

Record of Decision

West Mojave Plan

Amendment to the

California Desert Conservation Area Plan

March 2006



Record of Decision

West Mojave Plan

Amendment to the California Desert Conservation Area Plan

Prepared by
Department of the Interior
Bureau of Land Management
California Desert District

March 2006



Steven J. Borchard Date

Recommended

Bureau of Land Management

District Manager, California Desert

MAR 13 2006



Mike Pool Date

Approved

Bureau of Land Management

State Director, California

MAR 13 2006

RECORD OF DECISION

SUMMARY

This Record of Decision (ROD) completes a 15-year long public planning. After considering more than 300 public comments, the best available scientific and technical information, and results of consultation with federal agencies, state agencies, local governments, and Indian tribes, it is the decision of the Bureau of Land Management (BLM) to approve, with minor modifications, the West Mojave Plan, an amendment to the California Desert Conservation Area Plan. The modifications, summarized below, result from resolution of protests by the BLM Director as well as from new information provided by the public.

The West Mojave Plan includes the West Mojave Desert area encompassing 9.3 million acres in Inyo, Kern, Los Angeles, and San Bernardino counties: 3.3 million acres of public lands administered by BLM, 3.0 million acres of private lands, 102,000 acres administered by the State of California, and the balance of military lands administered by the Department of Defense.

BLM and the participating state and local governments have used the name, “West Mojave Plan” throughout the planning process to include complementary BLM and state-local government actions. These actions are described under Alternative A of the January 2005 proposed plan and final environmental impact report and statement. However, for purposes of this ROD, “West Mojave Plan” refers solely to BLM’s amendment of the California Desert Conservation Area (CDCA) Plan and will not include the actions being proposed by State and local governments for the non-federal lands, except when specifically identified.

The State and local government actions comprise a proposed Habitat Conservation Plan (HCP) for the 3.1 million acres of State of California and private lands. The HCP is not yet complete. The major elements of the HCP are described in Alternative A, including the covered species, boundaries of the conservation areas, survey requirements, funding requirements and implementing conservation actions for each species. Greater specificity is necessary for the local governments to obtain incidental take permits from the State and federal endangered species acts. The requisite documents, including an Implementing Agreement, will be prepared in the future and may be accompanied by additional environmental reviews under the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) as will be determined necessary by the participating agencies. By identifying BLM land use decisions on the public lands in the West Mojave Desert area, approval of this ROD takes an important step towards completing the HCP.

The West Mojave Plan and Final Environmental Impact Statement (EIS) are available on BLM’s web site at: <http://www.ca.blm.gov/cdd/wemo.html>.

Modifications Resulting From Resolution of Protests

BLM has responded to the 33 protests to the West Mojave Plan and, in accordance with BLM regulations, 43 CFR 1610.5-2, the decision of the BLM Director is the final decision of the Department of the Interior as to those protests. Protests were granted on several specific issues, primarily involving designations of routes of travel. The changes in these travel designations are provided below. Numbered items refer to route designation protests that were granted. These modifications were fully analyzed in the EIS and will be implemented without further consideration.

Red Mountain subregion

1. Route RM 2056 is designated as open between the junction of RM 2018 and RM 2036. The remainder of RM 2056 remains designated as closed.

Ord subregion

2. Route OJ 322 road is designated as closed for protection of the Mojave monkeyflower.

Newberry Rodman subregion

3. Route NR 3079 is designated as closed because it is a redundant route within the new Pisgah Area of Critical Environmental Concern (ACEC) and for protection of the white-margined beardtongue.

Fremont subregion

4. Route F 2046B is designated as closed because it is a redundant route.
5. Route F 5106 is designated as closed because private property access is provided from route F 5016 and via other routes and because route F 5106 leads to a closed route.

Juniper subregion

6. Routes RJ 1003, RJ1005, RJ 1056, RJ 1057, and RJ 1059 are designated closed for protection of cultural resources within the Juniper Flats Area of Critical Environmental Concern. The portion of route RJ 2031 within the ACEC between the power line road and Bowen Ranch Road is designated as closed. Although route RJ 1003 and portions of route RJ1005 are outside the ACEC, they provide access to the single-track network within the ACEC that is being designated as closed.
7. Route RJ 3043 is designated as closed because no access to the public lands exists without private property trespass.

Two protests addressed the issue of safe public access through the Juniper subregion to the Deep Creek Hot Springs trailhead. BLM will strive to provide a safe, two-wheel drive access

located entirely on public lands in the implementation phase of the West Mojave Plan. BLM anticipates that this access can be provided as part of the adaptive management provisions of the plan and will be a plan maintenance action.

Routes outside subregions

9. In the Stoddard Valley area west of the Granite subregion and the Stoddard Valley Open Area, Route SV 2111 is designated as closed for protection of the Mojave monkeyflower.

Modifications of Route Network Decisions of June 2003

Decisions made in the June 2003 Record of Decision for the Western Mojave Desert Off Road Vehicle Designation Project were revisited in the Proposed West Mojave Plan. As a result of public and agency comments and information, BLM has made modifications or clarifications of the approved route network as described below:

Ord subregion

In the Brisbane Valley portion of the Ord subregion, two roads are present in the southeast corner of Section 35. These are SV 147, shown as open and the northern portion of SV 146, shown as closed. The designations remain as presented on Map 58 of the proposed Plan and final EIS except that the northern (closed) portion of SV 146 will be re-numbered SV 146A.

The Stoddard Valley to Johnson Valley non-competitive connector route was illustrated generally on the oversize maps accompanying the West Mojave Plan (Maps 2-1, 2-15, 2-16, 2-17, 2-19 and 2-21). Slight deviations from the illustrated path have been made to avoid private land where permission to cross has been denied. BLM will sign the connecting route between the Open Areas as soon as possible as an implementing measure of the Plan.

One short dirt road and a short spur road is designated as limited to allow access to private land in Section 13 of T7N, R1W. These routes are located in Section 19, T7N, R1E and 24, T7N, R1W and are shown as closed on Map 60 and labeled C-4. They are existing roads accessible by two-wheel drive from the open pipeline route labeled SJ7. The remainder of the north south route labeled C-4 remains designated as closed.

Newberry subregion

Errors in the depiction of routes designated as open and closed have been identified in some areas. In the Pisgah area of the Newberry-Rodman subregion, shown on Maps 55 and 62, BLM will examine the routes adjacent to Highway 66, the railroad, and Interstate 40 to determine which route best serves an access need in this area. These are routes NR 3046, NR 3049, NR 3052 and NR 3021. Changes in these routes of travel conform to the Plan provisions for minor realignments and may be made through Plan maintenance. Route numbering was inadvertently omitted from the proposed action Map 62 for this area.

BLM has also modified a route to avoid private property where permission to cross is denied. A portion of the Kane Wash pipeline road NR 2030, shown on Map 61 of the no action route designations will be closed west of the intersection with NR 2027A. This will allow traffic to flow to Camp Rock Road on NR 2027 rather than on NR 2030 on private property. Route numbering was inadvertently omitted from the proposed action map for this area.

BLM has also identified minor errors or omissions in the route network. The routes administered by the Needles Field Office, on the northeast side of the Twentynine Palms Marine Corps base, including NR 3058, NR 3066, NR 3066A, NR 3068 and NR 3068A are missing from proposed action Map 62. BLM will review these routes again and publish a corrected version of the access for this area. Many of these routes were intended to be designated as limited at the request of the Marine Corps.

Coyote subregion

In the Coyote subregion, a portion of the through road from the site of Bismarck to the Coyote Lake overlook is missing. Route C 0651, as shown on Map 47 of the no action alternative, actually connects to route C 0621. These routes were inadvertently not numbered on the proposed action Map 47, though their depiction is the same. BLM recognizes the open route connection between these two routes of travel.

El Mirage subregion

BLM has learned of an error in designating route EM 2042. This route is designated as open.

Red Mountain subregion

Map 22 showing the proposed action for the route network illustrates Route RM 6123 as open in the northern portion and as undesignated on the longer southern portion. Appendix R of the final EIS listed Route RM 6123 as open, a change from the draft EIS. BLM will make the map correction to show all of route RM 6123 as open. Map 23 incorrectly labels one of the routes as RM 6123. This will be corrected as route RM 1123

Outside subregions

In the area immediately north of the China Lake Naval Air Weapons Station, route SC 04435 is designated as closed because it is only accessible from the Navy property, which is not open to public use.

Other Modifications

Mountainous areas over 5,000 feet within desert wildlife management areas are not normally desert tortoise habitat and are included within the “No Survey” areas of the West Mojave Plan, even though these are not mapped. This clarification applies to implementing measure (DT-12), found on page 2-61 of the final EIS.

The date for completion of the El Paso Collaborative Access Planning Area route designation program is extended as described in the Implementation Schedule below.

The requirement for removal of dead livestock within desert wildlife management areas and the Mohave ground squirrel conservation area is modified by the findings of the biological opinion as described below.

Incorporation of Terms and Conditions of U.S. Fish and Wildlife Service Biological Opinion

This ROD incorporates the terms and conditions of the January 9, 2006 Biological Opinion issued to BLM by the U.S. Fish and Wildlife Service (FWS).

As a result of the analysis in the Biological Opinion, the BLM is modifying one implementation measure related to grazing. The biological opinion stated that leaving livestock carcasses in place is likely to pose less risk to desert tortoises than driving cross-country to collect them. Given that analysis, BLM will change its implementation measure for removal of carcasses, found on page 2-126 of the final EIS to:

(LG-5) All cattle carcasses found within 300 feet of a road or watering source shall be removed and disposed of in an appropriate manner (i.e. not buried) within two days of being found or, if this is not practicable, such reasonable time as is acceptable to the BLM authorized officer. Prior authorization from the BLM's authorized officer is required before removal from designated wilderness areas. Carcasses found farther than 300 feet from a road or watering source shall remain unless determined to be a hazard for reasons of health and safety.

Provisions of the West Mojave Plan state that incidental take of Lane Mountain milk-vetch will not be allowed. The Bureau recognizes that the Endangered Species Act does not address (prohibit) the take of plants. Because this species is so restricted in numbers and distribution, BLM will insure that no loss of occupied habitat is authorized by BLM actions and will take preventive measures to reduce existing surface disturbance in the areas where Lane Mountain milkvetch is present.

Termination of Interim Measures

All of the interim measures identified in the Consent Decree in Center for Biological Diversity, et al. v. BLM (C-00-0927 WHA (JCS)) and subject to expiration upon the signing of the ROD for the West Mojave Plan are terminated.

Continuation of Temporary Administrative Closure in the Rand Mountains

Due to administrative and on-the-ground work necessary to implement the educational program and permit system for recreational users of the Western Rand Mountains Area of Critical Environmental Concern, BLM will continue to maintain the administrative vehicle closure affecting approximately 29 miles of selected dirt roads in an area of 17,128 acres. This area was closed to vehicles on March 29, 2002 by the Ridgecrest Field Office Manager.

CDCA Plan Amendment Decision Summary

The following is a summary of the decisions of the West Mojave Plan which amend the CDCA Plan in accordance with BLM's planning regulations, 43 Code of Federal Regulations 1601-1610:

1. Establish New Areas of Critical Environmental Concern

- Four Desert Wildlife Management Areas (DWMAs)
- Bendire's Thrasher
- Carbonate Endemic Plants Research Natural Area
- Coolgardie Mesa
- Kelso Creek Monkeyflower
- Middle Knob
- Mojave Fringe-toed Lizard
- Mojave Monkeyflower
- West Paradise
- Parish's Phacelia
- Pisgah

2. Adjust Area of Critical Environmental Concern Boundaries

- Afton Canyon
- Barstow Woolly Sunflower
- Harper Dry Lake
- Western Rand Mountains

3. Amend CDCA Plan Multiple-Use Classes (MUC)

The 1980 CDCA Plan established four multiple-use classes to guide management of public lands in the CDCA: Class C (Controlled Use), Class L (Limited Use), Class M (Moderate Use), and Class I (Intensive Use). Multiple Use class designations were subsequently incorporated in all areas of the CDCA. This ROD amends some of the previous Multiple Use class designations for the West Mojave planning area to reflect the new management actions. Other MUC designations are unchanged. The following table details the changes in multiple use classes:

BLM Multiple Use Class Changes

LOCATION	MUC CHANGE	ACRES	COMMENTS
Western Rand – Fremont Valley Management Area	M to L	34,835	Recommended in 1994 ACEC management plan.
Afton Canyon Natural Area	M to L	1,225	Better reflects goals of 1989 ACEC management plan. T 11N, R 5E – E ½ of Section 14, portions of Sections 13, 23, and 24.
Bendire’s thrasher conservation area	M to L	717	North Lucerne Valley Kelso Valley
Carbonate Endemic Plants ACEC	M to L	3,932	Class L better protects critical habitat.
Little San Bernardino Mountains Gilia habitat	Unclassified to M	1,922	Lands adjoining Joshua Tree National Park.
Mojave Fishhook Cactus ACEC	Unclassified to L	638	T 8N, R 4W – E ½ of Section 32 T 7N, R 4W – N ½ of Section 4
Mojave Fringe-toed Lizard Conservation Area	Unclassified to L M to L	3,341 3,718	Mojave River parcels
Mojave Monkeyflower Conservation Area	U to L M to L	10,448 25,351	Brisbane Valley Daggett Ridge
Inyo County	M to Unclassified L to U I to U	3,532 2,534 26	Ten parcels. Lands would immediately become available for disposal or transfer to Inyo County or directly to private ownership in exchange for acquisition of habitat within HCA or other conservation areas identified in this plan.
Non-Wilderness Class C lands	C to L C to M C to I	3,969 842 105	Intent is to reflect the California Desert Protection Act (CDPA), enacted in 1994 by the United States Congress.
Land Tenure Adjustment within DWMA	U to L	21,902	Lands within DWMA removed from disposal under LTA and MUC changed to reflect adjacent retention or consolidation zone.
Land Tenure Adjustment within DWMA	M to L	48,666	Lands within DWMA changed from retention zone to consolidation zone under LTA and MUC changed.
Land Tenure Adjustment to prevent urban encroachment on EAFB	U to M	1,225	T 9N, R 12W - SW ¼ of Section 10. T 10N, R 12W – SW ¼ of Section 34. T 10N, R 11W – All BLM parcels in Sections 10 and 12.
Mohave Ground Squirrel Habitat	Unclassified to L	181	Lands between Saddleback Butte State Park and Edwards AFB in Los Angeles County: T 8N, R 9W - Portions of Sections 27 and 30. T 7N, R 9W - Portions of Sections 3, 11, and 15.
Mohave Ground Squirrel Habitat	M to L U to L	136,086 144	Lands in Inyo County south of Owens Lake.

LOCATION	MUC CHANGE	ACRES	COMMENTS
Mohave Ground Squirrel Habitat	I to L	5,391	Linkage southeast of Searles Lake (SB Co.)
Desert Tortoise DWMA's	M to L U to L I to L	365,485 34,566 1,983	Change all lands within tortoise DWMA's currently Class M, I or U to Class L.
Searles Lake	I to Unclassified	40	T 25S, R43E, Section 21. Parcel to be sold or exchanged to facilitate landfill transfer.
Pisgah ACEC	M to L	13,524	Proposed ACEC Lands
Summit Valley Arroyo toad potential habitat and watershed	Unclassified to M	1,814	T 3N, R5W, portions of Sections 12, 16, 17, 20, 21, 22, 23, 24, 27, 28. T 3N, R 4W, portions of Sections 17, 18.
San Gabriel Mountains Foothills	Unclassified to M	706	T 4N, R 8W - portions of Section 17 T 4N, R 9W – portions of Sections 2, 3, 11, 14, and 15.
Los Angeles County Significant Ecological Areas	Unclassified to M	164 316 93 38 234 395 75 326 265	SEA #47: T 8N, R 9W – NW ¼ Section 30. SEA #48: T 5N, R 9W - S ½ of Section 6. SEA #51: T 7N, R8W - Portions of SW ¼ Section 19. SEA #52: T 7N, R 9W - Portions of Sections 31. SEA #54: T 7N, R 9W - Portions of Section 32. SEA #55: T 4N, R 8W - portions of Sections 3, 4, 10, 13, and 24. T 6N, R 8W - Portions of S ½ of Section 33. SEA #56: T 6N, R 13W - Portions of Section 13. SEA #58: T 7N, R 15W -Portions of Sections 13, and 14. SEA #61: T 5N, R 12W- Portions of Sections 26 and 35.
North Edwards Conservation Area	Unclassified to M	1,134	Lands NW of Kramer Junction. T 11N, R 7W - Section 26, Portions of Section 28.

4. Establish Mohave Ground Squirrel Wildlife Habitat Management Area

A conservation area is established for the long-term survival and protection of the Mohave Ground Squirrel (MGS). A total of 1,726,712 acres is included within the conservation area. Public lands within the MGS Conservation Area are designated as a BLM Wildlife Habitat Management Area in the CDCA Plan. Within the MGS Conservation Area, the public land south of Owens Lake classified by the CDCA Plan as multiple use Class M is changed to Class L.

5. Amend Rand Mountains/Fremont Valley Management Plan

Amend the CDCA Plan to implement the 1994 Rand Mountains – Fremont Valley Management Plan recommendations:

- Expand Western Rand Mountains ACEC
- Multiple Use Class Changes
- Adopt Motorized Vehicle Access Network
- Designate Desert Tortoise Category I Habitat
- Authorize Mineral Withdrawal
- Implement a use permit program.

6. Modify Afton Canyon Natural Area

Modify ACEC boundaries, adopt motorized vehicle access network, change multiple use class designations.

7. Modify West Mojave Land Tenure Adjustment Program

Modify boundaries of consolidation, retention and disposal zones to conform to conservation area goals.

8. Approve Regional Public Land Health Standards and Guidelines

Standards and Guidelines, already selected for BLM CDCA public lands outside of the West Mojave, would be selected for lands within the planning area. Following approval of this Record of Decision, the State Director will submit the regional standards and guidelines for approval by the Secretary of the Interior.

9. Amend Route Designations

Adopt minor modifications of the network of motorized vehicle access routes that were adopted as a component of the CDCA Plan by BLM on June 30, 2003. Modifications include redesign of the Juniper subregion, route closures in Lane Mountain milk vetch, Barstow woolly sunflower and Mojave monkeyflower conservation areas and the Red Mountain subregion, opening of a nine-mile undesignated route east of Haiwee Reservoir, and establishment of competitive “C” routes northeast of Spangler Hills Open Area. No routes of travel were designated on privately-owned land, and any depiction of such a designated route is a mapping error.

10. Control Motorized Vehicle Stopping, Parking and Vehicular Camping

Amend Motorized Vehicle Access Element’s Stopping and Parking Section, incorporating following restrictions within DWMAs:

- Motorized vehicle based camping limited to previously existing disturbed camping areas adjacent to routes designated open.
- Motorized vehicle stopping and parking allowed within 50 feet of centerline of routes designated open.

11. Delete Barstow to Vegas Race Course

Delete that portion of the Barstow to Vegas Race Course that lies within the West Mojave Planning Area.

12. Modify Stoddard Valley to Johnson Valley Connector

- Delete competitive event corridor.
- Establish connector route. No competitive speed events allowed.

13. Provide for Authorization and Use

BLM will continue to administer existing authorizations and uses and will consider future requests consistent with this ROD. Any new authorization or use of public land within the West Mojave Desert area must be in conformance with the West Mojave Plan and subject to site specific analysis. Such authorization and use would be subject to administrative review at the time of issuance of a final BLM decision regarding the authorization or use.

14. Implementation Schedule

This ROD incorporates the anticipated implementation schedule contained in Chapter 2 and Appendix C of the proposed West Mojave Plan. The management actions, sequence of implementation, and estimated costs are carried forward in this ROD and are subject to available funding.

Completion of the planning for route designation in the El Paso Collaborative Access Planning Area will occur within a five year period following this ROD.

Errata

BLM is modifying one aspect of the proposed action with respect to utility construction and maintenance, noted as part of Implementation Measure (DT-11) on page 2-59 and Appendix C.2 of the final EIS. Contingency Corridor W was deleted from the CDCA Plan by Amendment #17 in 1988, so the recommendation cannot be implemented.

BLM acknowledges that Section 22, T2N, R3E is within the boundaries of the Rattlesnake Canyon Allotment as provided by the CDCA Plan of 1980. Subsequent published maps of the allotment erred in omitting this section of land from the allotment.

Page 2-38 of the final EIS contains a misprint. In the discussion of the application of a mitigation fee to smaller parcel sizes in the Habitat Conservation Plan, parcel sizes of 2.5 acres are shown as 2 ‰ acres.

Page 2-115 of the final EIS contains a misprint. In the discussion of implementation measure (P-53), improvements to Big Morongo Creek and Dry Morongo Creek would be limited to areas within 0.25 mile of Highway 62.

Table 4-13 on page 4-24 of the final EIS incorrectly describes the residual impacts of new construction activities on public lands because of the decision to designate lands in the DWMA as multiple use Class L.

Table 3-45 on page 3-215 contains a misprint for the acreage of desert tortoise habitat on the Lacey-Cactus-McCloud grazing allotment. The correct acreage of desert tortoise non-critical habitat is 1,800 acres.

An error in the ownership of lands north of the Rand Mountain – Fremont Valley Management Area was discovered. This error shows private lands used for agricultural production as belonging to the public. It appears on the final EIS Map 3-1 and on all of the route designation maps. These private lands are correctly shown on the Desert Access Guide maps distributed to the public. The affected lands are within Townships 29S and 30S and Ranges 38E and 39E. All route designations shown for these private lands on Maps 22 and 25 for both the no action and the proposed action alternative are invalid. These are within the El Paso subregion and the Rand Mountains area. The corrections to the Geographic Information System have been made in the California State Office.

BLM clarifies that the mitigation fee to be applied to federal lands for new ground-disturbing activities does not apply to grazing permits. Grazing should be added to the list of activities and uses exempt from fees on BLM land shown on Table 209, page 2-38 of the final EIS.

Alternatives Considered

Seven management alternatives were analyzed for the Proposed Action and EIS. The alternatives were developed by the BLM on the basis of, and in response to, substantive public input on the existing environment, existing uses, desired future uses, and desired environmental conditions of the planning area. The alternatives considered in the EIS are summarized below:

- **Alternative A: Proposed Action – Habitat Conservation Plan.** This alternative presents a multi-species conservation strategy applicable to public and private lands throughout the planning area. It would serve as (1) an amendment of BLM’s CDCA Plan for public lands, and (2) a “habitat conservation plan” for private lands. Incidental take permits for 49 “covered species” would be issued to participating local jurisdictions and state agencies. The proposed action cannot be implemented until the local governments complete the application for incidental take permits and receive approval from state and federal wildlife agencies.
- **Alternative B: BLM Only.** This alternative consists of those elements of Alternative A that are applicable to, and that could be implemented on, BLM-administered public lands. It is applicable to public lands only. This ROD approves Alternative B.
- **Alternative C: Tortoise Recovery Plan.** This combines those elements of Alternative A that are applicable to the Mohave ground squirrel and other sensitive

species with the management program recommended by the 1994 Desert Tortoise (Mojave Population) Recovery Plan. CDCA Plan amendments and a habitat conservation plan would be adopted and incidental take permits would be issued to participating local jurisdictions and state agencies. The public expressly requested detailed consideration of this alternative during NEPA scoping meetings.

- **Alternative D: Enhanced Ecosystem Protection.** This alternative places a high priority on the conservation of sensitive plants and animals, even if adoption of those recommendations would limit motorized vehicle access to and multiple use of the western Mojave Desert. Its recommendations had their origin in discussions among the participating agencies and members of the public during NEPA scoping and the development of Alternative A. CDCA Plan amendments and a habitat conservation plan would be adopted and incidental take permits would be issued to participating local jurisdictions and state agencies.
- **Alternative E: One DWMA – Enhanced Recreation Opportunities.** This alternative places a high priority on multiple uses of desert lands, including motorized vehicle recreation, even if this might preclude the implementation of some of the programs to conserve species and ecosystems. It also responds to a specific request raised by the public during scoping meetings that the EIS explore whether a single DWMA, protecting only the remaining areas of relatively higher tortoise populations, might be an effective means of conserving desert tortoises. CDCA Plan amendments and a habitat conservation plan would be adopted and incidental take permits would be issued to participating local jurisdictions and state agencies.
- **Alternative F: No DWMA – Aggressive Disease and Raven Management.** This alternative proposes a tortoise conservation strategy that relies on an aggressive program of tortoise disease management and raven control, supported by limited fencing, rather than the establishment of tortoise DWMA's to protect habitat. Subject to these modifications, the Alternative A conservation program for other species would be implemented. CDCA Plan amendments and a habitat conservation plan would be adopted and incidental take permits would be issued to participating local jurisdictions and state agencies.
- **Alternative G: No Action.** Existing conservation strategies currently being applied by each of the participating agencies would continue to be implemented.

Environmentally Preferable Alternative

Federal environmental quality regulations (40 CFR 1505.2 (b)) require that an agency identify the “environmentally preferable” alternative or alternatives in the ROD. Alternative D is the environmentally preferable alternative. Alternative D would effectively provide a higher level and more immediate focus on natural and cultural resources in the plan area through the application of management actions that would reduce levels of public activity that may impact threatened and endangered species.

Management Considerations

1. Respond to the Purpose and Need

Approval of the West Mojave Plan achieves the purpose and need for the Plan. Approval establishes a regional biological strategy to conserve plant and animal species and their habitats and prevent future listing; and provides for an efficient, equitable and cost-effective process for complying with threatened and endangered species law. The West Mojave Plan addresses over 100 species of plants and animals, designates Areas of Critical Environmental Concern and other special management areas specifically designed to promote species conservation, designates routes of travel on the public lands, and establishes other management prescriptions to guide grazing, mineral exploration and development, recreation, and other public land uses.

2. Achieve the Biological Goals and Objectives

Desert Tortoise Goals

Approval of the Desert Wildlife Management Areas, to be managed as Areas of Critical Environmental Concern for desert tortoise conservation, and implementation of specific controls over uses such as off-highway vehicles, grazing, commercial activities, ensures that the following goals are achieved:

- Goal 1: sufficient habitat to ensure long-term tortoise population viability is provided.
- Goal 2: ensures an upward or stationary trend the tortoise population for at least 25 years.
- Goal 3: ensures genetic connectivity among tortoise populations, both within the West Mojave Recovery Unit, and between this and other recovery units
- Goal 4: ensures tortoise mortality is reduced

Approval also achieves the recommendations of the desert tortoise recovery plan for establishing desert wildlife management areas within all recovery units.

Mohave Ground Squirrel (MGS) Goals

Approval of the MGS wildlife habitat management area and implementation of specific controls over uses such as off-highway vehicles, grazing, and commercial activities ensures that the following goals are achieved:

- Goal 1: ensures long-term protection of MGS habitat throughout the region
- Goal 2: ensures long-term viability of the MGS throughout its range

Other Species Goals

Approval of the Plan achieves the BLM goals for conservation of habitat for the other listed and sensitive species as shown on Table 2-1 of the final EIS. The management of public

lands enables the complementary conservation for the HCP in preparation by the state agencies and local governments.

3. Provide Flexibility to Adjust for Possible Change in the Desert Tortoise Recovery Plan

The U.S. Fish and Wildlife Service is undertaking revisions to the Desert Tortoise Recovery Plan of 1994, which was the basis of many of the Plan decisions to hasten the recovery of the desert tortoise on public lands. A Desert Tortoise Recovery Plan Assessment has been completed, and the new U.S. Fish and Wildlife Service Desert Tortoise Recovery Office is coordinating a number of studies on the genetic relationship of different tortoise populations, desert tortoise densities throughout its range, and the effect of fires on desert tortoise numbers. This new information could lead to recommended changes in the boundaries of recovery units, the boundaries of desert wildlife management areas, and the definition of distinct population segments. If an approved future revision of the Desert Tortoise Recovery Plan substantially alters the means of conservation or other management decisions affecting the West Mojave plan, the BLM will give timely consideration to whether a Plan amendment is warranted.

4. Incorporate Multiple Use Management Considerations

BLM's approval of the West Mojave Plan responds to the multiple use requirements as stated in the Federal Land Policy and Management Act of 1976: "the use of all California desert resources can and should be provided for in a multiple use and sustained yield management plan to conserve these resources for future generations, and to provide present and future use and enjoyment, particularly outdoor recreation uses, including the use, where appropriate, of off-road recreational vehicles..." [Public Law 94-579 Section 601 (a) (4)]. Specific management considerations are summarized below for the key decisions of the West Mojave Plan:

a. Establish New Areas of Critical Environmental Concern

The fourteen new ACECs all contain robust populations and essential habitat of threatened, endangered or sensitive species. Without the added protection provided by the ACEC designation, conflicting uses could lead to declines in the numbers or ranges of these species. A goal of the CDCA Plan is to prevent rare species from declining to the point of becoming listed as threatened or endangered. The ACEC management provisions, which are described in Appendix D of the West Mojave Plan, are tailored to the specific needs of the plants and animals found in each new ACEC.

b. Adjust Area of Critical Environmental Concern Boundaries

The Afton Canyon Natural Area Management Plan of 1989 recommended boundary changes, both additions and deletions, to the ACEC. This requires an amendment to the CDCA Plan. These have not been completed, so the West Mojave Plan provides the administrative mechanism for enacting the boundary adjustments. The amendments will further protect the

riparian habitat and the more than ten special-status species residing in the ACEC.

The Rand Mountains Fremont Valley Management Plan of 1993 recommended changes to the boundaries of the Western Rand Mountains ACEC, requiring an amendment to the CDCA Plan. This amendment has not been enacted. The West Mojave Plan provides the administrative mechanism for enacting the boundary adjustment. The amendment will greatly facilitate protective management of the desert tortoise and its designated critical habitat.

The Barstow Woolly Sunflower ACEC, at 314 acres, encompassed only a small part of the range of this rare West Mojave endemic plant. The boundary adjustments are necessary to include additional populations and provide unified management of its habitat and range.

BLM has installed visitor facilities on the edge of Harper Dry Lake and made this a showcase Watchable Wildlife site. The boundary adjustments are needed to include the new facilities in the ACEC.

c. Amend CDCA Plan Multiple-Use Classes (MUC)

The 1980 CDCA Plan established four multiple-use classes to guide management of public lands in the CDCA: Class C (Controlled Use), Class L (Limited Use), Class M (Moderate Use), and Class I (Intensive Use). The MUC amendments bring consistency to all desert wildlife management areas in the California desert. They also reflect changes which allow BLM to better manage important habitat for listed and sensitive species, as well as facilitating the transfer of specific parcels of public land to other agencies. Changes to Class C lands reflect designations of wilderness boundaries in the California Desert Protection Act (CDPA), enacted in 1994 by the United States Congress.

d. Designate Mohave Ground Squirrel Wildlife Habitat Management Area

Nearly the entire range of the Mohave ground squirrel, a state-listed threatened species, is within the West Mojave planning area and most of this land is public land managed by the BLM. Designation of the Mohave Ground Squirrel Conservation Area will facilitate protective management for this species and serve to prevent further declines and assist the California Department of Fish and Game. A goal of the CDCA Plan is to prevent rare species from declining to the point of becoming federally listed as threatened or endangered.

e. Amend Rand Mountains/Fremont Valley Management Plan

The Rand Mountains Fremont Valley Management Plan of 1993 recommended five amendments to the CDCA Plan, which have not yet been enacted. The West Mojave plan provides the administrative mechanism for enacting the boundary adjustments, multiple use class changes and withdrawal from mineral location and entry, route designations and designation of lands as Category I desert tortoise habitat. The amendments will greatly facilitate protective management of the desert tortoise and its designated critical habitat.

The popularity of vehicle recreation in the Rand Mountains necessitates the establishment of a visitor use permit program. Without stricter control of visitor use and management of the routes of travel, BLM will not be able to meet the requirements of the biological opinion for the West Mojave plan.

f. Amend Afton Canyon Natural Area Management Plan

The Afton Canyon Natural Area Management Plan of 1989 recommended three implementing actions requiring an amendment to the CDCA Plan. These have not been completed, so the West Mojave plan provides the administrative mechanism for enacting the boundary adjustments, multiple use class changes and withdrawal from mineral location and entry. The amendments will further protect the riparian habitat and the more than ten special-status species residing in the ACEC.

g. Amend West Mojave Land Tenure Adjustment Program

The boundaries of the consolidation, retention and disposal zones of the Land Tenure Adjustment Program were changed to bring consistency to the management of the desert wildlife management areas. Lands formerly classified for disposal within the Habitat Conservation Area were changed to retention or consolidation to reflect their value as habitat for rare species, primarily the desert tortoise.

h. Approve Regional Public Land Health Standards and Guidelines

This ROD approves the Regional Public Land Health Standards and Guidelines to be consistent with the other regional amendments of the CDCA Plan and provide uniform management with respect to grazing, protection of riparian areas, fragile soils and water quality. The regional standards must be submitted to the Secretary of Interior for final approval.

i. Amend Route Designations

The network of motorized vehicle access routes in the West Mojave that was adopted on June 30, 2003 achieved most of the objectives of the CDCA Plan. Modifications were made with the additional public review of the West Mojave Plan to better protect rare species and their habitat, connect travel routes among subregions, allow competitive use of routes outside sensitive habitat and curtail conflicts with private property.

j. Control Motorized Vehicle Stopping, Parking and Vehicular Camping

The amendment defining allowable uses for stopping parking and camping within and outside of DWMA's reduces new ground disturbance throughout the West Mojave area. These restrictions will prevent or reduce mortality to wildlife, particularly the desert tortoise, without substantially impairing the public's recreational activities.

k. Delete Barstow to Vegas Race Course

Deletion of the Barstow to Las Vegas race course from the 2002 Northern and Eastern Mojave Desert Amendment to CDCA Plan left a fragment of this route remaining open in the West Mojave area. The amendment to delete the remaining one third of the race course is primarily an administrative action to achieve consistency in the CDCA Plan. Deletion of the race course also provides conformance with the desert tortoise recovery plan, which recommended elimination of competitive events within desert wildlife management areas. BLM has not authorized this event since 1989.

l. Modify Stoddard Valley to Johnson Valley Connector

The competitive corridor between the Stoddard Valley and Johnson Valley Open Areas was changed to a non-competitive connector route and realigned to provide conformance with the desert tortoise recovery plan, which recommended elimination of competitive events within desert wildlife management areas. In addition, the corridor crossed private property where permission to cross was denied.

5. Other Management Considerations

Approval of the ROD takes into account other management considerations:

- It is consistent with guiding goals for management of the CDCA;
- It maintains or improves conditions of special status species and other unique natural and cultural resources;
- It provides an extensive monitoring program for various species developed collaboratively with the FWS;
- The FWS' conclusion that the West Mojave Plan is not likely to jeopardize the continued existence of the desert tortoise, Parish's daisy, Cushenbury milk-vetch or Lane Mountain milk-vetch; nor is it likely to destroy or adversely modify critical habitat; \
- Motorized recreation opportunities are provided throughout the planning area, and therefore, the West Mojave Plan will continue to provide a variety of sustainable, high-quality OHV and other recreational experiences and opportunities.
- The amendment will not adversely affect communication sites, transmission corridors or major transportation facilities.

Mitigation Measures

Approved management measures to mitigate adverse impacts of the land use plan were presented in Appendix C of the final EIS and in the Proposed Action section of the West Mojave Plan. All practicable means to avoid or minimize environmental harm while still meeting the goals, purpose and need requirements for the proposed plan have been adopted.

Monitoring Program

The ROD incorporates a comprehensive monitoring program to ensure that implementation of the West Mojave Plan achieves the plan's goals and objectives. The monitoring actions include resource condition surveys, rangeland health assessments, species surveys and monitoring of OHV use as well as an extensive monitoring program of biological resources.

Agency and Public Participation

The Council on Environmental Quality regulations (40 CFR 1501.7) and BLM planning regulations (43 CFR 1610) require an early and open process (scoping) for determining the scope and significance of planning issues. The regulations also require that agencies provide opportunity for public involvement in the planning process, including review of the draft Plan and draft EIS. Extensive efforts have been made to make the public aware of the planning process and of opportunities for involvement in that process.

Scope of the EIS

The scope of the EIS has been established through the various public meetings that have been held by the BLM over the last 14 years, but more extensively since 1997 when a re-structured planning effort was initiated by the participating agencies, led by the BLM. The renewed planning effort by the BLM, as described in Sections 1.4.3 through 1.4.6 of the final EIS, established a "Supergroup" of interested stakeholders and a Steering Committee. In addition, Task Groups were convened that were open to any interest group or member of the public, which functioned as working groups to provide input into the development of key elements of the plan. The BLM conducted formal scoping meetings pursuant to requirements of the National Environmental Policy Act (NEPA) during June and July of 2002. Public scoping meetings as required by the California Environmental Quality Act (CEQA) were also conducted to ensure that issues affecting the local jurisdictions and affected communities were addressed. Written comments received in response to the NOP were also considered in establishing the scope of the EIS.

Public Scoping Meetings: The scoping process for the project was designed to solicit input from stakeholders, the public, and other interested parties on the issues related to the development of the West Mojave Plan.

A Notice Of Intent To Prepare A West Mojave Plan and Environmental Impact Statement was published in the Federal Register on December 5, 1991. This Notice announced the holding of public scoping meetings in January 1992. Meetings were held at the following locations: Ridgecrest (January 6, 1991), Barstow (January 7, 1991), Twentynine Palms (January 8, 1991), Bakersfield (January 9, 1991), Victorville (January 13, 1991), Lancaster (January 14, 1991), and Riverside (January 15, 1991).

A federal Revised Notice of Intent to Prepare West Mojave Plan and Environmental Impact Statement was published in the Federal Register in May 2002. This notice

announced the holding of seven additional NEPA scoping meetings. Those meetings were held at the following locations: Palmdale (June 26, 2002), San Bernardino (June 27, 2002), Victorville (June 28, 2002), Ridgecrest (July 1, 2002), Lone Pine (July 2, 2002), Pasadena (July 9, 2002) and Yucca Valley (July 10, 2002). At these meetings the suggested conservation strategy developed by the West Mojave Supergroup and its Task Groups was discussed and comments accepted.

On December 27, 2002, a Notice of Preparation of Environmental Impact Report for the West Mojave Plan on 6.4 Million Acres Located In California Desert Conservation Area (NOP) was published by the San Bernardino County Land Use Services Department and the Kern County Planning Department. The NOP indicated that the counties would be coordinating the development of a programmatic EIR for the West Mojave Plan as co-lead agencies. The Notice of Preparation announced the holding of three CEQA scoping meetings. These meetings were held at the following locations: Bakersfield (January 9, 2003), Ridgecrest (January 10, 2003), and San Bernardino (January 16, 2003).

Due to additional interest in San Bernardino County's role as co-lead agency, on January 24, 2003 the County of Kern and the County of San Bernardino released an *Extension Of Comment Period And Addition Of Second Public Scoping Meeting In San Bernardino County*. The additional scoping meeting was held in Victorville on February 5, 2003. Comments received during the local government scoping meetings are available in Appendix V of the West Mojave Plan and final EIS.

Kern County announced on March 10, 2003, that it no longer would act in the capacity of CEQA co-lead agency. A Revised NOP was issued on April 9, 2003, which indicated that the City of Barstow would serve in that capacity to represent the various cities that may participate in the West Mojave Plan

Public Review of the Draft EIS

The draft EIS for the West Mojave Plan was released for a 90-day public review that began on June 10, 2003 and ended on September 12, 2003. During this public review period seven public meetings were held to explain the West Mojave Plan and EIS to the public and to solicit public comment. Public hearings were held in Victorville (July 15, 2003), Lone Pine (July 16, 2003), Ridgecrest (July 17, 2003), Redlands (July 22, 2003), Yucca Valley (July 23, 2003), Palmdale (July 24, 2003) and Barstow (July 30, 2003).

BLM received 278 letters on the draft West Mojave Plan and EIS from the public. An additional written review of the Proposed Plan was provided by the California Department of Fish and Game. Further comments were received through public meetings and electronic messages. Most comments were from members of the public located in California. Several were from grazing lessees, rights-of-way holders such as utilities, mining claim holders and others with business interests involving public lands. The largest volume of individual comments was from recreational and environmental interests.

BLM's interdisciplinary team reviewed this list of public concern statements and provided written responses to each. The Proposed Plan and final EIS were revised as appropriate. The issues identified in the public comment letters and BLM's response to these issues is included in Chapter 6 of the final EIS. A copy of each letter is contained in the compact disc accompanying the final EIS. Due to a printing error, eight letters were omitted from the compact disk. These letters are available from the BLM's California Desert District office in Moreno Valley, California.

Endangered Species Act Consultation

BLM and FWS have determined that two federally endangered plant species, the Cushenbury milk-vetch (*Astragalus albens*) and the Lane Mountain milk-vetch (*Astragalus jaegerianus*), one federally threatened plant species, the Parish's daisy (*Erigeron parishii*), and one federally threatened reptile species, the desert tortoise (*Gopherus agassizii*) may be affected by provisions of the West Mojave Plan. BLM requested formal consultation on these species and their designated critical habitat (except Lane Mountain milk-vetch, where critical habitat is not designated) on July 15, 2003. BLM determined that the West Mojave Plan was not likely to adversely affect the endangered Cushenbury oxytheca (*Oxytheca parishii* var. *goodmaniana*), Cushenbury buckwheat (*Eriogonum ovalifolium* var. *vineum*) and threatened Inyo California towhee (*Pipilo crissalis eremophilus*) or their designated critical habitat and requested concurrence with that determination from the FWS. BLM determined that the West Mojave Plan would have no effect on the endangered Yuma clapper rail (*Rallus longirostris yumanensis*), least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), Mojave tui chub (*Gila bicolor mohavensis*) and triple-ribbed milk-vetch (*Astragalus tricarinatus*) and the threatened bald eagle (*Haliaeetus leucocephalus*) and California red-legged frog (*Rana aurora draytonii*).

Many of these species had received earlier biological opinions from the FWS that the CDCA Plan would not jeopardize their continued existence or destroy or adversely modify their critical habitat.

BLM received a biological opinion on the West Mojave Plan from FWS on January 9, 2006. The formal consultation concluded that the Plan would not jeopardize the continued existence or destroy or adversely modify the critical habitat of the listed species under consideration. The consultation utilized Alternative B, the federal actions component of the West Mojave Plan, as the basis for analysis.

The West Mojave biological opinion is available on the BLM web site at <http://www.ca.blm.gov/cdd/wemo.html>.

Consultation with the State Historic Preservation Officer

All activities and decisions identified in the Plan comply with Section 106 of the National Historic Preservation Act, as amended (NHPA), through our State Protocol Agreement between the California State Director of the Bureau of Land Management and the California State Historic Preservation Officer (Protocol). Amendments to the Protocol specifically

address Section 106 compliance for livestock grazing permit / lease renewals and designations for Desert routes of travel.

Consultation with Native Americans

To comply with Executive Orders regarding government-to-government relations with Native Americans, formal and informal contacts were made with a number of tribal entities. Eight tribal governments who might attach religious and cultural significance to historic properties within the planning area were contacted in June 2000 and from May to July 2001. These included the Lone Pine Paiute Shoshone, Timbisha Shoshone, San Manuel Band, Morongo Band, 29 Palms Band, Fort Mojave Tribe, Chemehuevi Tribe and Colorado River Indian Tribes. Contact was made by letter and phone. When contacted by phone in July 2001, the Lone Pine Paiute Shoshone, Timbisha Shoshone, Fort Mojave Tribe, Chemehuevi Tribe and Colorado River Indian Tribes requested additional information, and information packets were sent to those tribes. In August 2001 a briefing was presented to the Native American Lands Conservancy at their request. As a consequence of these contacts, no tribe or band identified religious or cultural significance to historic properties within the planning area.

Environmental Protection Agency Review

Both the draft and final West Mojave Plan and Environmental Impact Statements were provided to the Environmental Protection Agency (EPA). The EPA reviews environmental documents pursuant to the National Environmental Policy Act, the Council on Environmental Quality's NEPA Implementation Regulations at 40 CFR 1500 – 1508, and Section 309 of the Clean Air Act. BLM received the EPA review of the draft EIS on September 4, 2003 and the final EIS on May 2, 2005.

Other Consultations

A number of agencies and interests, including local, state and federal entities have been involved in the development of this plan. BLM coordinated with any agency that expressed an interest in the plan. In addition, BLM's Desert Advisory Council received regular briefings and updates regarding the West Mojave Plan. The California Department of Fish and Game and BLM also discussed relevant issues during the development of the Plan and EIS

State of California – Plan Amendment Consistency Review and Determination

In accordance with BLM planning regulations, 43 CFR 1610.3-2, BLM must identify any known inconsistencies with State or local plans, policies, or programs. BLM must also provide the Governor up to 60 days in which to identify any inconsistencies and submit recommendations. The State received a formal request for review of the final EIS on March 23, 2005. The State completed its review on May 20, 2005. No known inconsistencies have been identified, either by the BLM or the Governor, for the Plan Amendment decisions.