

DECISION RECORD

LAKE HAVASU FIELD OFFICE Havasu Travel Management Plan (TMP) Environmental Assessment Mohave County, AZ and San Bernardino County, CA DOI-BLM-AZ-C030-2013-0020-EA

INTRODUCTION

This Travel Management Plan (TMP) is the product of extensive public and agency input. Its intent is to establish a comprehensive travel network, and meet both current and future access needs to the area's public lands while resolving conflicts of users of the travel network identified in this document. This document identifies a proposed system of roads, primitive roads and trails, and the terms for their use and maintenance. Additionally, it outlines facilities to be developed in support of recreation through creation of new routes, and closure of other routes. The travel network identified in this TMP comprises both motorized and non-motorized trails.

This TMP covers public land south of Interstate 40 to just north of Cattail State Park, and from the Colorado River east to the field office boundary.

SCOPING AND PUBLIC INVOLVEMENT

Over the course of several weeks between 2009 and 2013, the Proposed Action was evaluated by the BLM's interdisciplinary team. Issues that were raised during the review included:

Cultural:

- How would the route designations impact existing cultural resources?

Minerals:

- How would the route designations impact access to mining claims?

Recreation:

- How would the route designations impact family recreational opportunities?
- How would the route designations contribute to loop routes and connectivity?
- How will the route designations impact access to prospecting, hunting opportunities, geocaching, and scenic view points?
- How would the route designations impact public safety?

Socioeconomic Resources:

- How would routes closures impact the local economy, specifically the sales of off-road vehicles, parts, fuel, and the tourism industry?
- How would the route designations impact seasonal visitor frequency and use of travel network?

Wildlife:

- How would the route designations impact bighorn sheep movement corridors and lambing grounds?
- How would the proposed action impact desert tortoise habitat quality?

On August 18, 2010 the BLM initiated a six month scoping period. Additionally, a public information meeting was held on November 9, 2012 to encourage public involvement throughout the route designation process. During this time proposed route designations for each alternative were available online in the form of maps and downloadable data. Maps and information was also available at the Lake Havasu Field Office. Public comments resulted in changes to proposed designations in three of the alternatives.

On February 6, 2013 the BLM released the Preliminary Havasu TMP/EA for a 60 day public review and comment. Comments received were reviewed but did not result in changes to the document.

LAND USE CONFORMANCE

The Proposed Action complies with the *Lake Havasu Field Office Resource Management Plan* (RMP) approved on May 10, 2007 and is in conformance with the RMP. It is consistent with the following RMP objectives, terms and conditions:

- TM-1 Designations will be made and management implemented for a balance of opportunities for the entire range of motorized and non-motorized access needs, while in balance with other resource values found on public lands. (Page 112)
- TM-2 Reasonable, safe, and environmentally sound access will be provided to visitors, local residents, licensed or permitted activities, and property owners. Lake Havasu Field Office will be linked with other state, regional, and land management agencies or interest groups to better facilitate travel management. (Page 112)
- TM-3 Travel between communities within the planning area will be made safer. (Page 112)
- TM-4 Public access easements will be acquired across private or state lands where public access to federal lands and waterways is not available. (Page 112)
- TM-5 Instill and strengthen a more effective and responsible user ethic through public outreach programs for motorized and non-motorized users. (Page 112)
- TM-6 The BLM will continue to provide motorized and non-motorized access across public lands, with emphasis on development of non-motorized trails and trailheads. (Page 113)
- TM-8 Opportunities for “touring” and “loop” travel beyond the boundaries of the planning area will be maintained or enhanced when creating the travel management network for the planning area. (Page 113)
- TM-9 OHV area designations are shown in Table 8 and on Map 31. Generally, the planning area will be classified as “limited to existing roads and trails” for motorized travel, unless a specific classification has been applied to the area as in

Table 8. Existing roads and trails for motorized use will be defined as those routes and trails found on route inventories completed in the period between 1990 and 2004 and shown on the Lake Havasu Field Office inventory maps (Map 32). (Page 113)

- TM-10 Washes in areas designated Open, are available for motorized travel. In areas designated "existing road or trails" only washes with routes shown on inventory maps will be open to motorized trail. After the TMP is completed only washes with designated routes will be open for travel. All other washes will be closed to motorized travel unless at a later date reviewed as a new route or trail and evaluated under the route evaluation process as outlined in Appendix L. (Page 114)
- TM-11 Between the ROD and the completion of the TMP, three areas totally 30,943 acres (see Map 31) will retain seasonal closures for motorized vehicles from January 1 to June 30, to protect sensitive habitats, ACEC values, recreational settings, and/or cultural sites. These areas were originally seasonally closed under the YRMP for bighorn sheep lambing grounds. All routes in these areas will be evaluated and designated in the TMP and the area allocation dropped. This does not affect areas currently limited to designated routes. (Page 114)
- TM-12 "Limited to Existing Roads and Trails" areas will be converted to "Limited to Designated Roads and Trails" following the Travel Management Network Plan. (Page 114)
- TM-13 Wheeled non-motorized carts will be allowed except in WAs. (Page 114)
- TM-14 Motorized vehicles may be allowed to pull off an existing/designated route 100 feet on either side of centerline. This use shall be monitored on a continuing basis. If monitoring results show effects that exceed limits of acceptable change, motorized vehicles will not be allowed to pull off a designated route 100 feet of centerline in those areas where resource damage has exceeded limits of acceptable change. (Page 114)
- TM-15 Technical Vehicle Specialized Sport Sites could be identified and managed as an RMZ or specific sites within RMZ or the ERMA and not part of the travel management network. (Page 114)
- TM-16 Foot and equestrian cross-country travel will be allowed on public lands. California and Arizona state laws consider bicycles vehicles and cross-country travel will not be allowed except in designated open area. Except in WAs, all roads and trails will be open to bicycles unless designated otherwise. (Page 114)
- TM-24 Standard Wash and Shea Road/Osborne Wash RMZs will be allocated "Open" following compliance with NHPA and the Endangered Species Act and the successful resolution of adverse effects to historic properties and threatened and

endangered species. Until these consultations are completed in these two RMZs, travel will remain restricted to existing roads and trails. (Page 115)

- TM-26 Within the Lake Havasu Aubrey Hills area, motorized use will be limited to authorized users. (See Map 31) (Page 115)
- TM-29 The BLM will require permittees (e.g., for hunting, wood gathering, livestock operators) to comply with field office route designations. Exceptions may be authorized on a case-by-case basis. (Page 116)
- TM-30 Impacts of motorized activity (except for authorized vehicles) will be evaluated and the areas converted to limited to administrative access to motorized vehicles within 0.25 miles of any spring. If necessary to maintain access, a new route may be established. (Page 116)
- TM-32 No new permanent motorized routes will be authorized in lands managed to maintain wilderness characteristics, except those required by law. (Page 116)
- TM-33 Upon completion of the TMP process, the route network will be limited to *designated* roads, primitive roads, and trails. Upon completion of each TMP, a map will be published showing the status, maintenance intensity, and other relevant information for all roads, primitive roads, and trails within each respective Travel Management Area. (Page 116)
- TM-34 The BLM will not develop, endorse, or establish route or trail ratings. The BLM may describe physical characteristics of a route. (Page 116)
- TM-36 Use of authorized ROWs will be managed for public access and through the TMPs designated either open or limited. (Page 116)
- TM-37 On BLM published maps, areas designated as limited to authorized users will be shown as closed to general motorized use. (Page 116)
- TM-39 Prior to completing the TMP and route designation process, any vehicle routes not represented on the route inventory maps will be subject to restoration actions as described in *Administrative Actions and Standard Operating Procedures*, Appendix B. After site-specific cultural and wildlife clearances are accomplished, the restoration action could be completed without further NEPA or public notice. (Page 117)

AUTHORITY

Implementation of the Proposed Action is under the authority of the Federal Land Policy and Management Act of 1976 and regulations found at 43 CFR 8342.

ENVIRONMENTAL CONTAMINENTS

Areas of Critical Environmental Concern

- 131.7 miles, a 19% reduction, of routes would remain open for OHV use

Cultural/Paleontological Resources

- 61 routes, a 63% reduction, open to OHV use would access known cultural sites
- 31 routes would provide non-motorized access to known cultural sites

Fish & Wildlife Excluding Federally Listed Species

- Route designations would reduce off-trail travel, therefore reducing habitat fragmentation and wildlife harassment
- Stipulations allow for protection of important plant and animal species

Hazardous or Solid Wastes

- 17 routes, a 39% reduction, with identified potential hazards would remain open to OHV use

Migratory Birds

- 121.2 miles, a 57% reduction, of washes would be open to OHV use

Native American Religious Concerns

- No action would adversely affect areas or sites with Native American Religious Concerns

Public Health & Safety

- 69.2 miles, a 14% reduction, of routes with identified concerns for public safety would remain open for OHV use

Recreation

- 571.44 miles of roads/primitive roads open to off-highway vehicle (OHV) use, 49.15 miles of trails open to non-motorized use, and 69.43 miles of roads/primitive roads limited to authorized users/vehicles.

Socioeconomics

- The majority of published routes and routes with vista/sightseeing/photography would remain open for OHV use

Soils

- 49.61 miles of routes, a 13% reduction, with identified impacts to soil would remain open to OHV use

Threatened and Endangered Species

- A 29% reduction of routes open to OHV would occur within Mojave/Sonoran Desert Tortoise habitat
- In desert tortoise habitat, project-related vehicles shall not exceed 10 miles per hour on unpaved roads.
- Care shall be taken not to disturb or destroy tortoises or their burrows. Handling, collecting, damaging, or destroying desert tortoises are prohibited by Arizona State Law. During all activity special care should be given to watch for and avoid any desert tortoise that may be present on a route or roadway.
- If a tortoise is endangered by any activity that activity shall cease until either the tortoise moves out of harm's way of its own accord, or until an authorized biologist is able to

remove the tortoise to safety. Tortoises shall be handled only by a BLM authorized Wildlife Biologist or AZGFD Wildlife Manager, and shall be moved solely for the purpose of preventing death or injury. The authorized biologist shall be responsible for taking appropriate measures to ensure any desert tortoise relocated from the project site is not exposed to temperature extremes, which could be harmful to the animal.

- If a vehicle is left for any occasion the driver shall inspect underneath any parked vehicles immediately prior to moving. If a desert tortoise is beneath the vehicle, the authorized biologist shall move the tortoise from harm's way. Otherwise, the vehicle shall not be moved until the desert tortoise has left of its own accord.

Travel Management

- 571.4 miles of roads and primitive roads would be open to OHV use

Vegetation/Invasive & Non-Native Species

- Whenever possible, pockets of native vegetation within the general area of disturbance shall be left to hasten the re-establishment of native flora.
- State protected plant species (all cactus, ocotillo, and native trees) shall be avoided. If they cannot be avoided they will be salvaged and replanted during reclamation. The operator shall report all State protected species destroyed or damaged to the Lake Havasu Field Office Biologist at (928) 505-1200.

Visual Resources

- This alternative would maintain the following miles of roads, primitive roads, and trails within each VRM class: 0 miles of Class I, 150.72 miles of Class II, 159.41 miles of Class III, and 112.01 miles of Class IV. See Table 8 for percent reduction from the No Action alternative.

SPECIAL STIPULATIONS

1. Desert Tortoise: Routes that are impassable, and where crews are not able to restore the route to its previous condition without the use of heavy equipment, will have a tortoise monitor on site prior to the use of heavy equipment to ensure no desert tortoises will be harmed and that no new habitat is disturbed.
2. Road Signing: After the decision has become effective, all open/limited/non-motorized routes will be signed accordingly. Newly proliferated routes not included in the EA will be closed and restored without further public review.
3. Restoration: BLM will implement restoration on any route designated closed which is causing harm to resources. Newly proliferated roads will be restored (see mitigation measure 2 above).
4. Route Monitoring Strategy: All routes will be regularly monitored. BLM will develop a monitoring program (see Havasu TMP) with metrics to evaluate route use and impacts to surrounding resources. The routes will be regularly monitored and results compiled. Route monitoring may include, but is not limited to, sign replacement, traffic counts, damage assessments to cultural and biological resources, Site Stewardship reports, sign vandalism, and Law Enforcement contacts. BLM will continue to involve the public in route monitoring efforts.
5. Changes to Route Network: Decisions to change route designations will be pursuant to 43 CFR 8342.3 and based on results of information (metrics) collected over time. A

separate analysis, public scoping, and decision record will be completed. See Havasu TMP.

6. Develop educational materials for users including site specific maps, brochures, interpretive exhibits, trailhead information kiosks.
7. All workers onsite will be given a Service approved desert tortoise briefing and the BLM's desert tortoise fact sheet to educate them on various aspects of desert tortoise life history and legal protection, as well as to inform them of the stipulations required as part of the proposed action.
8. If a tortoise is encountered, it shall be avoided and allowed to move out of harm's way of its own volition. No tortoises will be handled. The BLM's wildlife staff will be notified at (928) 505-1200 if any tortoises are observed during project activities.
9. All workers associated with Havasu TMP implementation will be instructed to check underneath their vehicles and around the tires before moving them to check for tortoises sheltering underneath. The vehicle may not be moved until the tortoise has moved itself out of harm's way. The BLM's wildlife staff will be contacted if a tortoise will not move out from under a vehicle and a work stoppage has resulted.
10. No trash or food items will be deposited onsite.
11. A speed limit of 15 miles-per-hour shall be required during implementation activities.
12. The BLM's TMP representative, (928) 505-1200, and the Service's Arizona Ecological Services Field Office, (602)-242-0210, must be notified of any desert tortoise death or injury due to project activities immediately, or if no phone or radio reception is available by close of business on the following working day.
13. All vehicle traffic will be restricted to designated open and limited routes, as identified in the approved Havasu TMP.
14. During reclamation activities, only native seed mixtures will be planted. Where soil disturbance will occur, all equipment will be required to be cleaned and inspected prior to use within the monument. Public education and signs promoting the use of clean vehicles preventing the spread of weeds, shall be included in entry kiosks and on literature.

RATIONALE

Under the Proposed Action, 571.44 miles of roads/primitive roads open to off-highway vehicle (OHV) use, 49.15 miles of trails open to non-motorized use, and 69.43 miles of roads/primitive roads limited to authorized users/vehicles. The remaining 155.31 miles of roads, primitive roads, and trails would be closed to motorized and mechanized use. Additionally, fourteen TVS would be established for a total of sixteen TVS throughout the planning area. The actions analyzed in the Environmental Assessment will not constitute a major federal action that would significantly affect the quality of the human environment; therefore, an Environmental Impact Statement was not required and a finding was made of no significant impact.

DECISION

It is my decision to authorize the Proposed Action as described in Environmental Assessment DOI-BLM-AZ-C030-2013-0020-EA. The Proposed Action will be subject to the stipulations attached to this environmental assessment.

APPROVED


Kimber Liebhauser, Field Manager
Lake Havasu Field Office

9/4/13
Date

APPEALS

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. If an appeal is taken, your notice of appeal must be filed in the Lake Havasu Field Office, 2610 Sweetwater Avenue, Lake Havasu City, AZ 86406 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with the Lake Havasu Field Office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.