

# **California Desert District**

## **Supplementary Rules**

### **For Recreation**

#### **Environmental Assessment**

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## Environmental Assessment

**ENVIRONMENTAL ASSESSMENT**  
**California Desert District Office**

**EA Number:**

**Proposed Action Title/Type:** California Desert District Supplementary Rules for Recreation  
Environmental Assessment

**Location of Proposed Action:** This Environmental Assessment includes all of the BLM managed land managed by the California Desert District Office; this includes public land in the California Desert Conservation Area as well as the land not included in the California Desert Conservation Area that is managed by the El Centro Field Office and the Palm Springs-South Coast Field Office.

**Applicant (if any):** none

**Conformance With Applicable Land Use Plans:** This proposed action is subject to the following land use plan: California Desert Conservation Area Plan, as amended  
Date Initial Plan Was Approved: 1980

**Tiering:** This Environmental Assessment is tiered to the National Environmental Policy Act (NEPA) documents for the South Coast RMP, California Desert Conservation Area Plan, as amended, including the West Mohave Resource Management Plan Amendment, Northern and Eastern Mojave RMP Amendment, Western Colorado Route Designation RMP Amendment, Northern and Eastern Colorado RMP Amendment, and Coachella Valley. The affected environment, cumulative effects, and recreation sections of these documents will provide background information about the project area and issues.

**Need for Proposed Action:** The overall need for this action is to develop consistency in the expectation for recreational visitors to public lands managed by the five Field Offices in the California Desert District. Historically supplementary rules were developed for specific geographic areas to reduce resource impacts or to address conflict among recreational users. Recreational leaders have requested that BLM review the various rules for each geographic area and develop a consistent set of rules for the visitors to follow throughout the Desert District. New rules will be presented as alternatives in the Environmental Assessment and identified as “interim final supplementary rules”.

Additionally there are several supplementary rules that were previously proposed by the El Centro Field Office. These proposed supplementary rules were published in the Federal Register. Workload priorities resulted in a delay in processing a final decision for these rules. Given the time that has elapsed, BLM felt revisiting the proposed rules is an appropriate course of action. This updated action will result in a final decision for these previously proposed supplementary rules. Final rules will be presented as alternatives in the Environmental Assessment and identified as “final supplementary rules”.

The need for an unauthorized organized activity rule is to control activities that historically can become dangerous to the public and BLM employees.

The need for a public nudity rule is to promote a safe family atmosphere in which the public can recreate. It is also to increase safety for visitors. Nudity can, in some areas, result in unruly, uncontrollable gatherings.

The need for a firewood rule is to avoid the puncture of tires from the metal residuals in some firewood such as pallets. It is also to avoid scraping and puncture injuries from human contact with residual metal.

The need for a glass beverage container rule is to avoid the puncture of tires from broken glass, injury to people from the broken glass, and trash residual from glass beverage containers, including bottles and flasks.

The need for a stakes rule is to prevent injury to people and vehicles from accidental impalement, and to promote a safe family atmosphere in which the public can recreate.

The need for the Dumont Dunes Competition Hill camping limitation is to allow emergency traffic through a very congested, high use area, and to promote a safe family atmosphere in which the public can recreate.

The need for a camping space saving rule is to reduce or eliminate conflicts between people who are looking for a site and those who have saved multiple sites. It will also promote equal opportunity for all visitors and a safe family atmosphere in which the public can recreate.

The need for a trash free sites rule is to create a clean and safe environment for recreation. It is also to prevent enhancing the environment for raven reproduction and survival which can result in predation on desert tortoise and other sensitive wildlife species.

The need for a drug paraphernalia rule is to create a clean and safe drug-free environment for recreation. It is also to reinforce BLM's expectation that visitors comply with state and federal laws relating to drugs.

**Definitions:**

“Developed sites and areas” is defined at 43 CFR 8360 as “sites and areas that contain structures or capital improvements primarily used by the public for recreation purposes. Such sites or areas may include such features as: delineated spaces for parking, camping or boat launching; sanitary facilities; potable water; grills or fire rings; tables; or controlled access.”

“Public nudity” is defined as being nude in any place where a person may be observed by another person. Any person is nude if the person has failed to cover the rectal area, pubic area, or genitals. A female person is also nude if she has failed to cover both breasts over the entire areola. Each such covering must be fully opaque.

“Special Recreation Permit” is defined as a permit issued under the authority of 43CFR 8372.1 by BLM Field Offices.

“Unauthorized organized activity” is defined as the staging or playing of videos or movies, playing of recorded music through a public address system or a live band or exhibition, to or before an assembly or audience consisting of at least twenty people or spectators in any public place or in any place exposed to public view, regardless of profit, without a land use or special recreation permit.

**Amendment to the California Desert Conservation Area (CDCA) Plan, as amended:** This EA would not amend the CACA Plan. It would allow the adoption of Supplementary Rules to assist in the management of public lands.

### **Alternatives:**

This Environmental Assessment will evaluate two sets of alternatives.

The first set of alternatives is for the rules proposed by the El Centro Field Office on November 19, 2001. They are identified below as “final rules” alternatives. The proposed action for each of these rules is the “no action alternative”. That is because there have been changes since these rules were proposed. One of original rule alternatives (unauthorized organized activity) is proposed as “no action” because our special recreation rules have changed since 1991 and that rule is no longer needed. The other two original alternatives (nudity and riding in unsecure situations) are now desert-wide issues. BLM would like to evaluate these rules for consideration in various additional areas in the desert district. Thus, these two original rules are being moved forward for consideration in the second set of alternatives.

This second set of alternatives is the “interim final alternatives”. These alternatives will include the two alternatives that are being carried forward from the final rule list as well as new alternatives.

The process for a decision for these rules is two-fold. There will be a decision for the “final rules” alternatives then there will be a decision for the “interim final rules” alternatives. The decision for the “final rules” alternatives will be superseded and replaced by the decision for the “interim final rules” alternative. For the two rules that are identified in each list, the “interim final rules” decision will be the final decision and will be the decision that is implemented.

### **Final rules:**

- **Unauthorized Organized Activity:** Unauthorized organized activity means the staging or playing of videos or movies, playing of recorded music through a public address system or a live band or exhibition, to or before an assembly or audience consisting of at least twenty people or spectators in any public place or in any place exposed to public view, regardless of profit, without a land use or special recreation permit.
  1. **No Action Alternative: Preferred Alternative/final decision:** This supplementary rule would not be finalized. Unauthorized organized activities would not be controlled through a new supplementary rule. However these activities would continue to be controlled through existing rules, regulations and policies. The current regulations for Special Recreation Permits states:
    - a. *Organized group/event permits are for noncommercial and noncompetitive group activities and recreation events.*
    - b. *Examples: A large scout camp out, a fraternity activity, a large family reunion, or a dual sport event.*
    - c. *Objectives of the BLM recreation permitting system are to satisfy recreational demand within allowable use levels in an equitable, safe, and enjoyable manner while minimizing adverse resource impacts and user conflicts. In issuing recreation permits to recreational users of public lands, the BLM authorizes permittees use of the lands and/or related waters for permitted purposes. This represents a privilege to use public lands and/or related waters which is subject to the terms and conditions of the permits.*
    - d. *Recreation permits are managed in a manner which is consistent with management objectives determined in resource management plans, recreation area management plans, or in their absence, through recreation management objectives resulting from analysis of resources and visitor use for each area.*

2. Imperial Sand Dunes Alternative: A supplementary rule that prohibits unauthorized organized activities would be finalized and would be affective for the Imperial Sand Dunes.
- Public Nudity: Public nudity means being nude in any place where a person may be observed by another person. Any person is nude if the person has failed to cover the rectal area, pubic area, or genitals. A female person is also nude if she has failed to cover both breasts over the entire areola. Each such covering must be fully opaque.
    1. No Action Alternative: **Preferred Alternative/will be superseded by the interim final rule decision**: This supplementary rule would not be finalized.
    2. Imperial Sand Dunes Alternative: A supplementary rule that prohibits public nudity would be finalized and would be affective for the Imperial Sand Dunes.
  - Riding in Truck beds or Other Unsecure Situations: Riding in truck beds or other unsecure situations means riding in open truck beds or other situations where there are no proper means of securing passengers would be prohibited.
    1. No Action Alternative: **Preferred Alternative/will be superseded by the interim final rule decision**: This supplementary rule would not be finalized. These types of activities would be controlled by existing laws, rules and regulations.
    2. Imperial Sand Dunes Alternative: A supplementary rule that prohibits riding in open truck beds or other situations where there are no proper means of securing passengers would be finalized and would be affective for the Imperial Sand Dunes.

Interim Final Rules: These interim final rules alternatives consist of the two final rule alternatives that were carried forward as well as new alternatives. The decisions for these alternatives will be the final decision.

- Public Nudity is Prohibited: Public nudity means being nude in any place where a person may be observed by another person. Any person is nude if the person has failed to cover the rectal area, pubic area, or genitals. A female person is also nude if she has failed to cover both breasts over the entire areola. Each such covering must be fully opaque.
  1. No Action Alternative: BLM would not proceed with this supplementary rule.
  2. Entire Desert District Alternative: This rule would be finalized and would be affective for all land managed by the El Centro, Barstow, Palm Springs-South Coast, Ridgecrest, and Needles Field Offices.
  3. High Use Alternative: **Preferred Alternative**: This rule would be finalized and would be affective for all OHV open areas and also developed sites and areas managed by the El Centro, Barstow, Palm Springs-South Coast, Ridgecrest, and Needles Field Offices.
- Riding in Truck beds or Other Unsecure Situations:
  1. No Action Alternative: This supplementary rule would not be finalized. These types of activities would be controlled by existing laws, rules and regulations.
  2. Entire Desert District Alternative: **Preferred Alternative**: A supplementary rule that states “No person shall ride or transport another person in or on a portion of an off highway vehicle, as defined in 43 CFR 8340.0-5, or trailer in an area not designed or intended for the transportation of passengers” would be finalized and would be affective for the Entire Desert District. This rule would be finalized and would be affective for all land managed by the El Centro, Barstow, Palm Springs-South Coast, Ridgecrest, and Needles Field Offices.

- Firewood:
  1. No Action Alternative: BLM would not develop a supplementary rule regarding firewood.
  2. Entire Desert District Alternative: **Preferred Alternative:** A supplementary rule that states: “No person shall use as firewood, or have in their possession, any firewood material containing nails, screws, or other metal hardware, including but not limited to wood pallets and/or construction debris.” This rule would be finalized and would be affective for all land managed by the El Centro, Barstow, Palm Springs-South Coast, Ridgecrest, and Needles Field Offices.
  
- Glass Beverage Container:
  1. No Action Alternative: BLM would not develop a supplementary rule regarding glass beverage containers.
  2. Entire Desert District Alternative: BLM would develop a supplementary rule that states: “The possession of glass beverage containers is prohibited.” This rule would be finalized and would be affective for all land managed by the El Centro, Barstow, Palm Springs-South Coast, Ridgecrest, and Needles Field Offices.
  3. High Use Alternative: **Preferred Alternative:** BLM would develop a supplementary rule that states: “The possession of glass beverage containers is prohibited.” This supplementary rule would be affective for all OHV open areas and also developed sites and areas managed by the El Centro, Barstow, Palm Springs-South Coast, Ridgecrest, and Needles Field Offices.
  
- Stakes:
  1. No Action Alternative: BLM would not develop a supplementary rule regarding stakes containers.
  2. Entire Desert District Alternative: BLM would develop a supplementary rule that states: “No person shall place into the ground any non-flexible object, such as, but not limited to, metal or wood stakes, poles or pipes, with the exception of small tent or awning stakes.” This rule would be finalized and would be affective for all land managed by the El Centro, Barstow, Palm Springs-South Coast, Ridgecrest, and Needles Field Offices.
  3. High Use Alternative: **Preferred Alternative:** BLM would develop a supplementary rule that states: “No person shall place into the ground any non-flexible objects, such as, but not limited to, metal or wood stakes, poles or pipes, with the exception of small tent or awning stakes.” This supplementary rule would be affective for all OHV open areas and also developed sites and areas managed by the El Centro, Barstow, Palm Springs-South Coast, Ridgecrest, and Needles Field Offices.
  4. Barstow Only Alternative: BLM would develop a supplementary rule that states: “No person shall place into the ground any non-flexible objects, such as, but not limited to, metal or wood stakes, poles or pipes, with the exception of small tent or awning stakes.” This supplementary rule would be affective for all OHV open areas managed by the Barstow Field Office, which includes El Mirage Cooperative Management Area, Dumont Dunes Off-Highway Vehicle (OHV) Area, Razor Open Area, Johnson Valley Open Area, and Stoddard Valley Open Area.
  
- Dumont Dunes Competition Hill Camping Limitation:

1. No Action Alternative: BLM would not develop a supplementary rule regarding camping limitations at Dumont Dunes.
  2. Dumont Dunes Alternative: **Preferred Alternative**: BLM would develop a supplementary rule that states: “No person shall park, place, occupy, or camp in a tent, trailer, motor coach, fifth wheel, camper or similar vehicle or structure, within the areas commonly known as Competition Hill Corridor and Competition Hill located within the Dumont Dunes OHV Area.” This rule would be finalized and would be affective for Dumont Dunes which is managed by the Barstow Field Office.
- Camping Space Saving:
    1. No Action Alternative: BLM would not develop a supplementary rule regarding saving camping spaces.
    2. High Use Alternative: **Preferred Alternative**: BLM would develop a supplementary rule that states: “The reservation or saving of camping space for others is prohibited within the boundaries of all OHV open areas and also developed sites and areas.” This supplementary rule would be affective for all OHV open areas and also developed sites and areas managed by the El Centro, Barstow, Palm Springs-South Coast, Ridgecrest, and Needles Field Offices.
    3. Barstow Only Alternative: BLM would develop a supplementary rule that states: “The reservation or saving of camping space for others is prohibited within the boundaries of all OHV open areas and also developed sites and areas managed by the Barstow Field Office.” This supplementary rule would be affective for all OHV open areas managed by the Barstow Field Office, which includes El Mirage Cooperative Management Area, Dumont Dunes OHV Area, Razor Open Area, Johnson Valley Open Area, and Stoddard Valley Open Area.
  - Trash Free Sites:
    1. No Action Alternative: BLM would not develop a supplementary rule regarding trash free sites.
    2. Entire Desert District Alternative: **Preferred Alternative**: A supplementary rule that states: “All persons shall keep their sites free of trash and litter during the period of occupancy.” This rule would be finalized and would be affective for all land managed by the El Centro, Barstow, Palm Springs-South Coast, Ridgecrest, and Needles Field Offices.
  - Drug Paraphernalia:
    1. No Action Alternative: BLM would not develop a supplementary rule regarding drug paraphernalia.
    2. Entire Desert District Alternative: **Preferred Alternative**: A supplementary rule that states: “No person shall possess an item of drug paraphernalia as defined in 21 U.S.C. 863 unless otherwise exempt as defined in 21 U.S.C. 863” would be developed. This rule would be finalized and would be affective for all land managed by the El Centro, Barstow, Palm Springs-South Coast, Ridgecrest, and Needles Field Offices.

### **Potentially Affected Resources:**

The affected resources related to vegetation, threatened & endangered vegetation, wildlife, wetland and riparian areas, ACECs, air quality, noise, socio-economics, demographics, cultural resources, soils,

wilderness areas, prime or unique farmland, floodplains, and wild and scenic rivers, and recreation is described in the *Final Environmental Impact Report and Statement for the West Mohave Plan A Habitat Conservation Plan and California Desert Conservation Area Plan Amendment* dated January 2005, *Final Environmental Impact Statement Proposed Northern and Eastern Mojave Desert Management Plan An Amendment to the California Desert Conservation Plan* dated July 2002, *Proposed Northern and Eastern Colorado Desert Coordinated Management Plan and Final Environmental Impact Statement* dated June 2002, *South Coast RMP and Record of Decision* dated June 1994, *Proposed California Desert Conservation Area Plan Amendment for the Coachella Valley and Final Environmental Impact Statement* dated October 2002, *Proposed Eastern San Diego RMP and Final EIS* dated November 2007, and *Environmental Assessment and Draft Plan Amendment for Western Colorado Desert Routes of Travel Designation* dated October 2002.

Since the plans identified above were written, there have been several legislative changes that affect the wilderness status, wild & scenic river designation, and monument size of BLM managed land in the proposal area. Additionally, the tiered plans identified above do not discuss the area that is known as the Imperial Sand Dunes Recreation Area (ISDRA). Information on these legislative changes and the ISDRA follow.

### Legislative changes

In 1999 Congress designated 18,500 acres located near the U.S. - Mexico border in Eastern San Diego County as the Otay Mountain Wilderness. Sensitive plant and animal species, including the endangered Quino checkerspot butterfly, Mexican flannel bush and Tecate cypress occur in the Otay Wilderness.

In March, President Obama signed the Omnibus Public Lands Protection Act. This legislation designated 24,404 acres as the Pinto Mountains Wilderness which includes “critical habitat” for the future survival of the desert tortoise and a variety of other species, including the California leaf-nosed bat, Nelson’s bighorn sheep, and the American badger. It also designated 23,317 acres of BLM managed land as part of the White Mountains Wilderness. This wilderness area contains an ancient bristlecone pine forest and the largest expanse of alpine tundra in western North America. This legislation also designated 15,621 acres as the Beauty Mountain Wilderness Area. Beauty Mountain at over 5,500 feet is surrounded by deep canyons and a pristine watershed. The Wilderness Area contains habitat for the endangered Quino checkerspot butterfly and the California gnatcatcher

The Omnibus Public Lands Protection Act also added 12,780 acres to the existing Chuckwalla Mountains Wilderness Area, 4,655 acres to the existing Orocopia Mountains Wilderness Area, 22,523 acres to the existing Palen/McCoy Wilderness Area, 2,053 acres to the existing Agua Tibia Wilderness Area, and 2,038 acres to the existing Santa Rosa Wilderness Area.

The Omnibus Public Lands Protection Act also included designation of 26.3 miles of the Amargosa Wild & Scenic River and 4.1 miles of BLM managed land as part of the Cottonwood Creek Wild & Scenic River. The Amargosa River sustains wetlands flows through rugged and scenic canyons south of Death Valley. Cottonwood Creek contains a rare population of Paiute cutthroat trout.

The addition of 8,367 acres to the Santa Rosa and San Jacinto Mountains National Monument was authorized by the Omnibus Public Lands Protection Act. The addition includes Snow Creek, and both Santa Rosa Peak and Tahquitz Peak.

### Imperial Sand Dunes Recreation Area (ISDRA)

The ISDRA area is a sand dune environment that is a very high use off highway vehicle recreation area. It also provides habitat to support the flat-tailed horned lizard, the Colorado Fringe-toed lizard, and the endangered Peirson's Milkvetch. The non-wilderness areas of the ISDRA are managed for high intensity recreational vehicle use. More information about the resources, including the recreational use of the ISDRA is documented in the 2003 *Proposed Recreation Area Management Plan and Final Environmental Impact Statement*.

The ISDRA also contains 25,890 acres that are designated as the North Algodones Dunes Wilderness Area. The wilderness area within the ISDRA is similar to the remainder of the ISDRA, except that the wilderness area is managed for wilderness values so activities such as vehicle use by the public is not allowed.

**Environmental Impacts:**

The proposed action has been analyzed to assess direct, indirect, residual, and cumulative impacts to resource and regulatory areas listed below. Those areas not present or significantly affected by the proposed action are checked "No". Some areas are discussed in further detail following the checklist.

Resource or Regulatory Area	Affected			Rule Potentially Affecting
	Yes	No	Initial	
Air Quality		x	_____	
ACECs		x	_____	
Cultural Resources		x	_____	
Environmental Justice		x	_____	
Invasive & Non-native Species		x	_____	
National Energy Policy		x	_____	
Native American Religious Concerns		x	_____	
Noise	x		_____	Unauthorized Organized Activity
Prime & Unique Farmlands		x	_____	
Recreation	x		_____	All
Social Economics/Demographics		x	_____	
Soils		x	_____	
Vegetation (T&E)		x	_____	
Visual Resources		x	_____	
Wastes, Hazardous & Solid	x		_____	Firewood Glass Beverage Container Trash Free Sites
Water Quality		x	_____	
Wetlands/Riparian Zones		x	_____	
Wild & Scenic Rivers		x	_____	
Wilderness		x	_____	
Wildlife (T&E)	x		_____	Trash Free Sites
Wetlands/Riparian Zones		x	_____	

**Description of Potential Impacts:**

## Noise:

Unauthorized Organized Activity: Direct, Indirect, Residual and Cumulative

No Action Alternative: **Preferred Alternative:** Noise generating activities would continue to be controlled through the Special Recreation Permit program. (Note: this rule was promulgated November 19, 2001. Since that time, BLM's SRP program has significantly changed and is now able to address the types of activities described in this rule.)

Imperial Sand Dunes Alternative: This supplementary rule would prohibit playing of movie or videos through a public address system, or a live band or exhibition. These activities produce noise, so the overall noise level would be reduced by controlling these activities through this rule. However, there would not be a change in the level of noise between the No Action Alternative and the Imperial Sand Dunes Alternative. The only difference would be the authority used to control the noise.

*Residual:* Residual noise impacts are not expected. The alternatives reduce the noise level.

*Cumulative:* Generally activities will increase the noise level to some degree. However, for this proposal, all alternatives reduce the noise level to the environment. Cumulative noise impacts are not significant.

## Recreation:

Unauthorized Organized Activity: Direct, Indirect, Residual and Cumulative

No Action Alternative: **Preferred Alternative:** The activities identified in the rule would not occur. Typically these types of activities create a party-like atmosphere, with less emphasis on family activities. Since the party-like type of recreation described in the rule would not occur, some visitors to public land would experience a sense of loss of opportunity. However, this sense of loss from some visitors would be offset by the sense of gain by those who would prefer to recreate in a less party-like, more family friendly atmosphere. However, these organized party-like activities would be regulated through the SRP program. The SRP program was revised since this rule was proposed in 1991. Currently, organized groups and events require a special recreation permit. An unauthorized group or event could be cited for failure to obtain a permit. Vehicles and equipment could be confiscated as evidence through normal law enforcement processes.

Imperial Sand Dunes Alternative: The activities identified in the rule would not occur. They would be regulated through the supplementary rule. However, there would not be a change in the recreation activities between the No Action Alternative and the Imperial Sand Dunes Alternative. The only difference would be the authority used to control the activity. Since the types of recreation described in the rule would not occur without a permit and some organizers would not obtain a permit, some visitors to public land would experience a sense of loss of the party-like opportunity. This would be off-set by the sense of gain by those who prefer to recreate in a less party-like, and more family friendly atmosphere.

*Residual:* Since the types of recreation described in the rule would not occur, some visitors to public land would experience a sense of loss of opportunity.

*Cumulative:* Land management decisions, Congressional legislation and court actions have changed the management in the proposal area. These types of land management changes will continue in the future and potentially include changes in the management of significant acres. The result of these combined changes has resulted in a loss of areas for OHV related activities and an increase in the areas for non-vehicle recreation. Many

OHV participants enjoy the types of activities that are cumulatively being controlled. These individuals would experience an additional sense of loss of opportunity.

Public Nudity: Direct, Indirect, Residual and Cumulative

No Action Alternative: **Preferred Alternative for the Final Rule (Note this decision would be superseded by the interim final rule decision)**: Public nudity would be allowed where it currently is allowed. Individuals who desire to recreate in the nude would continue to have this opportunity.

Imperial Sand Dunes Alternative: Public nudity would be prohibited at the Imperial Sand Dunes. Individuals who prefer to recreate in the nude would experience a sense of loss of this opportunity. This sense of loss would be greater than the No Action Alternative, but less than the Entire Desert District Alternative and the High Use Alternative. Individuals who prefer to recreate in a more family friendly atmosphere without exposing family members to nudity would experience a sense of gain. This sense of gain would be greater than the No Action Alternative but less than the Entire Desert Alternative and the High Use Alternative.

Entire Desert District Alternative: Public nudity would be prohibited on all land managed by the El Centro, Barstow, Palm Springs-South Coast, Ridgecrest, and Needles Field Offices. Individuals who prefer to recreate in the nude would experience a sense of loss of this opportunity. This sense of loss would be greater than the No Action Alternative, the Imperial Sand Dunes Alternative and High Use Alternative. Individuals who prefer to recreate in a more family friendly atmosphere without exposing family members to nudity would experience a sense of gain. This sense of gain would be greater than all other alternatives. This rule would be finalized and would be affective for all land managed by the El Centro, Barstow, Palm Springs-South Coast, Ridgecrest, and Needles Field Offices.

High Use Alternative: **Preferred Alternative for the Interim Final Rule**: Public nudity would be prohibited at all OHV open areas and also developed sites and areas that are managed by the El Centro, Barstow, Palm Springs-South Coast, Ridgecrest, and Needles Field Offices. Individuals who prefer to recreate in the nude would experience a sense of loss of this opportunity. This sense of loss would be greater than the No Action Alternative and the Imperial Sand Dune Alternative, but less than the Entire Desert District Alternative. Individuals who prefer to recreate in a more family friendly atmosphere without exposing family members to nudity would experience a sense of gain. This sense of gain would be greater than the No Action Alternative and the Imperial Sand Dunes Alternative, but less than the Entire Desert Alternative. This supplementary rule would be affective for all OHV open areas and also developed sites and areas managed by the El Centro, Barstow, Palm Springs-South Coast, Ridgecrest, and Needles Field Offices.

*Residual*: There would not be any residual impacts.

*Cumulative*: There are no other known activities past, present or future, that addresses nudity near the proposal area.

Riding in Truck beds or Other Unsecure Situations: Direct, Indirect, Residual and Cumulative

No Action Alternative: **Preferred Alternative for the Final Rule (Note this decision would be superseded by the interim final rule decision)**: Riding or transporting another person in or on a portion of an off highway vehicle, as defined in 43 CFR 8340.0-5, or trailer in an area not designed or intended for the transportation of passengers would

continue to be regulated by state law. Riding or transporting another person in or on a portion of an off highway vehicle, as defined in 43 CFR 8340.0-5, or trailer in an area not designed or intended for the transportation of passengers would not be regulated by a supplementary rule. BLM would allow this type of recreation in OHV open areas and on BLM dirt roads as currently allowed by law. Individuals who prefer to recreate in this manner would continue to have this opportunity.

Imperial Sand Dunes Alternative: Riding or transporting another person in or on a portion of an off highway vehicle, as defined in 43 CFR 8340.0-5, or trailer in an area not designed or intended for the transportation of passengers would be regulated by a supplementary rule. BLM would not allow this type of recreation in ISDRA. Individuals who prefer to recreate in this manner would experience a sense of loss for this opportunity. The sense of loss would be greater than the No Action Alternative and less than the Entire Desert District Alternative. Individuals who prefer to recreate in a safe manner, and to have those who recreate around them follow safe practices would have a sense of gain from this rule. This sense of gain would be greater than the No Action Alternative and less than the Entire Desert Alternative.

Entire Desert District Alternative: **Preferred Alternative for the Interim Final Rule:** Riding or transporting another person in or on a portion of an off highway vehicle, as defined in 43 CFR 8340.0-5, or trailer in an area not designed or intended for the transportation of passengers would be regulated by supplementary rule. BLM would not allow this type of recreation in OHV open areas and on BLM dirt roads. Individuals who prefer to recreate in this manner would experience a sense of loss for this opportunity. The sense of loss would be greater than both the No Action Alternative and Imperial Sand Dunes Alternative. Individuals who prefer to recreate in a safe manner, and to have those who recreate around them follow safe practices would have a sense of gain from this rule. The sense of gain would be greater than both the No Action Alternative and Imperial Sand Dunes Alternative. This rule would be finalized and would be affective for all land managed by the El Centro, Barstow, Palm Springs-South Coast, Ridgecrest, and Needles Field Offices.

*Residual:* A rule limiting riding in non-passenger areas of off-highway vehicles and trailers would reduce injuries and create a safer environment to recreate.

*Cumulative:* Land management decisions, Congressional legislation and court actions have changed the management in and near the proposal area. These types of land management changes will continue in the future and potentially include changes in recreational opportunity. Many of these changes have resulted in rules that limit or control recreational use. The result of these combined changes has resulted in a loss of recreational opportunity for OHV related activities. Some individuals who currently recreate with passenger use in parts of a vehicle not normally designed for passenger use may consider this rule as a part of many actions that limit and control their recreational opportunities. Many OHV participants enjoy the types of activities that are cumulatively being controlled. These individuals would experience an additional sense of loss of opportunity.

Firewood: Direct, Indirect, Residual and Cumulative

No Action Alternative: Individuals would be able to use any wood for fires in all areas, except specific geographic areas within the Barstow Field Office which already have a limitation on wood type. Individuals who prefer to recreate in this manner would continue to have this opportunity.

Entire Desert District Alternative: **Preferred Alternative:** Possession or use of firewood containing nails, screws or other metal content would not be allowed. Campfires would still be allowed as currently regulated with metal free wood. Some individuals and groups who planned to burn wood with metal may experience a sense of loss of opportunity if they are not prepared to use an alternate wood source. This sense of loss would be greater than the No Action Alternative. Metal items that remain after the wood has burned are responsible for puncturing tires. They can also cause scraping and puncture injury to visitors. Individuals who fear a tire puncture or injury due to metal debris would experience a sense of gain with this rule through an increased sense of security and reduced fear of tire punctures. This rule would be finalized and would be affective for all land managed by the El Centro, Barstow, Palm Springs-South Coast, Ridgecrest, and Needles Field Offices.

*Residual:* A firewood rule would create an environment with less metal debris left on the ground. There would be fewer injuries from punctured tires and a safer environment to recreate.

*Cumulative:* Land management decisions, Congressional legislation and court actions have changed the management in and near the proposal area. These types of land management changes will continue in the future and potentially include changes in recreational opportunity. Many of these changes have resulted in rules that limit or control recreational use. The result of these combined changes has resulted in a loss of recreational opportunity for OHV related activities. Some individuals who currently enjoy campfires from materials such as pallets may consider this rule as a part of many actions that limit and control their recreational opportunities. Many OHV participants enjoy these types of activities that are cumulatively being controlled. These individuals would experience an additional sense of loss of opportunity.

Glass Beverage Container: Direct, Indirect, Residual and Cumulative

No Action Alternative: Individuals would be able to use any glass beverage containers in all areas, except specific geographic areas within the Barstow Field Office which already have a limitation on glass beverage containers. Individuals who prefer to recreate in this manner would continue to have this opportunity.

Entire Desert District Alternative: Possession or use of glass beverage containers would not be allowed. Individuals who prefer to recreate using glass beverage containers would experience a sense of loss for this opportunity. The sense of loss would be greater than the No Action Alternative and the High Use Alternative. Glass can cause punctured tires and scraping and puncture injuries for the visitors. Visitors who fear a tire puncture or injury from glass would experience a sense of gain from this rule. This sense of gain would be greater than any other alternative. This rule would be affective for all land managed by the El Centro, Barstow, Palm Springs-South Coast, Ridgecrest, and Needles Field Offices.

High Use Alternative: **Preferred Alternative:** Possession or use of glass beverage containers would not be allowed. Individuals who prefer to recreate using glass beverage containers would experience a sense of loss for this opportunity. The sense of loss would be greater than the No Action Alternative but less than the Entire Desert District Alternative. Glass can cause punctured tires and scraping and puncture injuries for the visitors. Visitors who fear a tire puncture or injury from glass would experience a sense of gain from this rule. This sense of gain would be greater than the No Action Alternative but less than the Entire Desert Alternative. This supplementary rule would be

affective for all OHV open areas and also developed sites and areas managed by the El Centro, Barstow, Palm Springs-South Coast, Ridgecrest, and Needles Field Offices.

*Residual:* A glass beverage container rule would create an environment with less broken glass and trash on public lands. There would be fewer injuries from punctured tires and a safer environment to recreate.

*Cumulative:* Land management decisions, Congressional legislation and court actions have changed the management in and near the proposal area. These types of land management changes will continue in the future and potentially include changes in recreational opportunity. Many of these changes have resulted in rules that limit or control recreational use. The result of these combined changes has resulted in a loss of recreational opportunity for OHV related activities. Some individuals who currently enjoy using glass beverage containers may consider this rule as a part of many actions that limit and control their recreational opportunities. Many OHV participants enjoy these types of activities that are cumulatively being controlled. These individuals would experience an additional sense of loss of opportunity.

Stakes: Direct, Indirect, Residual and Cumulative

No Action Alternative: Individuals would be able to use stakes to delineate areas.

Individuals who prefer to recreate in this manner would continue to have this opportunity.

Entire Desert District Alternative: Individuals who prefer to place or pound into the ground any non-flexible objects, such as, but not limited to metal or wood stakes, poles or pipes, with the exception of small tent or awning stakes would experience a sense of loss for this opportunity. The sense of loss would be greater than the No Action Alternative, the High Use Alternative, and the Barstow Only Alternative. Stakes can add to vehicle collisions and can cause injuries. Visitors who fear a collision or injury from stakes would experience a sense of gain from this rule. This sense of gain would be greater than any other alternative. This rule would be affective for all land managed by the El Centro, Barstow, Palm Springs-South Coast, Ridgecrest, and Needles Field Offices.

High Use Alternative: **Preferred Alternative:** Individuals who prefer to place or pound into the ground any non-flexible objects, such as, but not limited to metal or wood stakes, poles or pipes, with the exception of small tent or awning stakes would experience a sense of loss for this opportunity. The sense of loss would be greater than the No Action Alternative and the Barstow Only Alternative, and less than the Entire Desert District Alternative. Stakes can add to vehicle collisions and can cause injuries. Visitors who fear a collision or injury from stakes would experience a sense of gain from this rule.

This sense of gain would be greater than the No Action Alternative and the Barstow Only Alternative but less than the Entire Desert Alternative. This supplementary rule would be affective for all OHV open areas and also developed sites and areas managed by the El Centro, Barstow, Palm Springs-South Coast, Ridgecrest, and Needles Field Offices.

Barstow Only Alternative: Individuals who prefer to place or pound into the ground any non-flexible objects, such as, but not limited to metal or wood stakes, poles or pipes, with the exception of small tent or awning stakes would experience a sense of loss for this opportunity. The sense of loss would be greater than the No Action Alternative and less than the Entire Desert District Alternative and the High Use Alternative. Stakes can add to vehicle collisions and can cause injuries. Visitors who fear a collision or injury from stakes would experience a sense of gain from this rule. This sense of gain would be greater than the No Action Alternative but less than the High Use Alternative and the Entire Desert Alternative. This supplementary rule would be affective for all OHV open areas managed by the Barstow Field Office, which includes El Mirage Cooperative

Management Area, Dumont Dunes Off-Highway Vehicle (OHV) Area, Rasor Open Area, Johnson Valley Open Area, and Stoddard Valley Open Area.

*Residual:* A stakes rule would create an environment to have less injuries and a safer area to recreate. There would be less litter due to stakes not being left on public land.

*Cumulative:* Land management decisions, Congressional legislation and court actions have changed the management in and near the proposal area. These types of land management changes will continue in the future and potentially include changes in recreational opportunity. Many of these changes have resulted in rules that limit or control recreational use. The result of these combined changes has resulted in a loss of recreational opportunity for OHV related activities. Some individuals who currently enjoy delineation of areas with stake like objects may consider this rule as a part of many actions that limit and control their recreational opportunities. Many OHV participants enjoy these types of activities that are cumulatively being controlled. These individuals would experience an additional sense of loss of opportunity.

*Dumont Dunes Competition Hill Camping Limitation:* Direct, Indirect, Residual and Cumulative

*No Action Alternative:* Individuals would be able to camp in all areas around Competition Hill at Dumont Dunes. Individuals who prefer to recreate in this manner would continue to have this opportunity.

*Dumont Dunes Alternative:* **Preferred Alternative:** Individuals who prefer to park, place, occupy, or camp in a tent, trailer, motor coach, fifth wheel, camper or similar vehicle or structure, within the areas commonly known as Competition Hill Corridor and Competition Hill located within the Dumont Dunes OHV Area would experience a sense of loss for this opportunity. The sense of loss would be greater than the No Action Alternative. Congestion in the Competition Hills area has resulted in collisions and has delayed medical and law enforcement response. Visitors who are concerned about the results of the congestion in this area would experience a sense of gain over the No Action Alternative.

*Residual:* The residual impact is that this area would be free from fixed vehicles and camping gear, allowing emergency vehicles easy access to and through the area.

*Cumulative:* Land management decisions, Congressional legislation and court actions have changed the management in and near the proposal area. These types of land management changes will continue in the future and potentially include changes in recreational opportunity. Many of these changes have resulted in rules that limit or control recreational use. The result of these combined changes has resulted in a loss of recreational opportunity for OHV related activities. Some individuals who currently enjoy camping in these areas may consider this rule as a part of many actions that limit and control their recreational opportunities. Many OHV participants enjoy these types of activities that are cumulatively being controlled. These individuals would experience an additional sense of loss of opportunity.

*Camping Space Saving:* Direct, Indirect, Residual and Cumulative

*No Action Alternative:* Individuals would be able to save camp spaces. Individuals who prefer to recreate in this manner would continue to have this opportunity.

*High Use Alternative:* **Preferred Alternative:** Individuals who prefer to reserve or save camping space for another within the boundaries of all OHV open areas and also developed sites and areas would experience a sense of loss for this opportunity. The sense of loss would be greater than the No Action Alternative and the Barstow Only

Alternative. Saving camping spaces has resulted in limiting access to some and has resulted in many altercations. Individuals who support fair access to all and who are concerned about the altercations would have a sense of gain from this rule. This sense of gain would be greater than the No Action Alternative. This supplementary rule would be affective for all OHV open areas and also developed sites and areas managed by the El Centro, Barstow, Palm Springs-South Coast, Ridgecrest, and Needles Field Offices.

Barstow Only Alternative: Individuals who prefer to reserve or save camping space for another within the boundaries of OHV open areas managed by the Barstow Field Office would experience a sense of loss for this opportunity. The sense of loss would be greater than the No Action Alternative and less than the High Use Alternative. This supplementary rule would be affective for all OHV open areas managed by the Barstow Field Office, which includes El Mirage Cooperative Management Area, Dumont Dunes OHV Area, Razor Open Area, Johnson Valley Open Area, and Stoddard Valley Open Area.

*Residual:* A space saving rule would provide equal access to all recreational users and more opportunities to individuals and small use groups.

*Cumulative:* Land management decisions, Congressional legislation and court actions have changed the management in and near the proposal area. These types of land management changes will continue in the future and potentially include changes in recreational opportunity. Many of these changes have resulted in rules that limit or control recreational use. The result of these combined changes has resulted in a loss of recreational opportunity for OHV related activities. Some individuals who currently enjoy camping with large groups in these areas may consider this rule as a part of many actions that limit and control their recreational opportunities. Many OHV participants enjoy these types of activities that are cumulatively being controlled. These individuals would experience an additional sense of loss of opportunity.

Trash Free Sites: Direct, Indirect, Residual and Cumulative

No Action Alternative: Individuals would not be allowed to litter based on current laws. A new supplementary rule would not be developed. However, enforcement would be more difficult as law enforcement officers may not be able to determine who actually littered. Individuals who prefer to recreate in an area where trash has accumulated would continue to have this opportunity.

Entire Desert District Alternative: **Preferred Alternative:** A supplementary rule that states: "All persons shall keep their sites free of trash and litter during the period of occupancy" would be developed. Some individuals who prefer to allow trash to accumulate would experience a sense of loss for this opportunity. The sense of loss would be greater than the No Action Alternative. Most visitors prefer to recreate in clean campsites. This rule would increase the cleanliness of the campsites. Those who prefer to recreate in clean campsites would experience a sense of gain from this rule. This sense of gain would be greater than the No Action Alternative. This supplementary rule would be affective for all land managed by the El Centro, Barstow, Palm Springs-South Coast, Ridgecrest, and Needles Field Offices.

*Residual:* A trash free sites rule could result in some visitors setting up their camp sites in pristine or cleaner areas and avoiding the areas where previous visitors have left trash. This is because they may not want to be held accountable for trash left by prior visitors. This could result in more BLM managed land being impacted as some visitors avoid areas that were previously impacted.

*Cumulative:* Land management decisions, Congressional legislation and court actions have changed the management in and near the proposal area. These types of land management changes will continue in the future and potentially include changes in recreational opportunity. Many of these changes have resulted in rules that limit or control recreational use. The result of these combined changes has resulted in a loss of recreational opportunity for OHV related activities. Some individuals who currently enjoy camping with less control and in an area where trash has accumulated may consider this rule as a part of many actions that limit and control their recreational opportunities. Many OHV participants enjoy these types of activities that are cumulatively being controlled. These individuals would experience an additional sense of loss of opportunity.

*Drug Paraphernalia:* Direct, Indirect, Residual and Cumulative

No Action Alternative: BLM would not develop a supplementary rule regarding drug paraphernalia. Individuals who prefer to recreate using drug paraphernalia would be able to do so following current laws.

Entire Desert District Alternative: **Preferred Alternative:** A supplementary rule that states: “No person shall possess an item of drug paraphernalia as defined in 21 U.S.C. 863 unless otherwise exempt as defined in 21 U.S.C. 863” would be developed. Some individuals who prefer to recreate with drug paraphernalia would experience a sense of loss for this opportunity. The sense of loss would be greater than the No Action Alternative. Most visitors prefer to recreate in a drug free environment. This rule will add to the drug free environment. The individuals seeking a drug free environment will experience a sense of gain from this rule. This sense of gain will be greater than the No Action Alternative. This rule would be finalized and would be affective for all land managed by the El Centro, Barstow, Palm Springs-South Coast, Ridgecrest, and Needles Field Offices.

*Residual:* A trash free sites rule could result in some visitors setting up their camp sites in pristine or cleaner areas and avoiding the areas where previous visitors have left trash. This could result in more BLM managed land being impacted.

*Cumulative:* Land management decisions, Congressional legislation and court actions have changed the management in and near the proposal area. These types of land management changes will continue in the future and potentially include changes in recreational opportunity. Many of these changes have resulted in rules that limit or control recreational use. The result of these combined changes has resulted in a loss of recreational opportunity for OHV related activities. Some individuals who currently enjoy recreation that involves the use of drug paraphernalia may consider this rule as a part of many actions that limit and control their recreational opportunities. Many OHV participants enjoy these types of activities that are cumulatively being controlled. These individuals would experience an additional sense of loss of opportunity.

Wastes, Solid and Hazardous:

*Firewood:* Direct, Indirect, Residual and Cumulative

No Action Alternative: Individuals would be able to use any wood for fires in all areas, except specific geographic areas within the Barstow Field Office which already have a limitation on wood type. Metal waste debris would continue to be left in the project area.

Entire Desert District Alternative: **Preferred Alternative:** Possession or use of firewood containing nails, screws or other metal content would not be allowed. No metal

items would be left on site due to the use of metal free firewood. The amount of waste left on site would be less than the No Action Alternative.

*Residual:* A firewood rule would create an environment with less metal debris left on the ground. There would be fewer injuries from punctured tires and less tire and medical related waste left on public land.

*Cumulative:* Recreational activities, mining activities, and other authorized activities in the desert have created waste in the past, and additional waste will be produced by these activities in the future. Cumulatively, there would be less metal waste left on BLM managed land.

Glass Beverage Container: Direct, Indirect, Residual and Cumulative

No Action Alternative: Individuals would be able to use glass beverage containers in all areas, except specific geographic areas within the Barstow Field Office which already have a limitation on glass beverage containers. Glass beverage containers, both whole and broken would continue to be left in the project area.

Entire Desert District Alternative: Possession or use of glass beverage containers would not be allowed. Glass beverage containers, both whole and broken would not occur in all land managed by the El Centro, Barstow, Palm Springs-South Coast, Ridgecrest, and Needles Field Offices. The amount of glass waste material left would be less than the No Action Alternative and the High Use Alternative.

High Use Alternative: **Preferred Alternative:** Possession or use of glass beverage containers would not be allowed. Glass beverage containers, both whole and broken would not occur in all OHV open areas and also developed sites and areas managed by the El Centro, Barstow, Palm Springs-South Coast, Ridgecrest, and Needles Field Offices. The amount of glass waste material left would be less than the No Action Alternative but greater than the Entire Desert District Alternative.

*Residual:* A glass beverage container rule could change the types of waste material left on public lands. Most recreational users would utilize plastic bottles and containers and aluminum cans in lieu of the glass beverage containers. Plastic and aluminum beverage containers are easier for BLM and the public to clean up and do not pose the safety hazards as the glass beverage containers.

*Cumulative:* Recreational activities, mining activities, and other authorized activities in the desert have created waste in the past, and additional waste will be produced by these activities in the future.

Trash Free Sites: Direct, Indirect, Residual and Cumulative

No Action Alternative: Individuals would not be allowed to litter based on current laws. A new supplementary rule would not be developed. However, enforcement would be more difficult as law enforcement officers may not be able to determine who actually littered. There would be more litter on public lands under this alternative.

Entire Desert District Alternative: **Preferred Alternative:** A supplementary rule that states: "All persons shall keep their sites free of trash and litter during the period of occupancy" would be developed. There would be less litter with this alternative because a law enforcement officer could require anyone in a site to comply with the supplementary rule. The amount of litter on public land would be less than the No Action Alternative. This supplementary rule would be affective for all land managed by the El Centro, Barstow, Palm Springs-South Coast, Ridgecrest, and Needles Field Offices.

*Residual:* A trash free sites rule could result in some visitors setting up their camp sites in pristine or cleaner areas and avoiding the areas where previous visitors have left trash. This could result in more BLM managed land being impacted.

*Cumulative:* Recreational activities, mining activities, and other authorized activities in the desert area have created waste in the past, and additional waste will be produced by these activities in the future.

#### Wildlife T&E:

##### Trash Free Sites: Direct, Indirect, Residual and Cumulative

No Action Alternative: Individuals would not be allowed to litter based on current laws. A new supplementary rule would not be developed. However, enforcement would be more difficult as law enforcement officers may not be able to determine who actually littered. There would be more litter on public lands under this alternative. Requiring individuals to pick up trash without knowing which individual actually littered would be difficult. The litter level, raven population and raven predation on desert tortoises would remain the same.

Entire Desert District Alternative: **Preferred Alternative:** A supplementary rule that states: “All persons shall keep their sites free of trash and litter during the period of occupancy” would be developed. There would be less litter with this alternative because a law enforcement officer could require anyone in a site to comply with the supplementary rule. The amount of litter on public land would be less than the No Action Alternative. Increased litter increases the reproduction and survival rates for ravens. Increased raven population can increase the raven predation on desert tortoises, a listed species. This rule would have a positive effect on desert tortoise and other sensitive wildlife species. This supplementary rule would be affective for all land managed by the El Centro, Barstow, Palm Springs-South Coast, Ridgecrest, and Needles Field Offices.

*Residual:* The trash will eventually be placed in a landfill, so depending on the management of the landfill, the predation may be relocated. Removal of the trash will, in some areas, increase the habitat potential of the land.

*Cumulative:* See tiered documents identified above.

Note on Cumulative Impacts: These supplementary rules could reduce recreational opportunities for those who would choose to deter recreation rather than abide by the new rules. The supplementary rules will increase the quality of the recreation experience for those who desire a safer, more family friendly recreational experience. The tiered documents identified above provide further analysis of the cumulative impacts for this project.

**Mitigation Identified:** none

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