

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Central Coast Field Office
Fort Ord National Monument
DECISION RECORD

Fort Ord National Monument Dog Management Plan
ENVIRONMENTAL ASSESSMENT
DOI-BLM-CA-C090-2016-0021-EA

Introduction

Proclamation 8803, signed April 20, 2012, established the Fort Ord National Monument (FONM). The Bureau of Land Management (BLM) manages the Fort Ord National Monument in a manner that protects natural values, honors the military and cultural heritage of the landscape, and offers high-quality, non-motorized outdoor recreation opportunities. Previously, the Fort Ord public lands were designated as an Area of Critical Environmental Concern (est. 2007) based on the risk to public safety from the potential presence of munitions and explosives of concern on former military lands, and the presence of several special status species associated with the maritime chaparral, grasslands, and vernal pool habitats.

The BLM's Fort Ord National Monument Dog Management Plan is designed to ensure public safety and protect natural and cultural resources. Based on Environmental Assessment #DOI-BLM-CA-C090-2016-0021-EA and the associated Finding of No Significant Impact, the following constitutes my decision.

Decision

It is my decision to approve the preferred alternative described within the Fort Ord National Monument Dog Management Plan and Environmental Assessment #DOI-BLM-CA-C090-2016-0021-EA. It is my decision to approve all of the management guidance common to all alternatives, and management guidance common to all action alternatives.

Alternatives Considered but not Selected

In addition to the Preferred Alternative, the BLM analyzed several other alternatives: No Action Alternative, Dog Prohibition Alternative, Dog Leash Requirement Alternative, and the Designated Off-Leash Opportunity Route (OLOR) Alternative.

Decision Rationale

The preferred alternative is the planning area summation of the selected alternative prescription for each planning unit. The preferred alternative best addressed the planning

objectives and goals that were described within Chapter 1 of Environmental Assessment #DOI-BLM-CA-C090-2016-21-EA (listed below):

- *Protect historic and cultural resources, and interpretive facilities developed to foster the appreciation and understanding of such resources, from damage or destruction that can occur from public and/or pet use.*
- *Minimize public and/or pet intrusion into sensitive animal and plant habitats – especially that of BLM special status species.*
- *Minimize public use conflicts on the Juan Bautista de Anza National Historic Trail that stretches from Creekside Terrace Trailhead to Badger Hills Trailhead over Trail 1, Station One Road, Oilwell Road, and Toro Creek Road.*
- *Maximize the opportunities for non-motorized recreation visitors to have access to a high quality route network with minimal segregations of user groups.*
- *Minimize impacts of public and pet uses to HMP plant and animal species that could jeopardize the Army's ESA compliance for base closure.*
- *Minimize MEC-related risk to public safety on portions of the FONM that are currently open to the public, but need additional MEC remediation. The region of most concern is located north of Eucalyptus Road (i.e. "BLM Area B") where MEC is considered to be on the surface, or under the ground, beneath brush growing near trails.*
- *Minimize MEC-related risk to public safety within the fenced inland range areas in the short-term (i.e. 8-10 years) and following transfer to the BLM. Within this region and elsewhere, the MEC cleanup premise is that public uses will be restricted to a designated route network where MEC is removed from the surface and subsurface. Off this route network, MEC is likely to be present under the surface – and occasionally be exposed to the surface through the forces of erosion.*
- *Prevent off-leash dogs from chasing, harassing, or attacking livestock.*
- *Improve visitor satisfaction and recreation experience by reducing potential for negative encounters with dogs.*
- *Consider recreation use opportunities with dogs that contribute to training, exercise and general play benefits for visitors and their dogs.*
- *Consider the policies of other jurisdictional entities adjoining or within the FONM, and prescribe policies that are complimentary where possible.*

A. Rationale for Dog Prohibition Alternative Prescription for the Fenced Inland Range Planning Unit

Public use options within this planning unit are largely influenced by munitions and explosives of concern (MEC), and rare plant and animal habitats (i.e. maritime chaparral and vernal pool habitats). Options are also influenced by local dog ordinances applicable within the City of Seaside. Currently, public use is restricted to guided tours into this planning unit over a few roads, and dogs are prohibited (excluding service animals).

When the Army transfers around 6,600 acres of Army land in this planning unit to the BLM in 5 to 10 years, MEC will continue to limit public use options. Dog entry into MEC areas located off the route network is a great concern for the BLM. Dogs can dig into the ground and become sources of MEC detonation, or can lure the owner/handler into areas where they can come into contact with MEC.

The BLM considered the leash requirement prescription for this region, but did not feel that it was protective of human health and safety because leash compliance has not been 100% in other areas at FONM where the interim leash restriction has been in place since April 2015. About 38% of the dogs observed at FONM have been off-leash during the interim leash restriction, and 7% of the dogs have been at least 25' away from their owner handler. Having that many dogs (and their handlers) venture into MEC sites puts the public at an unnecessary risk within this planning unit.

Furthermore, this planning unit contains some of the most sensitive biological resources at FONM and is the linchpin of the habitat reserve system under the Habitat Management Plan (HMP) and pending Habitat Conservation Plan (HCP) that is mitigating for base reuse development elsewhere at the former Fort Ord. The planning unit contains numerous vernal pools that support California tiger salamanders during the winter, and egg masses can be damaged or destroyed by pet entry. Similarly, rare shrubs and herbs associated with maritime chaparral habitat can be damaged or destroyed by digging and defecation of pets. While dog entry into these protected areas could be controlled by an effective leash program, the BLM is not confident that an appropriate level of compliance would ever be achieved based upon compliance monitoring of the interim dog leash restriction elsewhere on FONM.

Finally, a sizable portion of this planning unit is within the City of Seaside. Although the FONM is not a City operated park area, City of Seaside Code 9.08.060 prohibits dogs from entering City park areas. If the City of Seaside established a park area immediately adjacent to the FONM, then the dog prohibition alternative prescription would be the most complimentary to the adjacent City jurisdiction.

B. Rationale for Dog Leash Requirement Prescription for the North of Eucalyptus Road Planning Unit

Public use options within this planning unit are largely influenced by MEC, rare plant and animal habitats (i.e. maritime chaparral and vernal pool habitats), a relatively high ratio of road bike and mountain bike riding visitation, occasional vehicle use on the paved roads, and dog ordinances of the adjacent Monterey County Parks Department.

Military training within this planning unit included live fire ranges and the Army still has a considerable amount of cleanup to perform. The type of MEC known and/or suspected in this unit is similar to the fenced inland range; however, the densities of the MEC are lower than that fenced unit. Like the inland range planning unit, MEC will remain under the surface just off the network of roads and trails available for public use following the munitions response. It will be important to keep pets and the public out of these MEC sites. Although prior to April 2015 dogs were allowed off-leash in this region without known MEC-related accidents, as a management prescription it is not considered protective to allow dogs and humans to occasionally wander off trails into these sites.

This planning unit also contains some of the most sensitive of biological resources at FONM and is part of the habitat reserve system under the HMP and pending HCP that is mitigating for base reuse at the former Fort Ord. The planning unit contains numerous vernal pools that support California Tiger Salamanders during the winter, and egg masses can be damaged or destroyed by pet entry. Similarly, rare shrubs and herbs associated with maritime chaparral habitat can be damaged and destroyed by digging and defecation of pets. Dog entry into some of these protective habitats will certainly occur, even with a leash requirement, but this limited unauthorized use does not warrant a complete dog prohibition prescription in this unit.

This planning unit has a high proportion of bicyclists that use the paved roads, or the numerous single-track trails that wind through oak woodlands and maritime chaparral. Coupled with motorized vehicles using the paved roads to access the Monument Work Center, the Military Operations Urban Terrain (MOUT) facility, and the Laguna Seca Raceway, there is an important need to keep dogs near their owners for safety purposes and conflict minimization. The dog leash requirement will help minimize conflicts with other visitors and authorized vehicles in this planning unit.

Finally, this planning unit is adjacent to undeveloped property that is under the jurisdiction of the Monterey County Parks Department (MCPD) near the former Travel Camp. The MCPD code under Chapter 14.12.110 requires that dogs be physically restrained at all times or on a leash not to exceed 7 feet in length. Retaining a leash requirement on the adjacent FONM land is complimentary with the MCPD code.

C. Rationale for Designated Off-Leash Opportunities Route Prescription for the North of Jack's Road Planning Unit

Public use options within this planning unit are strongly influenced by high-levels of visitation by hikers and mountain bikers, prior conflict between visitors with dogs that were off-leash and others, rare plant and animal habitats (i.e. maritime chaparral and vernal pools), and occasional livestock grazing in a few areas of the planning unit.

Due to fewer concerns with MEC safety in this planning unit and fewer vernal pools, there are more options to allow appropriate opportunities for people to recreate with their dogs and offer some enhanced exercise options that are afforded handlers with their pet off-leash. Nevertheless; it is still important for people and pets to remain on the designated route system so that habitat impacts are minimized and wildlife is not bothered or pursued by off-leash animals. In that regard, routes considered for off-leash opportunities were limited to non-motorized, fuelbreak roads that were wider than single-track trails and had a better line of sight.

Single-track trails are normally the location that conflict with pets had been highest based upon previous complaints over the years. This is most evident on trails nearer to the Creekside Terrace Trailhead (i.e. trail 32, trail 30 and trail 1) where there is high public use. Because the single-track trails do not have the best visibility due to their winding and twisting nature, an unsuspecting hiker, biker, dog walker or equestrian can be easily surprised and/or startled by an off-leash dog without the ability for the pet to be immediately restrained by the owner and handler.

The designation of a loop route that utilizes Engineer Canyon Road, Sandy Ridge Road and a short segment of Old Reservation Road provides some opportunity for dog walkers to let their dog(s) off-leash. These road segments do not have vernal pools nearby and provide a reasonably close location for dog walkers to access via the Creekside Terrace Trailhead. Although there is considerable public use over these road segments, most of the road segments have good line of sight excluding the ¼ mile segment of Sandy Ridge Road near the intersection with Old Reservation Road that has some blind spots.

On the proposed off-leash opportunity routes, it is important for owners/handlers to leash their dog(s) when other visitors (outside their party) approach and the proposed rulemaking that would require that is appropriate. That should reduce interactions (as infrequent as they are already) between visitors and pets that have resulted in bites. Furthermore, there are many people that recreate on FONM that are fearful of off-leash dogs or have had bad experiences before. It is unreasonable for people with pet fears to be required to recreate elsewhere when it is a simple thing for a visitor with a dog to hold or leash their dog when they are within 100 feet of another visitor.

Over the years, the BLM at FONM has urged visitors to voluntarily comply with the ethic of "leash your pet around others" through interpretive brochures and signage. Being a voluntary ethic as opposed to a rule, it was not enforceable and did not lead to a satisfactory level of

voluntary compliance. In many circumstances, BLM fielded complaints from visitors who were jumped on by dogs or otherwise annoyed, and a few of the offending parties occasionally told those visitors that they needed to go to another park because FONM was an off-leash park.

Furthermore, many dog walkers on FONM were already using a leash when walking their pet. When confronted by an off-leash dog, some of the leashed dogs behaved as if threatened by such interaction and conflicts between leashed and unleashed pets were fairly common prior to the interim leash restriction. This conflict can reduce user satisfaction to all parties involved.

Finally, the BLM uses sheep and/or goats over a small portion of this planning unit. Prior to instituting the interim leash requirement in April of 2015 it was not unusual for dogs to harass and/or kill livestock authorized to be on the FONM to treat vegetation and fuels. The continuance of the leash restriction over most of this planning effort will continue to reduce the risk of off-leash dogs interfering with grazing operations.

D. Rationale for Designated Off-Leash Opportunities Route Prescription for the South of Jack's Road Planning Unit

Public use options within this planning unit are strongly influenced by high-levels of visitation by hikers and mountain bikers, prior conflict between visitors with dogs that were off-leash and others, occasional livestock grazing most areas of the planning unit, adjacent dog policies of local government, and rare plant and animal habitats (i.e. maritime chaparral and vernal pools).

Due to fewer concerns with MEC safety in this planning unit, there are more options to allow appropriate opportunities for people to recreate with their dogs and offer some enhanced exercise options that are afforded handlers with their pet off-leash. Nevertheless; it is still important for people and pets to remain on the designated route system so that habitat impacts are minimized, and livestock and wildlife is not bothered or pursued by off-leash animals. In that regard, routes considered for off-leash opportunities were limited to non-motorized, fuelbreak roads that were wider than single-track trails and had a better line of sight.

Toro Creek Road behind Toro Park Estates was a route that several dog walkers had an interest in being designated for off-leash opportunities. This road connects Badger Hills Trailhead with Oilwell Road and there are a few County administered greenbelts that intersect with this road. Off-leash dog conflict in the Toro Park neighborhood is source of concern in the residential area; as such, the County has required that dogs be leashed in the greenbelts and paths that cross through and encircle the residential area. Toro Creek Road is not different than the County managed paths that encircle the residential areas so the leash requirement designation for that route is consistent with adjoining uses and appropriate because it minimizes conflict on a high use trail.

Elsewhere in the planning unit, there are opportunities to provide some opportunities for pet owners to have their dogs off-leash. The designation of an off-leash opportunity loop route that utilizes Guidotti Road, a segment of Skyline Road and a segment of Oilwell Road provides

some opportunity for dog walkers to let their dog(s) off-leash. These road segments do not have vernal pools immediately nearby and provide a reasonably close location for dog walkers to access via the Badger Hills Trailhead and Toro Park Estates neighborhood. Although there is considerable public use over these road segments, most of the road segments have good line of sight.

On the proposed off-leash opportunity routes, it is important for owners/handlers to leash their dog(s) when other visitors (outside their party) approach and the proposed rulemaking that would require that is appropriate. That should reduce interactions (as infrequent as they are already) between visitors and pets that have resulted in bites. Furthermore, there are many people that recreate on FONM that are fearful of off-leash dogs or have had bad experiences before. It is unreasonable for people with pet fears to be required to recreate elsewhere when it is a simple thing for a visitor with a dog to hold or leash their dog when they are within 100 feet of another visitor.

Over the years, the BLM at FONM has urged visitors to voluntarily comply with the ethic of "leash your pet around others" through interpretive brochures and signage. Being a voluntary ethic as opposed to a rule, it was not enforceable and did not lead to a satisfactory level of voluntary compliance. In many circumstances, BLM fielded complaints from visitors who were jumped on by dogs or otherwise annoyed, and a few of the offending parties occasionally told those visitors that they needed to go to another park because FONM was an off-leash park.

Furthermore, many dog walkers on FONM were already using a leash when walking their pet. When confronted by an off-leash dog, some of the leashed dogs behaved as if threatened by the restriction and conflicts between leashed and unleashed pets were fairly common prior to the interim leash restriction. This conflict can reduce user satisfaction to all parties involved.

Finally, the BLM uses sheep and/or goats extensively across this planning unit and there are great interactions with the public and livestock during the times of the year. Prior to instituting the interim leash requirement in April of 2015, it was not unusual for dogs to harass and/or kill livestock authorized to be on the FONM to treat vegetation and fuels. It is appropriate to require dogs to be leashed when the sheep and goats are nearby (even on a designated off-leash opportunity route) to protect livestock.

E. Rationale for Guidance Common to All Alternatives

Under all action alternatives, the BLM proposes to codify existing Monterey County dog codes into supplementary rules. It is appropriate to codify these existing rules that so BLM law enforcement rangers can assist local law enforcement officers with the provisions of the local statutes. The statutes are consistent with the objectives of the BLM for managing the FONM and are already enforceable by the County Sheriff's Department.

Under all action alternatives, the BLM proposes to codify as a supplementary rule the proper yielding interactions between hikers, bikers and equestrians. Public use at FONM has increased and will continue to increase and rules of conduct should not be just limited to visitors with

dogs. It is appropriate to require bikers to slow (or stop) when passing hikers and equestrians on the trails, especially the single-track trails where speeding bicyclists have on occasion hit or startled another visitor. The BLM has posted the FONM with trail courtesy triangles (i.e. yield manner signs) for years and this has led to some improved trail etiquette, but compliance was voluntary and conflict has been on the rise.

Requiring proper yielding procedures as a supplementary rule is not necessarily a new restriction because BLM rangers have always had the ability to enforce a statute that prohibits creating a hazard or nuisance via 43 CFR 8365.1-4. A speeding bicyclist that runs a hiker off a trail or collides with someone or a group of joggers that carelessly spook an equestrian by failing to exercise reasonable care in passing already can already be cited as creating a hazard if the behavior was egregious. The proposed supplementary rule codifies these manners into a rule.

Consultation and Coordination

Agency coordination on the dog management planning process was initiated by a public announcement from the National Monument Manager to the Board of Directors of the Fort Ord Reuse Authority on April 10, 2015. The Board of Directors is comprised of elected officials representing County of Monterey, City of Del Rey Oaks, City of Marina, City of Monterey, City of Seaside, City of Sand City, City of Salinas, City of Pacific Grove, and City of Carmel. In addition, the Board has representation from 20th Congressional District, 17th State Senatorial District, and 29th State Assembly District. In addition to these elected officials, BLM provided periodic updates through the Fort Ord Coordinated Resources Management Planning group that includes local government jurisdictions as well as representatives from U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife, Monterey Regional Park District, Monterey County Park Service, Monterey County Resources Agency and the U.S. Army.

Furthermore, in development of the plan the BLM reviewed and coordinated with the National Park Service that was concurrently preparing a dog management plan for the Golden Gate National Recreation Area. A sizable amount of the literature reviewed and referred to in the Fort Ord National Monument Dog Management Plan in Appendix E was assembled from that planning effort from BLM's sister agency.

Because the selected alternative does not make any decisions that are inconsistent with the management direction consulted with the USFWS under Biological Opinion Number 1-8-04-F/C-22 (Ventura Field Office, 2005), the BLM did not reinstate a formal consultation with the USFWS under Section 7 of the Endangered Species Act.

Public Involvement

The public involvement process for the planning effort was disclosed in detail within Appendix A of the Fort Ord National Monument Dog Management Plan. The dog management planning process is an extension of the 2007 Resource Management Plan (2007 RMP). The BLM initiated the 2007 RMP planning process for that effort with a Notice of Intent in the Federal Register on March 30, 2004, and initiated a public comment period for scoping; however, public comments were accepted and considered throughout development of the Draft RMP and Draft EIS.

The BLM received 26 public comment letters and hosted 3 scoping meetings for 59 members of the public and various agencies from March 2004 through September 2004. The Draft RMP and Draft EIS were released to the public for a 120-day comment period in October 2005. During this review period, BLM conducted three public meetings to receive comments. Approximately 40 people attended these public meetings. In addition to the comments gathered during the public meetings, BLM received approximately 1,500 written comments and email letters from agencies, individuals, and organizations. Coordination with the U.S. Fish and Wildlife Service (FWS) occurred throughout the planning process with frequent communications (phone, email, submission of reports), and face-to-face meetings.

The BLM submitted a Biological Assessment (BA) for the Proposed RMP in July 2006, which included a complete description of the action area, proposed action and anticipated effects on special status species. Based on findings in the BA, BLM determined that the Proposed Action was likely to adversely affect special status species. On June 8, 2007, FWS issued a Biological Opinion (BO) for the Proposed RMP and Final EIS. The BO concluded that implementation of the Proposed Action would not jeopardize the continued existence of any special status species. In accordance with the Federal Land Policy and Management Act (FLPMA) and BLM planning regulations (43 CFR 1610.3-2), BLM provided the Governor of California with 60 days in which to identify any inconsistencies and submit recommendations. The Governor of the State of California in his letter dated September 15, 2006 stated, "Pursuant to 43 CFR 1603-2, and after consulting with affected State and Local agencies, the Governor's Office of Planning and Research (OPR) has not found any inconsistencies with any state or local plans, policies, or programs with regards to this [Proposed] Resource Management Plan."

On April 7, 2015 the Army released a Proposed Plan calling for additional munitions clean up across Army and BLM lands located outside the fenced inland range area. This proposed plan was coupled with new safety protocols that restricted BLM personnel from walking off-trail without munitions escorts in the clean-up regions which included BLM lands. In response to these new safety protocols and in response to the arrival of sheep on April 3, 2015, the BLM initiated an interim, emergency dog leash requirement under 43 CFR 8364.1 across the FONM on April 8, 2015. This action was coupled with the BLM's commitment to develop a suitable long-term dog management strategy as required within the 2007 RMP and engage the public in its formulation. Notice for the interim leash restriction action and planning intent was posted at the FONM trailheads and along major trails. A news release was issued by BLM on April 8, 2015 on the action and subsequent media coverage helped spread the word.

On July 6, 2015 the BLM issued a news release inviting interested citizens to attend scoping workshops to solicit ideas on the dog management planning effort. These workshops were advertised through social media sites, BLM's website, local and regional newspaper and television network coverage in addition to the direct notifications via the contact list. The BLM hosted three workshops in the area (Seaside - Oldemayer Center on July 28th; Marina – library on July 29th; and Salinas – Government Center on August 5th). There were 26 participants at the Seaside workshop, 19 at the Marina Workshop, and 32 at the Salinas workshop. Many workshop participants attended multiple-workshops. There were 57 different participants at the workshops.

On May 13, 2016 the BLM posted the Draft Fort Ord National Monument Dog Management Plan on BLM's E-Planning website. The BLM also issued News Release (No. CC-16-27) on May 17, 2016 that advertised the availability of the draft plan for a 30 day comment period, and directly emailed the 99 members of the public that requested to be placed on the notification list for comment opportunities on the dog management planning process. The availability of the draft plan was also posted at BLM's trailheads, information boards located on the National Monument, and across social media. The BLM received 15 written comments on the Draft Fort Ord National Monument Dog Management Plan and environmental assessment. The public comments and BLM responses are located in Appendix H of the plan. Based on these comments, BLM revised the Preferred Alternative to include a 5 mph speed limit for passing cyclists into the (supplementary) dog rules that was previously located in the definition for "yielding". BLM also added information to the Fort Ord National Monument Dog Management Plan and Environmental Assessment #DOI-BLM-CA-C090-2016-0021-EA to clarify the existing policy, resources conditions, and potential impacts from the range of alternatives.

Plan Consistency

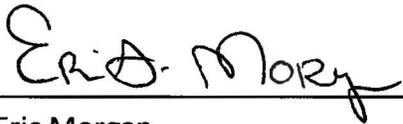
Based on information in the EA, the project record, and recommendations from BLM specialists, I conclude that this decision is consistent with the National Monument Proclamation, the Installation-wide Multispecies Habitat Management Plan for the former Fort Ord (1997 as amended), the Record of Decision and Resource Management Plan for the Southern Diablo Mountain Range and Central Coast of California (BLM 2007), the Endangered Species Act; the Native American Religious Freedom Act; other cultural resource management laws and regulations; Executive Order 12898 regarding Environmental Justice; and Executive Order 13212 regarding potential adverse impacts to energy development, production, supply and/or distribution.

Administrative Remedies

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs must also be served upon the Regional Solicitor, Pacific Southwest Region, 2800 Cottage Way, Rm E-1712, Sacramento, CA 95825.

Recommended By:

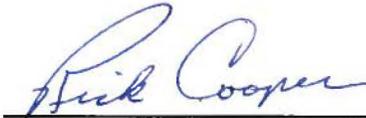
Approved By:



Eric Morgan
Fort Ord National Monument Manager

July 5, 2016

Date



Rick Cooper
Central Coast Field Office Manager

July 5, 2016

Date