are not designated as off-highway vehicle recreation areas). The designation of public lands as “limited” to off-highway vehicles (Multiple-Use Class L and M areas) consistent with the regulations at 43 CFR 8342.1 does not constitute a “withdrawal” of lands to recreation or access subject to compensation. Correspondingly, the designation of individual routes as “closed” to motorized vehicles does not constitute a withdrawal subject to compensation.

PC 93: The CDCA Plan Amendment should maintain open status of Ford Dry Lake and Rice Valley Dunes to off-highway vehicle use.

PC 94: The BLM should provide substantive proof of soil quality problems at Rice Valley and Ford Dry Lake, as they are low use areas and should remain open.

PC 95: The CDCA Plan Amendment should provide access to Rice Valley Dunes and Ford Dry Lake.

Response: Ford Dry Lake and Rice Dunes are proposed to be closed for two reasons: (1) Playas and dune systems are relatively rare in the North America. They often harbor species that are also rare and endemic. (2) Ford Dry Lake and Rice Dunes were designated open in the 1980 CDCA Plan to accommodate playa/dunes recreation uses. The expected recreation never occurred, due in part to their location and low recreation value, and is not expected to occur.

PC 96: The BLM should close the Johnson Valley-Parker race course.

PC 97: The CDCA Plan Amendment should permanently eliminate all race courses and close Ford Dry Lake and Rice Dunes to off-highway vehicle use.

Response: The Proposed Plan/FEIS indicates that use on that portion of the Johnson Valley-Parker course that runs through the NECO Planning Area would be outside of the Chemehuevi ACEC and could be environmentally compatible with species and habitat values. The proposal includes considerable design and mitigation measures as well as additional NEPA review to stage events. In full consideration of competitive race events, both the Parker 400 course and the multiple-use class event design guidelines are proposed to be eliminated.

PC 102: The BLM should clarify the deletion of Multiple Use Classification Guideline Criteria in the Preferred Alternative.

Response: The individual commenting on the NECO Plan/EIS references Table 2-1, Amendment 11, and expresses a need for clarification. Table 2-1 (Chapter 2, Alternatives) is a summary of California Desert Conservation Area (CDCA) Plan amendments for the Proposed Plan. It is not intended to furnish details pertaining to the amendments. Details regarding Multiple-Use Class guidelines for organized competitive vehicle events can be found in Sec. 3.8 (Recreation Management). The impacts to recreation under the Proposed Plan can be found in Section 4.2.8 (Recreation Management).

PC 298: The Final EIS should provide detailed information regarding the 1997 Recreational Survey.

Response: Relevant information from *Public Opinions and Attitudes on Outdoor Recreation in California 1997*, published in March 1998 by California State Parks (a division of the California Department of Parks and Recreation, State of California) is reproduced in Section 3.8 (Recreation Management). The 1997 survey of the California population was based on a sample of 2,010 California households selected at random. This

sample size provided data that exceeds 95 percent confidence plus or minus 5 percent when the state is considered as a whole. Each respondent was interviewed for an average of five minutes, with a portion of them also completing a lengthy mail questionnaire. The mail questionnaire contained topics and questions that were too detailed or complex to be dealt with on the telephone. This document is cited at the end of Section 3.8 and in the revised bibliography. Individuals desiring additional detailed information contained in the document may obtain it from the State of California or may review it at libraries where State of California documents are housed.

PC 300: The Final EIS should describe recreation impacts resulting from designating desert wildlife management areas as Category I Desert Tortoise Habitat.

Response: Designating Desert Wildlife Management Areas (DWMAs) as Category I desert tortoise habitat, in and of itself, results in no direct impacts to recreation. However, other actions that provide for recovery of the desert tortoise are identified in the Proposed Plan, and it is these actions that potentially affect opportunities for recreation. Such actions pertain to the use of motorized-vehicles in washes; to parking, stopping, and vehicle camping along approved routes of travel in DWMAs; and to the use of firearms (see Sec. 2.2.2, Recovery of the Desert Tortoise). The effects of these actions on recreation are addressed in Chapter 4 (see Sec. 4.2.8, Recreation Management).

PC 331: The BLM should explore alternatives and mitigation measures before denying permits for competitive race events.

Response: Under the Proposed Plan, competitive motorized-vehicle events within the NECO Planning Area can occur only within the Johnson Valley to Parker corridor and Off-Highway Vehicle Recreation Areas (see Section 2.5.2, Motorized-Vehicle Access/Routes of Travel Designations/Recreation). As the two Off-Highway Vehicle Recreation Areas within the NECO Planning Area (Ford Dry Lake and Rice Valley Dunes) are closed to motorized vehicles under these Amendments (see Sec. 2.3.10, Management of Special Status Animals and Plants and Natural Communities), the only opportunities for such events are within the Johnson Valley to Parker corridor. Events in this corridor shall be permitted in accordance with requirements set forth in the CDCA Plan and stipulations from the 1980 Environmental Impact Statement except where changes and additional requirements are prescribed under the Proposed Plan (see Sec. 2.5.2).

An event-specific Environmental Assessment (EA) shall be completed prior to authorizing (or denying) a competitive vehicle event in the Johnson Valley to Parker corridor (see Sec. 2.5.2). In the EA, alternatives that conform to the land-use plan may be proposed, and additional mitigation measures may be identified. It can be assumed the BLM will issue a permit absent a change in the circumstances that led to its establishment of the corridor. The purpose of the EA is to determine if changes have occurred. The BLM may deny a permit for a race in the corridor if there is reason to believe that changes have occurred and a competitive off-highway vehicle event would result in substantial impacts to resource values that cannot be avoided or mitigated. U.S. District Court has ruled that the BLM may deny a permit for a motorized-vehicle race after following proper procedures such as preparing an Environmental Assessment (see Section 3.8, Recreation Management).

PC 370 The CDCA Amendment should continue to allow recreational gem collecting activities.

Response: Under the Proposed Plan, the collection of rocks and minerals as a hobby (recreational rockhounding) is allowed consistent with existing regulations and the California Desert Conservation Area Plan, i.e., no changes are identified.

PC 374: The Final EIS should evaluate hunting opportunity impacts resulting from proposed route closures.

Response: The analysis regarding impacts to recreation resulting from designating routes of travel as “open,” “limited,” and “closed” under the Proposed Plan has been strengthened for the Final Environmental Impact Statement (see Sec. 4.2.8, Recreation Management). Specific references to hunting have been omitted in favor of addressing impacts to all recreation activities in general that rely on motorized-vehicle access. Use of the term “reasonable” relative to access opportunities has been stricken.

The individual submitting the comment states that the Environmental Impact Statement must weigh the environmental benefits of the proposed route closures against the impacts to public access and recreation resulting from those closures, and suggests the Draft NECO Plan/EIS fails to do this. The effects on air, soils, wildlife, and vegetation from designating routes as “open,” “limited,” and “closed” under the Proposed Plan are described in Sections 4.2.1, 4.2.3, and 4.2.4.1, and 4.2.4.2, respectively. The effects on Recreation and Motorized-Vehicle Access consequent to such actions are described in Sections 4.2.8 and 4.2.9, respectively. The effects of different route designation scenarios proposed under other alternatives are also provided in Chapter 4 (Environmental Consequences). These analyses form the analytic basis for comparison of the alternatives (40 CFR 1502.16).

The individual submitting the comment also asserts that closure of washes to vehicles may have a profound adverse effect on hunters whose physical limitations force them to rely on motorized vehicles for access to their favored hunting areas. The BLM recognizes that much of the California desert can only be enjoyed by use of vehicle access routes (see Sec. 3.9, Off-Highway Vehicle Use/Motorized-Vehicle Access). It stands to reason, therefore, that substantial limitations on motorized-vehicle access would concomitantly affect opportunities for all visitors to experience and enjoy the myriad of resource values contained within the California desert, including those related to recreational hunting, and may especially impact those with no other options such as travel on foot, horseback, or bicycle due to physical limitations or impairments.

As required by the regulations at 43 CFR 8342.1, the designation of areas and trails (routes) as either “open,” “limited,” or “closed” shall be based on the protection of the resources of the public lands, the promotion of the safety of all the users of the public lands, and the minimization of conflicts among various uses of the public lands, and in accordance with specific criteria (see Sec. 3.9 for a description of the criteria). Under the Proposed Plan, routes of travel are so designated in accordance with the regulations. Analysis in Chapter 4 addressing limitations on motorized-vehicle access, hence recreation, concludes that such limitations under these Amendments are minor (see Section 4.2.8, Recreation Management). Motorized-vehicle access to all regions of the NECO Planning Area is little changed for all visitors, including those that rely to a greater degree on motorized vehicles for recreational purposes than other less-physically challenged individuals.

- PC 451:** The BLM should denote fluorescent calcite, placer gold, Solomon's Mine, copper, minerals, and the anchoring for old gold dredges on the Picacho Southwest Quadrangle.
- PC 454:** The BLM should denote Clapp Springs and outcrops of coral and coquina on the Thumb Peak Quadrangle.
- PC 453:** The BLM should denote manganese, rhodonite, gold, fire agate, and ribbon agate float on the Buzzard's Peak Quadrangle.
- PC 454:** The BLM should denote placer gold, and kyanite with quartz at the Blue Bird Mine on the Ogilby Quadrangle.
- PC 455:** The BLM should denote copper minerals, petrified palm, kyanite, hematite, jasper, and jasp-agate on the Quartz Peak Quadrangle.
- PC 456:** The BLM should denote quartz and amethyst on the Mount Barrow Quadrangle.
- PC 457:** The BLM should denote placer gold on the Chuckwalla Springs Quadrangle.
- PC 458:** The BLM should expand the listing of "190c--Petrified Palm" to encompass a much larger area on the Hedges Quadrangle.
- PC 459:** The BLM should denote gold on the Hedges Quadrangle.
- PC 460:** Various technical edits to quadrangles.

Response: BLM extends its appreciation to the San Diego Mineral and Gem Society, Inc. for the information on collectable minerals. The information has been useful in formulating routes of travel designations and will be added to existing data files on collectable minerals. BLM hopes to work with the Society in the future to improve map locations of these minerals

PC 461: The BLM should explain the change of definition for the term "maintained road."

Response: The definition of a maintained road as described in the Draft NECO Plan/EIS (see Sec. 2.5, Motorized-Vehicle Access/Routes of Travel Designations/Recreation), thereby modifying the definition appearing in the California Desert Conservation Area Plan, is established to distinguish between two categories of dirt routes, these being routes maintained with the use of machines and routes maintained simply by the continuous passage of vehicles. Routes in the first category (along with paved roads) are designated "open" under the Proposed Plan as an exception to application of biological parameters (see Table 2-11 of Sec. 2.5 for a summary of these parameters), unless it is determined that use must be limited for other reasons. Routes in the second category are subject to application of the biological parameters.

Recreational touring routes (see Sec. 3.9, Off-Highway Vehicle Use/Motorized-Vehicle Access) are also designated "open" under the Proposed Plan as an exception to application of biological parameters (unless it is determined that use must be limited for other reasons) in recognition of their importance as a resource to be considered alongside other resource values (see Sec. 2.5.2). Paved roads, maintained dirt routes, and recreational touring routes comprise the backbone of motorized-vehicle access in the NECO Planning Area. Un-maintained dirt routes designated "open" or "limited" provide additional opportunities for motorized recreation.

Wilderness

PC 108: The BLM should complete adequate management plans for the 25 wilderness areas within NECO.

Response: Wilderness management plans are developed for individual wilderness areas to prescribe specific objectives appropriate to the area and describe a strategy to implement the identified objectives. Whereas recreational uses of the 23 wilderness areas within the NECO Planning Area are very similar and do not require specific management strategies to address them; whereas the management of biological resources, grazing, and wild horses and burros in wilderness are addressed through the NECO planning process; and whereas the regulations at 43 CFR 8560 (Management of Designated Wilderness Areas), BLM Manual 8560 (Management of Designated Wilderness Areas), and BLM Handbook H-8560-1 (Management of Designated Wilderness Areas) provide sufficient management guidance to address known and potential wilderness management issues, no wilderness-specific management plans are identified for preparation at this time. Regarding motorized-vehicle incursions into wilderness, they have occurred since designation in 1994 under the California Desert Protection Act. Barriers to preclude such incursions have been installed, and law enforcement patrols have been undertaken to enforce the vehicle prohibition. These actions will continue without specific identification in wilderness management plans. The occurrence of these illegal incursions is recognized in Chapter 4 in sections pertaining to impacts on wilderness resources.

PC 109: The BLM should specify actions to prevent motorized incursions and ban new developments within wilderness areas.

PC 115: The CDCA Plan Amendment should protect all Wilderness lands and Wilderness Study Areas within NECO by regulating vehicle access and preventing new developments.

Response: Motorized-vehicle incursions into wilderness have occurred since designation of wilderness areas in 1994 under the California Desert Protection Act (Public Law 103-433). Barriers to preclude such incursions have been installed, and law enforcement patrols by BLM personnel have been undertaken to enforce the vehicle prohibition. Actions to preclude vehicle incursions will continue in the course of fulfilling land management responsibilities in accordance with the regulations at 43 CFR 8560 (Management of Designated Wilderness Areas), specifically 8560.1-2(d) which states that use of motorized equipment, motor vehicles, motorboats, or other forms of mechanical transport is prohibited in wilderness except as provided in the Wilderness Act or subsequent legislation establishing a particular wilderness area, or as specifically provided for elsewhere in the regulations, and subject to valid existing rights. (Note: No Wilderness Study Areas remain within the NECO Planning Area.)

Developments within designated wilderness areas are not categorically excluded (see Sec. 3.5, Wilderness Management). Under the Proposed Plan, water developments will be installed in certain wilderness areas to protect essential bighorn sheep habitat; maintain, improve, and restore the quality of their habitat; and reestablish bighorn sheep demes (see Sec. 2.3.2, Management of Special Status Animals and Plants and Natural Communities). The effects of these developments on wilderness resources are described in Section 4.2.5 (Wilderness Management).

PC 110: The BLM should provide for motorized recreational opportunity and access within Wilderness areas.

Response: In accordance with the Wilderness Act of 1964 (Public Law 88-571), there shall be no permanent road within any wilderness area designated by this Act except as specifically provided for in this Act and subject to existing private rights, and there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other forms of mechanical transport, and no structure or installation within any such area, except as necessary to meet minimum requirements for the administration of the area for the purposes of this Act (Sec. 4(C)).

In 1994 upon passage of the California Desert Protection Act (Public Law 103-433), the 23 wilderness areas within the NECO Planning Area were so designated. In accordance with this Act, each wilderness area shall be administered in accordance with the provisions of the Wilderness Act, subject to valid existing rights (Sec. 103(a)).

In accordance with the regulations at 43 CFR 8560 (Management of Designated Wilderness Areas), specifically 8560.1-2(d), use of motorized equipment, motor vehicles, motorboats, or other forms of mechanical transport is prohibited in wilderness except as provided in the Wilderness Act or subsequent legislation establishing a particular wilderness area, or as specifically provided for elsewhere in the regulations, and subject to valid existing rights.

The approved route network under the Proposed Plan provides access to the boundaries of wilderness areas (see Map 2-32). From these departure points, primitive and unconfined types of recreation within wilderness can be enjoyed.

PC 114: The BLM should reduce or eliminate grazing in wilderness if ecosystems are being damaged.

Response: Grazing established prior to designation of Wilderness shall be permitted to continue subject to reasonable regulations. The standards to reduce grazing in order to protect ecosystems are identical in or out of wilderness. The analysis of projects to mitigate impacts of grazing on ecosystems in wilderness will be analyzed in site-specific environmental assessments as provided for by the plan. Grazing activities found to be impacting wilderness values would be modified or eliminated.

PC 116: The CDCA Plan Amendment should protect released Wilderness Study Areas.

Response: As a result of the California Desert Protection Act of 1994, there are no longer any wilderness study areas in the NECO Planning Area. NECO decisions fulfill Purposes and Needs identified in Chapter 1. There is no particular mandate to “protect” released WSA’s.

PC 322: The BLM should prohibit OHV use in wilderness areas.

Response: BLM has been doing a number a number of things to manage the still relatively new wilderness areas: boundary marking, road entrance eradication, getting wilderness areas on maps for the public, and public education. BLM does not subscribe to the policy of buffers.

Information and Education

PC 60: The Final EIS should include an education alternative designed to reduce and mitigate motorized recreation impacts.

Response: Management prescriptions that focus on education to reduce and mitigate motorized recreation impacts address only one element of a multi-faceted, complex ecosystem approach for the protection and enhancement, where appropriate, of special status species and their habitats on public lands. An alternative that focuses solely on education and outreach as suggested does not address other issues identified by the BLM, other agencies, and the public, such as the management of domestic livestock, the management of wild horses and burros, and the adjustment of land tenure, all of which pertain to the purpose and need for amending the California Desert Conservation Area Plan (see Sec. 1.1, Purpose, Need and Scope). An “education alternative” is not a separate and distinct alternative outside the array of alternatives presented in the Draft NECO Plan/EIS, and is not an alternative that is fully responsive to the stated purpose and need. Hence, such an alternative does not require evaluation in accordance with the National Environmental Policy Act (NEPA).

The “Tread Lightly!” program continues to be an integral part of the BLM’s educational outreach effort in the California desert. The “Tread Lightly!” message is incorporated in every Desert Access Guide covering the California Desert Conservation Area. These Guides comprise a set of thirty-one 1:100,000 scale maps depicting surface management status, routes of travel, and points of interest, among other map features. However, such educational outreach efforts as “Tread Lightly!” are not location-specific; that is, they provide only general guidance about responsible motorized-vehicle use. The Proposed Plan, on the other hand, prescribes installation of kiosks at key locations throughout the planning area and distribution of printed materials that furnish site-specific information relating to access opportunities and limitations, resource protection, and visitor safety (Sec. 2.5.2, Motorized-Vehicle Access/Routes of Travel Designations/Recreation).

PC 293: The BLM should improve availability and quality of public information regarding travel plans on public lands.

Response: Currently, Desert Access Guides (a set of thirty-one 1:100,000 scale maps depicting routes of travel, surface management status, and points of interest among other map features) are widely distributed through independent vendors as well as BLM offices in the California Desert District. Implementation of route designation decisions made under the Proposed Plan includes signing routes, installing informational kiosks at key locations, and distributing printed media regarding the availability of motorized-vehicle recreation opportunities (see Sec. 2.5, Motorized-Vehicle Access/Routes of Travel Designations/Recreation). Upon revision of the Desert Access Guides when determined to be appropriate, changes in route availability, where applicable, will be made.

Mining

- PC 383:** The BLM should address the impact to the United States defense resulting from natural resource extraction restrictions.
- PC 384:** The CDCA Plan Amendment should retain public access for mineral exploration, timber, and recreation.
- PC 385:** The Final EIS should examine project alternatives and mitigation measures for mineral resources in the Plan area.
- PC 397:** The CDCA Plan Amendment should implement the Preferred Alternative to allow continued mining activity under existing mineral leases.
- PC 398:** The Final EIS should provide a full analysis of potential impacts to mineral resource availability and economic opportunities.
- PC 399:** The Final EIS should address detailed treatment of mineral resources and the NECO plan's impact on these resources.
- PC 400:** The Final EIS should identify documented Marble Mountains mining claim as a mineral resource of high potential.

Response: No new access or extraction restrictions to mineral resources are proposed in the Proposed Plan or alternatives. As a result no detailed minerals maps and analyses are included in NECO. BLM's mineral potential maps are updated from time to time, but whether they display all potential or not is not relevant to ability for private entities to claim, develop, and mine mineral resources.

Rights-of-Way

- PC 7:** The CDCA Plan Amendment should clarify Environmental Assessment protocols for utility operations.

Response: Land use plans describe the level of additional NEPA analysis that may be required for projects that are proposed for authorization after the completion of a land use plan. In the case of specifically proposed utility lines, an EA or EIS will be required--as has been the case in the past. As described in the proposed plan, the nature of species values, mitigation, and compensation will vary inside and outside desert tortoise DWMA's and from habitat to habitat. BLM does not require an EA for minor maintenance routine, but reconstruction and other actions to existing lines with significant ground disturbances would require NEPA review, tortoise/other species considerations, and a use authorization.

- PC 137:** The Final EIS should include the Cadiz water development project in its cumulative effects analysis.

Response: The Cumulative Impacts section in Chapter 4 has been expanded to address this.

PC 355: The Final EIS should provide discussion of current and future utility activity in the CDCA.

PC 356: The Final EIS should identify all current and permissible facilities within the planning area utility corridor.

PC 358: The CDCA Plan Amendment should incorporate a goal of providing for future energy needs.

Response: In the Reasonable Foreseeable Future section at the beginning of Chapter 4 is a review of the nature and magnitude for various future uses in the planning area. The forecast is meant to be reasonable and not a maximum possible or worse case scenario. The effects analysis, including cumulative effects, which follows in Chapter 4, is based in part on current and the future picture. To this extent new utility lines are discussed in a general sense. Specific use authorizations are not generally reviewed at the land use planning level. No predictions are made for use authorizations, which must be supported through plan amendments.

PC 357: The CDCA Plan Amendment should clarify permit and facility management plan protocols for utility operations.

Response: In its request for consultation, the BLM has requested that USFWS issue a programmatic biological opinion on activities in tortoise habitat that meet the criteria (i.e., <100 ac., non-EIS, no CDCA Plan amendment) (See the Planning Area-wide Decisions in Section 2.3, Issue: Recovery of the Desert Tortoise). This programmatic biological opinion will cover maintenance of linear utilities, such as pipelines, transmission lines, and fiber-optic cables. Utilities operators that are covered under existing programmatic biological opinions may continue under the existing terms and conditions.

As with existing programmatic biological opinions, utilities must submit to BLM, USFWS, CDFG, and other agency landowners an annual report describing the maintenance and operations activities that are planned for the upcoming year. The report must include mitigation measures to be applied and an estimate of surface disturbance. The agencies will review the report to ensure that projects qualify under the programmatic biological opinion and that mitigation measures are appropriately applied. Unplanned projects, if any, may be reviewed similarly during the course of the year.

In addition as with the existing programmatic biological opinions, the utilities must submit an end-of-year report describing all work that was done, the number of tortoises removed from burrows, the number of tortoises removed for the work site, and the number of tortoises killed or injured. The utility may comment on the effectiveness of mitigation measures. The acreage and location of surface disturbance and computation of compensation must be included.

These requirements have been added to Appendix D, Northern and Eastern Colorado Desert Planning Area Desert Tortoise Mitigation Measures.

PC 359: The Final EIS should provide an expanded analysis of impacts on utilities.

PC 360: The BLM should consult with utility corporations to address resource and industry needs.

PC 361: The BLM should restrict the construction and expansion of utilities outside of existing corridors.

PC 365: The CDCA Plan Amendment should establish a goal of providing at least five additional utility lines per corridor.

PC 368: The CDCA Plan Amendment should establish a standard to protect the Imperial Irrigation utility lines/corridor.

Response: The 1980 CDCA Plan decisions regarding the installation and operation/maintenance of utilities in corridors, along with specific rights-of-way conveyances, and standard mitigation measures that have been in place since the listing of the desert tortoise (Appendix D to the Proposed Plan/FEIS) all apply to current and future utilities in utility corridors. The Proposed Plan adds no withdrawals or new restrictions or requirements to placement and operation/maintenance. BLM would be tracking to what degree new disturbance contributes to the 1 percent disturbance limitation, and would continue to work with use applicants to explore ways to reduce disturbance and improve rehabilitation of disturbed areas. As occurs now, BLM would discourage new utility lines in DWMA's that are outside of designated corridors. Any placement of lines outside of corridors would have to be addressed through a plan amendment, as is currently the case. The projection for future development of utilities is contained in the introduction to Chapter 4 and has been modified based upon public comment.

A number of cooperators have been involved during the development of the Proposed Plan, including utilities people from the southern California area. In addition BLM sought public input during the public scoping and DEIS public review period. Given the current schedule, it is not possible to seek additional public input. In addition it is beyond the scope of this amendment process to revisit the array of utility corridors across the California Desert. The merits of a corridors review aside, such a review, and possible plan amendment, involves several desert tortoise units, new energy initiatives, the North American Free Trade Agreement, new technologies, and other concerns and must be separately proposed and on a strategic, desert-wide basis.

Regarding PC 368, Map 2-1 Appendix A shows only utility corridors that were designated as such in the 1980 CDCA Plan. It does not show utility lines which were placed outside of designated corridors through plan amendments or which existed prior to completing the CDCA Plan. Existing lines outside corridors will continue to serve intended needs under the conditions of the right-of-way conveyance. Any work on them that is outside the scope of routine operation and maintenance will require a new authorization.

PC 362: The CDCA Plan Amendment should establish standards for utility corridor placement that minimize environmental damage.

Response: When a new utility is proposed, the BLM and other involved land management agencies (e.g., National Park Service, military) describe their requirements to the proponent. Among these is BLM's commitment to placement of utilities in designated utility corridors, if possible. Proponents are apprised of endangered species requirements, including those for desert tortoise. Included are requirement that (1) surface disturbing projects are to limit disturbance to that necessary for construction of the project, (2) blading of work areas is to be limited to the extent possible, and (3) disturbed areas are to use existing disturbed areas where possible. These are described in Appendix D (Northern and Eastern Colorado Desert Planning Area Desert Tortoise Mitigation Measures), item 8 on Surface Disturbance. Compensation requirements (Appendix D, Item 4, provides an added incentive to proponents to minimize new surface disturbance. These requirements are applied on a case-by-case basis and receive environmental review, including public comment, prior to authorization.

In the past, fiber-optic cables have been placed in the middle or shoulder of dirt roads (e.g., AT&T and Sprint in Boulder Corridor) or along the shoulder of paved highways (e.g., IXC, Level III Yuma to San Diego, AT&T Blythe to San Diego, and others).

PC 363: The CDCA Plan Amendment should establish that utility corridors are excluded from the one percent surface disturbance rule to give them an incentive to go there.

Response: Use of utility corridors is a requirement of the CDCA Plan. Utilities are allowed to go outside of these only when (1) there is no corridor that will accommodate the use (e.g., recent utilities going into Mexico, such as North Baja Pipeline) and (2) the environmental consequences would be greatly reduced by an alternative (e.g., various fiber-optic cables going along highways and roads). Where utilities are placed outside of designated utility corridors, the CDCA Plan must be amended. In any case, compensation requirements (Appendix D, Item 4) provide an added incentive to proponents to go outside of DWMA's because the ratio there is 5:1 rather than 1:1 outside. All proposed utilities receive environmental review, including public comment, prior to authorization.

PC 364: The Final EIS should clarify the siting process for utility corridors and the 5:1 compensation formula inside DWMA's.

Response: New technologies exist today that were not anticipated when the CDCA Plan was signed in 1980. While the Plan does provide direction that new transmission lines should be placed in corridors, some lines have been sited outside of corridors. This was done on case-by-case basis through plan amendments. In the future, placing new lines inside corridors will require a case-by case review and decision. Placing lines outside corridors will require a plan amendment.

The compensation ratio of 5:1 was developed with the idea of simplifying business by eliminating the formula with variable results, encouraging activities that cause considerable disturbance to be directed away from DWMA's, and more definitively eliminating the cumbersome checkerboard land ownership pattern.

PC 366: The Final EIS should clarify the definition of the term "restoration" with regard to utility operations.

Response: It will be in the interest of all parties to work harder and smarter than ever before to restore disturbed lands. Particularly compelling for both BLM managers and project applicants is the 1 percent disturbance rule. The farther away the limit amount is from current accumulation the better. The land use plan cannot offer a single recipe for restoration; restoration design will vary with the nature of disturbance, soils, habitats, and other factors. Appendix E is provided more for emphasis than specific utility. In DWMA's restoration will be judged completed on a case-by-case basis only through mutual agreement between BLM and the USFWS.

PC 367: The Final EIS should include specific standards for restoration as a prerequisite for returning bonds to utility operations.

Response: Appendix E (Desert Restoration) provides some guidance on restoration. Because methods of restoration must be applied on a site-specific basis and techniques are still being developed, only a list of site

planning and restoration considerations and some common techniques (i.e., applications) are given in Appendix E. The Desert Restoration Task Force will continue to provide advice for agencies participating in the Desert Managers Group.

Most techniques that have been identified involve short-term actions such as replacement of topsoil, surface/seedbed preparation, seeding, mulching, replanting of salvaged plants, and treatment of invasive exotic plants. Most of these (except maybe the last) are usually completed within a few years. Full restoration to near-predisturbance conditions will require that subsequent plant growth and reproduction and establishment of micro biotic crusts occur under natural processes. When and if the proponent has completed the prescribed restoration actions, it is reasonable to release the bond. In recent years, control of exotics has been extending restoration time frames for some projects.

Land Ownership, Acquisition, Disposal

PC 129: The BLM should identify and map public lands proposed for disposal within the NECO area.

Response: It is not possible at this time to specify particular federal lands for disposal because it is not known what lands might be desired by what entities. One can tell from other aspects of NECO that lands included in the various conservation zones are needed for conservation--to the extent that in some kinds of areas (e.g., wilderness, DWMA's) they are not available for disposal at all. Strategically, lands outside the various conservation zones are generally not critical to conservation, but this does not assume that they will all eventually be disposed of, either. On a case-by-case basis, when exchange proposals are made, they will be evaluated with respect to many resource values and plan commitments. Exchange is just one method of acquisition. In instances of mutual benefit, this method can be the best and most appropriate method. It is emphasized as the preferred method to best address needs for community expansion or other private uses and counties' concern for loss of tax basis from net loss of private lands.

PC 131: The BLM should continue efforts to transfer lands from private to public but should have written documentation of proposals upon private consolidation.

Response: The details of land exchanges are considered on a case-by-case basis. BLM consults with a variety of stakeholder agencies and interests upon a proposal being made and initiates broader review later with a NEPA review. BLM attempts to accommodate the interests of all parties with a stake in the outcome. The process includes discussion of the foreseeable uses for both federal and private lands. Once lands are transferred into private ownership, they come under local government control.

PC 132: The Final EIS should disclose all relevant information regarding planned and approved developments within proposed land exchanges.

Response: There is general discussion on this topic in the cumulative impacts section, Chapter 4. There is no proposed exchange at this time. Any future proposed exchange will result in a site-specific environmental assessment and public review. The purpose of exchanges is to improve the manageability of wildlife and habitat, particularly the desert tortoise, while at the same time provide for the development of private lands in places most appropriate for such uses.

PC 133: The Final EIS should reevaluate land acquisition alternatives which could prevent thorough public review of land management.

Response: The proposal to close acquired lands applies only to the specific five land laws listed in NECO section D under Objective B.

PC 134: The BLM should clarify proposed acquisition of California State Lands Commission lands within the NECO area.

Response: BLM can acquire lands only if landowners are willing to sell their land. The State Lands Commission (SLC) lands in DWMA's are noted in Appendix O. The number of acres of SLC lands in WHMA's is not specified in NECO because these lands are not proposed for acquisition. However, if the SLC is interested in exchanging its lands out of WHMA's, BLM would entertain such proposals, but the priority is lower than for wilderness areas and DWMA's, and the need is not considered compelling.

PC 135: The BLM should conduct and publicly disclose a Level 1 contaminate survey for every proposed land exchange prior to implementation.

Response: Consideration of hazardous materials is applied to specific proposals of land acquisitions and exchanges. NECO contains no specific proposals.

PC 234: The BLM should include the Catellus Property acquisition in its analysis of meeting desert tortoise habitat requirements.

Response: BLM has managed and, under the Proposed Plan, would continue to manage the area of DWMA's under its multiple use management mandate. DWMA's are not preserves but managed uses areas. The application of management prescriptions can be difficult and ineffective in situations of checkerboard land ownership. Acquisitions do not add or create habitat, but do increase habitat manageability. The introduction to section 2.7 of Chapter states the case for accomplishing acquisitions through mutually beneficial exchanges.

PC 405: The BLM should analyze the impact of management directions to the future growth and development of local communities.

Response: The 1980 CDCA Plan recognized the need to provide for other agencies' needs, including community expansion, by designating a certain amount of public lands as Multiple Use Class (MUC) Unclassified. In this case the designation means that BLM recognizes that the subject lands are important for community expansion and are available for eventual disposal to counties, cities, or private entities. Public lands around the cities of Blythe and Needles are included in this category. Representatives from both cities have been involved in the planning process and have been invited to review the 1980 CDCA Plan and advise on the adequacy of the amount and array of MUC Unclassified public lands. In addition, lands around freeway exits are not included in DWMA's so that they have to be developed.

Socio-Economic Values

PC 401: The Final EIS should include an analysis of local county tax revenue impacts.

Response: San Bernardino County collects monies from taxing the lessee based on the possessory interest tax. Under the Proposed Plan, grazing use on Lazy Daisy Allotment would continue as in the past except during dry years when ephemeral forage is insufficient. In past dry years, the lessee has removed a portion of the cattle herd from the allotment, and those remaining animals sought higher elevation grazing areas with superior forage until rainfall and forage returned throughout the allotment. While the grazing lease is active, losses, if any, in tax revenue would not be noticeable. However, if the lessee relinquishes the grazing lease, all sources of revenue originating from possessory interest tax would cease.

PC 402: The BLM should address the relationship between individual planning area CDCA Amendments and subsequent impacts on the economy of Kern County.

Response: We disagree. Each bioregional plan is tailored to the needs of the specific areas under consideration with input from the local jurisdiction. BLM has consistency among the plans for broad-scale conservation measures, such as 1 percent cap on new development in the DWMA's, but other actions, including route designation, are site-specific. However, the discussion of cumulative impacts in chapter 4 has been expanded to a CDCA review.

PC 403: The BLM should project the Preferred Alternative's loss of Payment in Lieu of Taxes funds to Imperial County.

Response: The conveyance of land into public management through exchange or acquisition requires an environmental assessment and public review. One element of that assessment would be the affect on PILT and a county's lost of revenue. Since the Plan does not identify a specific acquisition or exchange and given the variety of values, it would be speculative to attempt to define potential lost of revenue. It can be noted that PILT funds would not be reduced in any case.

PC 404: The Final EIS should present an analysis of potential local economic impacts.

Response: The economic analysis in chapter 4 has been strengthened.

PC 406: The Final EIS should analyze of the economic impacts route closures will have to off-road vehicle related businesses.

PC 408: The Final EIS should analyze the social and economic impacts of route closures to motorized recreationists.

Response: Ten percent of total miles, many involving mountainous four-wheel driving, were closed in 1994 with the California Desert Protection Act. The amount of inventoried roads, which would be additionally closed under the Proposed Plan, is 4 percent. No roads are proposed closed which were inventoried as "recreational touring" routes, which are the primary access network for travel to commonly visited, popular places in the planning area. With this level of proposed closure, recreation use would incur negligible displacement, but not diminish in amount. Most recreation use is extensive and dispersed rather evenly over

the entire planning area. Seasonal hunting turnout stimulates local economies to some extent, but no restrictions are placed on hunting other than the small amount of displacement noted above. There would be no change in access to rockhounding sites or availability of camp sites in camp grounds and long-term visitor areas (for winter snowbirds). Recreation use in Joshua Tree National Park would not change. Because there would be no change in the overall level of recreational activity in the planning area, there would be no change to the area's economy related to recreation activity. Since there would be no essential change in recreation as a result of proposed closures, sophisticated and detailed social/economic analyses is not warranted.

PC 410: The Final EIS should include a cost-benefit analysis of fencing proposals for county roads and should limit actions appropriately.

Response: Neither the Preferred Alternative in the DEIS nor the Proposed Plan in the FEIS contain a proposal to fence any county roads. The only highways proposed for tortoise fencing are interstate highways and a portion of Highway 95 in Chemehuevi Valley. All of these are under the responsibility of CalTrans, which carries the burden of installing and maintaining the fences. While such fencing would still be very costly, it would be publicly funded and reduce the need for other restrictions or costs for other aspects of managing DWMAs, some of which could affect private economic or recreation uses.

Fire Management

PC 192: The BLM should develop and adopt a fire management plan.

Response: BLM and NPS have developed a joint fire management program.

U.S. Marine Corps

PC 462: The U.S. Marine Corps expressed the following concerns regarding the Chocolate Mountains Aerial Gunnery Range: (1) the DEIS contains some factual errors on the current management situation and the desert tortoise recovery unit that contains the Chocolate Mountains Aerial Gunnery Range; (2) the application of some action proposals described in chapters 2, 5, and 6; and the quality of the EIS.

Response: Document errors have been corrected and/or clarified as required and the EIS has been considerably improved as noted in Chapter 4.

Editorial

PC 430: This Public Concern is a listing of several dozen items of an editorial and very technical nature or items that do not otherwise fit into any other PC statement. These items include misspelled words, map numbering errors, missing references, requests for clarifications, and other factual errors.

Response: The vast majority of the issues have been corrected and/or clarified in the FEIS. A few are not addressed, including situations in which the comment is in error, where BLM could not discern the nature of the issue, or where (for example) certain map colors and lines were used and the issue is a matter of taste or judgment. The complete listing of issue items is not included here.