

WECO ADMINISTRATIVE RECORD

RESPONSE TO COMMENTS

R-1: The intent of this project is to involve the general public, including the recreational users, rock collectors, senior citizens, individuals with disabilities and children, in the development of the route network. Throughout this project, the public was invited to participate in the development of the route network, including developing the range of alternatives, level of analysis, establishing route designations and recommending routes as open, closed or limited use. The public was informed of the project through newspaper ads in both English and Spanish language newspapers, newsletters, postcards, information on our web page, and Federal Register notices. The public was given the opportunity to participate in developing the route network by providing written comments and oral comments during both the scoping phase of the project and the review of the draft Plan Amendment, Environmental Assessment and Finding of No Significant Impact statement. The public will also be invited to participate in the protest phase of this project. BLM apologizes if anyone was inadvertently left out of the mailing list. It is not our intent to exclude anyone.

R-2: BLM recognizes that there are routes that would be designated as closed under each alternative, including the no action alternative. Pages 73-74 discuss cumulative affects to recreation. The purpose and need for this project explains the reason to establish a route network, which could include designation of routes as open, closed or limited use. Recreation is not identified as a critical element in NEPA. Other cumulative affects are described on pages 74-80.

R-3: BLM provided the public a series of maps to review during the scoping phase of this project. These maps included overview maps as well as detailed maps of the project area. A copy of the maps from the 1997 Route of Travel Project was also available to the public. A copy of the network created by each alternative was provided in the draft Plan Amendment and Environmental Assessment. In addition, a more detailed map of the preferred alternative will be provided with the proposed Plan Amendment.

This new map will have the date of creation, route numbers, project area boundary, state, federal, and private land ownership, the Back Country Discovery Route, Kane Spring Road, Elliot Mine Area, Dunaway Staging Area, critical habitat for the bighorn sheep, oyster shell beds and the De Anza Trail clearly marked.

The ACEC boundary of the northwest quarter of Section 34 was redrawn to accurately reflect the ownership of private land. An additional trail near the Artesian Trail, Lakeshore Trail, and Oil Well Wash in the Ocotillo Wells State Vehicular Recreation Area was added to reflect the actual trails on the ground.

Unfortunately BLM does not have electronic data for the roads that are maintained by Imperial County within the project area. BLM is unable to identify and place many County roads on the map. Electronic data for material sites, landfills, access roads to

material sites, and access roads to county landfills within the project area is also not available. These areas are not specifically identified on the map. However, if the access to a site, as provided under the final WECO plan, is not acceptable to Imperial County, BLM will work with Imperial County to develop acceptable access under a permit system or another process.

The map now contains a legend that includes the Back Country Discovery Trails, National Historic Trails, ACECs, and camping closures, including the Superstition camping closure, the 1989 camping closure, the 2000 camping closure and the Yuha Well camping closure. The proposed plan amendment does not include the Imperial Sand Dunes Recreation Area western border camping closure or the future potential Imperial Sand Dunes Recreation Area western border camping areas. These areas will be managed the same as the adjacent area with the limited off-road vehicle designation. These areas will be managed under the (revised) proposed plan amendment as they are shown on the new map. The Imperial Sand Dunes Recreation Area Management Plan may provide additional direction for the management of this interface area.

Superstition Mountains, Jacumba Mountains, Fish Creek Mountains, and Coyote Mountains are labeled on the map. Acceptable electronic data for county roads, power lines, and Dunaway Road are not available. These items were not added to the map. Anza Borego State Park was not added to the legend, but it was labeled on the map.

The wilderness and open areas near Coyote Mountain are correctly delineated with the most recent data. The Crucifixion Thorn is not an ACEC, but a special plant assemblage. This was not added to the map since that area of the map does not have room for an additional label.

ACECs will be marked as limited use areas on the map legend. The wilderness areas will be marked as closed to vehicular use on the map legend.

The land outside of the East Mesa ACEC and Lake Cahuilla ACEC is now correctly marked as BLM managed. The public lands south of I-8 by the East Mesa are now correctly marked as BLM managed.

The International boundary with Mexico has been added to the map.

Land ownership in the Ocotillo, Nomirage and Yuha Basin are accurate to the best of BLM's knowledge. The public did not identify specific errors. BLM believes that the electronic file used to generate the WECO map relies on more recent information than the most recent Desert Access Guide for the area.

The Wilderness Area by Coyote Mountain is no longer shown as an open area. The overlap error with the North Algodones Dunes Wilderness area and the Mammoth Wash open area has been corrected. The ownership error by Section 36 at the boundary between the wilderness and the open area now shows the open area as managed by BLM.

The map correctly identifies the North Algodones Dunes Wilderness as an ACEC. The eastern boundary of the East Mesa ACEC has been corrected.

The routes on the map north of Highway 78 and west of the North Algodones Dunes Wilderness either connect to county roads that are not shown on the WECO map or are short spurs that are used for access to material collection sites. BLM does not have the electronic data to add the county roads to the WECO map.

The target 101 configuration is believed to be accurate. The electronic data used to generate the WECO map is more recent than the data used to generate the most recent Desert Access Guide.

The Table Mountain ACEC was left on the map to orientate people.

The map now includes the Salton Sea shoreline, some cities in Imperial County, state highways, the Carrizo Impact area as closed, railroad tracks, and the “area closed to vehicular travel on public lands” surrounding and including the San Sebastian Marsh/San Felipe Creek ACEC. However, the map does not show all the cities and communities and does not specifically label access to camping areas such as Coyote 2 since this level of information on the map made the map unreadable.

R-4: BLM understands and acknowledges the necessity and importance of signing. It is an avenue for BLM to clearly communicate to users where motorized OHV travel is acceptable. In the mitigation for the proposed action, BLM proposes restoration activities. It is anticipated that closed routes could eventually be restored to natural desert landscape if the proposed action is selected. The maintenance of closed routes is not a part of the proposed action: eventually only open or limited use routes would exist on the ground. BLM agrees that the restoration of closed routes would result in a clearer route network, less signage and a more natural landscape. Until the restoration activities could be completed, routes would be signed as open, limited, or closed. It is the recreational user’s responsibility to know the route designation. Changing the signing processes is outside the scope of this project.

BLM acknowledges that the current signage within the project area is unacceptable. BLM understands that some of the current off routes of travel can be attributed to the condition of the signage in the project area. BLM has included redoing the signage for the project area on the implementation schedule.

R-5: The Juan Bautista de Anza National Historic Trail goes through the fossil oyster bed. The trail is open under all four alternatives.

R-6: In the proposed action, BLM will allow short-term daytime parking immediately adjacent to route(s) designated open in the Yuha. This will support hobbies like rock collecting and provide educational opportunities. However, overnight camping and overnight parking would be limited to designated areas in the Yuha. In addition, a designated parking area is located near the Yuha ridge. It is adjacent to route T670261.

The decision record for this project will clearly identify the parking and camping areas throughout the project area.

R-7: The most recent maps for the project area would be outdated upon the completion of this project. Creating a map of the route network that is created by this project is on the implementation schedule.

R-8: BLM manages land for multiple uses, including recreational use. There are no laws, regulations or orders to establish set amounts of routes per acre or township. Suggested formulae approaches would not allow for the diversity in habitat, use, and terrain and may be arbitrary or capricious. In addition, BLM is not required to keep a route network that does not meet the current needs of the public and BLM. Some commenters have requested BLM maintain a route network based on the route network that was in existence over 20 years ago. Documentation for the exact routes included in this historic network is not complete. Routes physically on the ground also had to meet the test of being an “existing route” as defined in the CDCA Plan. It is beyond the scope of this project to reconstruct a historic route network. In developing a route network, BLM invites the public to participate in determining the appropriate amount of routes for an area. In this project, recreational users have indicated a desire to use as many routes as possible. Others have expressed a desire to limit the number of routes that are designated as open to conserve cultural and natural resources. BLM will develop the route network based on its multiple use mandate.

R-9: The function of this project is to address the potential impacts due to motorized OHV use on designated routes of travel. It is not a comprehensive recreation plan. Discussing different types of recreation in detail is outside the scope of this project. The scope of this project does not involve eliminating any forms of recreation on public land, but rather developing a route network to support these recreational opportunities. This project is also not a resource plan or an ACEC plan. Discussing resource related management goals is not part of the purpose and need for this project.

R-10: The project area does not include the Imperial Sand Dunes Recreation Area. (Note: Some comment letters stated “... since this project includes ISDRA, BLM should...”. The initial consideration was in error, as the project does not include ISDRA, so the requested action was not considered.) The project area, as stated in the purpose, only includes land with the current multiple use classification of “limited use”. This project only includes areas with the off-road vehicle designation of “limited”. The Imperial Sand Dunes is outside of the project area. Areas with off-road vehicle “open” (e.g., Plaster City, Superstition Mountains, Imperial Sand Dunes Recreation Area) and “closed” (e.g., wilderness areas) designations were excluded from the project area.

The project area includes approximately 475,000 acres of BLM managed land that is designated as off-road vehicle “limited areas”. It is beyond the scope of this project to change multiple use classifications or the off-road vehicle area designations of BLM managed land. However, potential impacts due to this project on areas outside the project area can be considered.

R-11: Here are the references:

- Arizona Game and Fish Department's Off Highway Vehicle Safety and Habitat Protection Program, undated, <http://www.gf.state.az.us/frames/other/ohv.html>
- California Department of Parks and Recreation. *Off-Highway Motor Vehicle Recreation Division, Off-Highway Vehicle (OHV) Recreation's \$3 Billion Economic Impact in California and a Profile of OHV Users: A Family Affair*. A 1993-1994 Report. 1997.
- California Department of Parks and Recreation. *Off-Highway Motor Vehicle Recreation Division, Taking the High Road: The Future of California's Off-Highway Vehicle Recreation Program*. An undated report.
- *Outdoor Recreation In America 1999: The Family and the Environment*, Recreation Roundtable, Washington, D.C., <http://www.funoutdoors.com/rec99/index.html>
- *Outdoor Recreation In America: Addressing Key Societal Concerns*, The Recreation Roundtable, Washington, D.C., September 2000, [Http://www.funoutdoors.com](http://www.funoutdoors.com)
- *BLM's 1997 Environmental Assessment for Western Colorado Desert Route of Travel*

R-12: Various alternatives explored different camping opportunities. Alternative 1 allowed camping only in designated areas.

R-13: The scope of this project does not include changing access for permitted users of BLM managed land. These individuals and companies have access to privately owned property, mining claims, equipment or other items through permits or other forms of authorization with BLM. A route that is designated as closed or limited through this project could remain in use to permitted users. Vehicular access conducted according to the terms of an approved permit or other authorization would not change due to this project. As private property is developed in the future, BLM will work with the property owner and the County to determine access needs, including providing access through BLM owned land on routes that are not designated as open to the general public. BLM does not anticipate restoration activities on any routes that are used by individuals or companies with BLM permits or other forms of authorized use.

R-14: Cumulative affects from Border Patrol activities are discussed on pages 72-80.

R-15: In the proposed action, camping was provided at the Dunaway location because large groups and tired freeway travelers use it as an undeveloped camping area. It was established, in part, to draw vehicle camping away from sensitive flat-tailed horned lizard habitat and cultural resources.

In the proposed action, camping is allowed on the Yuha ridge. This is camping location number 4 on the map and it is adjacent to T670261.

R-16: The routes identified in the scoping letter were carefully considered for inclusion in the route network. Many routes were placed in the route network. Some routes were not placed in the route network. Some of the routes that were not included were potentially related to the Back Country Discovery Route. The Back Country Discovery Route system is still being developed by the State Parks. The entire route system has not been formally identified at this point in time. BLM, after consultation with the State Parks, has included the routes that, at this point in time, are most likely to be a part of the Back Country Discovery Route system. If, in the future, the Back Country Discovery Route system is developed in a different direction, BLM will cooperate with the State Parks to implement the final route system. Some other routes that were not included in the proposed action were routes that are not entirely physically present on the ground or that are near other routes that provide a similar recreational experience.

R-17: Many of the routes that are closed in the proposed action can be closed without changing the current situations. Some of these routes are currently designated as open, but they do not physically exist. Closure of this type of route will not impact the recreational user. In addition, many of the routes that are recommended for closure in the proposed action have similar nearby open routes that do not receive great use on a regular basis. There were no specific requests from private landowners to close routes that are currently designated as open or limited use. There was one request for an unauthorized "user created" route to be removed from consideration of placement in the route network. This route does not improve access to others, it only created property damage and liability concerns for the private landowner.

R-18: The purpose of the WECO project was to designate routes of travel. In developing this project, camping areas were considered for some alternatives as a way to reduce environmental impact due to camping near the routes and to reduce the level of law enforcement support that would be necessary for an area. Although the WECO project is not a construction project, some construction activities related to signage and development of camping areas were included.

R-19: BLM provided the public with a copy of the map of the route network for the 1997 Environmental Assessment for this project. This map contained all of the routes, open, closed and limited. BLM decided to print the current Environmental Assessment with only the open and limited routes for each alternative. Many of the closed routes cannot be located on the ground. In addition, the map for each alternative became difficult to read when the closed routes were added to the map. After a decision record is signed, it is BLM's intention to rehabilitate the closed routes that are not used by authorized users. BLM did not want to continue to promote the routes that are being considered for closure under any of the alternatives. The description of the alternatives on pages 5-10 of the Environmental Assessment provides a reason for a route to be designated as open, closed or limited for that specific alternative. When creating a route

network, individual routes are not studied in as much detail as is the functionality of an entire network.

R-20: BLM has considered the request to designate the Yuha area as open in the no action alternative and Alternative 2. BLM can choose any combination of the alternatives analyzed, including having the Yuha limited use, with a vehicle type restriction, open some days and limited other days or open all the time. The final decision on this will not be made until the decision record is signed. However, if the proposed designations, maintenance, education, law enforcement efforts, and recreational users compliance and response are effective in reducing impacts to resources, BLM could also consider allowing green sticker vehicle access to this area for a limited number of days as an organized activity with a sponsor.

R-21: This project would not diminish any rights under Revised Statute 2477. Section 8 of the Act of July 26, 1866 (R.S. 2477) provided: "The right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted." Although Title VII of the Federal Land Policy and Management Act of October 21, 1976 repealed this statute, many rights-of-way for public highways obtained under the statute exist or may exist on land administered by the BLM. The Secretary of the Interior has requested that BLM defer processing of R.S. 2477 claims, except in cases where there is a demonstrated, compelling, and immediate need, until such time as the Department completes final rulemaking on the statute.

R-22: In an area with the off road vehicle designation of limited, travel is restricted to routes designated "open" or "limited". Any route that is not designated as "open" or "limited" is closed. Washes that are not designated as "open" or "limited" would also be closed.

R-23: Kane Springs Road is a regionally important historical route. The route provides physical access to the public, private landowners, and BLM. While BLM only makes designations on public lands, by showing where this and other routes cross private property, the landowners are provided the opportunity to exercise their right to close routes across their property. Generally, right-of-ways have not been obtained across private lands. (The San Felipe Trail is an exception.) Some landowners have informally stated they are worried about possible liability risks if they formally give permission to cross their lands. On a case-by-case basis, BLM will consider landowner request to close route segments that dead end at private property lines.

R-24: The area between the canals is not a part of the Imperial Sand Dunes Recreation Area. This area currently has an off-road vehicle designation of "limited use" and is managed under WECCO.

R-25: BLM proposes to monitor flat tailed horned lizards as an indicator species for the resource area. This is a species that is currently under consideration by US FWS as a potentially threatened or endangered species. BLM proposes to monitor the flat-tailed horned lizard using a mark-capture study on a yearly basis. This monitoring program

generates a population estimate for the flat tailed horned lizard management areas. BLM also proposes to conduct a flat-tailed horned lizard vehicular damage study every 3-5 years and a flat-tailed horned lizard scat count on an occasional basis. The vehicular damage study is conducted at the same locations as the mark-capture study. It assesses vehicular damage in the management areas by using triangular plots and point counts. The scat count monitoring has been conducted since 1979. It is conducted on the same triangular plots as the other monitoring programs. This data allows BLM to estimate the population and range of the flat-tailed horned lizard. These monitoring programs are identified on the Implementation Schedule.

BLM proposes to monitor the species according to the currently used protocol for all three monitoring aspects. However, as BLM works with the US FWS and other federal, state and local agencies, the protocol may change over time. The monitoring data will be evaluated to determine trends. If the trends indicate that the resource area is significantly negatively impacted, BLM will reevaluate potential mitigation and management actions, and consider potential plan amendments or revisions to reduce the negative impacts. BLM will also evaluate whether other sources (non-BLM) are responsible for the impact.

LE-1: This project only involves BLM managed lands that have the off-road vehicle designation of “limited”. Wilderness areas have the off-road vehicle designation of closed. Wilderness areas are outside the scope of this project. However, non-motorized recreational activities such as hiking are allowed in the wilderness.

LE-2: BLM will increase enforcement activities outlined in the proposed Plan Amendment and Environmental Assessment. The amount and schedule of increase is subject to funding and staffing limitations. Each incremental increase in enforcement activity should add to improved compliance. No law enforcement program can be 100% effective in eliminating all violations. However, the frequency and extent of violations in the project area should decrease significantly if the proposed action is selected. Success in an enforcement program relies on a combination of efforts such as public compliance and respect for the land, the quality and quantity of law enforcement officials in the field, and public reports of violations. In addition, when initially trying to modify public behavior, a strong program involving public education, providing information, and clear signing would be necessary. BLM believes that the vast majority of recreational users want to conserve the environment and obey the regulations. Many organized groups have offered their services to provide support to BLM.

LE-3: The Environmental Assessment described the alternatives using several criteria, including safety. As a part of reviewing and creating the draft route networks for each alternative, a BLM law enforcement officer reviewed the records for the border area and decided that the records did not support closure of any routes near the border due to safety concerns. Although we left the criteria within the alternatives to show that this was considered, no actual route closures were written in the draft Plan Amendment and Environmental Assessment due to safety concerns. BLM did not create any form of a buffer in the WECO project due to safety, wilderness or other issues or concerns.

LE-4: At this point in time, BLM does not believe that any of the alternatives will result in an increased concentration of visitors in any specific area to the level that public safety would be a significant issue.

LE-5: Although BLM does have authority under 43 CFR 8341.2 to close public land due to adverse effects, BLM does not believe that the current situation is at a level that utilizing this authority is appropriate.

LE-6: BLM citations have been upheld when adequate notice of the designations have been provided to the public. Adequate notice can be accomplished by placing "Limited Area" signs at access points, providing kiosks with maps at primary access points, or placing maps of designations on a web page. A person may be cited if they did not see the sign. It is the individual's responsibility to know and understand the rules and regulations prior to using the area.

LE-7: BLM does not release this type of law enforcement data. The law enforcement strategy for WECO will not be fully implemented until after the decision record for WECO is signed.

LE-8: The California Motor Vehicle Code includes noise limitations that apply to off-highway vehicle use. Currently, BLM does not believe that there is enough sustained noise to create a great level of concern. BLM monitors the noise level, but does not anticipate taking any action unless the noise level reaches a level of concern.

G-1: Thank you for participating in this project. Your comments have been noted.

G-2: Thank you for your opinion. It is helpful to the decision maker to know what the public opinion is for a project.

G-3: BLM was not able to allow an extension of the public comment period because of our schedule for this project. The 30-day time frame was in the newspaper ads, BLM mailings and the cover letter for the draft Plan Amendment. The Federal Register did initially state that there was a 45-day time frame. However this error was corrected in the Federal Register on October 30, 2002 (Vol. 67, No. 210, page 66167).

G-4: Our copies of the document contained pages 23-24. Sorry your copy was incomplete.

G-5: An implementation schedule has been developed for this project. The estimated cost for law enforcement activities and for restoration activities is included on the implementation schedule. BLM will access the maintenance needs of the routes in the Yuha. This is scheduled on the implementation schedule. BLM has included an assessment of the condition of the current fencing around archeology sites and the need for additional fencing in the implementation schedule. The implementation schedule also includes an assessment of the educational needs of the recreational users. Locations for

kiosks and signs will be determined based on this assessment. The schedule indicates when new signs and kiosks will begin being installed.

G-6: The format for writing Environmental Assessments allows the writer to identify the public agencies and Indian Tribes in the section for “Coordination with Other Agencies”. Public participation by both individuals and groups is allowed throughout the process. Public participation, including individuals and groups, is typically described in cover letters to the public participants, and sometimes in the decision records. Please see the cover letter for a summary of the public participation in this project.

G-7: Funds used for managing BLM lands in the project area come through an appropriated budget approved by the U.S. Congress as well as through grants from the state and other sources. As with any management plan, funding levels, which are beyond the control of these agencies at these levels, may affect the timing and implementation of management actions and project proposals, but will not affect the decisions made in the plan amendment. Agencies must allocate the limited funds provided for resource management. The federal funding process is complex and Agencies do not regularly have available funding for all desirable projects.

G-8: Thank you for your comment. BLM does not agree with your conclusion that the Environmental Assessment fails to meet the minimum analytical standards under the National Environmental Policy Act. BLM believes that the level of analysis provided in this particular Environmental Assessment exceeds the requirements.

G-9: BLM has carefully reviewed the potential impacts for this project to determine the type of National Environmental Policy Act document that is necessary. The potential impacts are described on pages 48-80 of the Environmental Assessment. After careful review of the potential impacts, BLM has not identified any impacts that meet the level to be considered significant under the National Environmental Policy Act. An Environmental Assessment is considered acceptable under the National Environmental Policy Act when the potential impacts are not significant.

The CDCA Plan is intended to be an umbrella document with a level of specificity and analysis that is broad in nature covering the entire Desert District. This draft plan amendment, along with the other plan amendments that BLM is working on, would amend the CDCA. These plan amendments are designed to be site-specific plans for specific geographical areas. These site-specific plans also include environmental review and public involvement. The regulations for implementing the National Environmental Policy Act do not require a specific time period for completion of site specific plans that are prepared under another plan or that amend another plan. The regulations do require an environmental assessment or environmental impact statement with the preparation of a site-specific plan, unless that plan is adequately addressed in a previous environmental analysis.

G-10: Sorry for the confusion with the page numbers. The draft Finding of No Significant Impact was included so that the reviewers could see what BLM was

considering at the time the draft was printed. The information in this document was preliminary. BLM does not include draft decision records in draft documents, so that was not made available to the public for review.

G-11: Internal coordination records are not released as a part of the Environmental Assessment. They are considered internal pre-decisional documents. In addition, a lot of this type of coordination is through meetings rather than through documents. Copies of other BLM plan amendments are available to the public, but it would not be appropriate to attach the other plan amendments to this BLM Environmental Assessment.

G-12: BLM follows a common cartographic industry practice to provide a disclaimer for a map's degree of accuracy and human error. However, BLM uses the best available data to complete its maps.

G-13A: This section summarized the cumulative effects for other actions in the project area. The amount of change is not known at this point in time. Several plans are being developed and each plan has the potential of changing some acreage.

G-14A: The purpose and need for this project is stated on pages 1-3 of the Environmental Assessment.

G-13B: The FONSI for the 1997 Environmental Assessment was signed. This meant that the manager determined that there was not a level of environmental concern that was significant for the chosen alternative. However, the manager did not sign a decision record to actually choose to implement the alternative. The result is that no alternative could be implemented: a decision was never made.

G-14B: BLM is not changing its route maintenance based on this Environmental Assessment. Any change in route maintenance would be completed through a separate Environmental Assessment. The intermixing of the terms route and road is due to the variance in the term a specific staff person chose to use. The correct term should be route.

G-15: It is anticipated that the Federal Register Notice for the final decision will state that a decision was made and how to obtain a copy of the decision. However, it is possible, although unlikely, that the text of the decision could be incorporated into the notice.

G-16: Here are the references you requested:

DOF-1 California Department of Finance. Census 2000 PL94-171. *Population Change 1990-2000, Incorporated Cities by County*. Internet site: <http://www.dof.ca.gov/HTML/DEMOGRAP/2000Cover.htm> 2001.

DOF-2 California Department of Finance. Census 2000 PL94-171. *Population By Race/Ethnicity, Incorporated Cities by County*. Internet site: <http://www.dof.ca.gov/HTML/DEMOGRAP/2000Cover.htm> 2001.

DOF-3 California Department of Finance. Summary File 1 Census 2000. *State and County Summary*. Internet site: <http://www.dof.ca.gov/HTML/DEMOGRAP/2000Cover1.htm> 2001.

DOF-4 California Department of Finance. Statistical Abstract, Section D. *Per Capita Personal Income by County, California 1989-1999*. Internet site: http://www.dof.ca.gov/HTML/FS_DATA/stat-abs/tables/D9.xls 2001.

DOF-5: California Department of Finance. *Median Income and Poverty Status, 1990 Census*. Internet site: http://www.dof.ca.gov/HTML/FS_DATA/stat-abs/tables/D21.xls 2001.

DOF-6 California Department of Finance. County Profiles. Internet site: http://www.dof.ca.gov/HTML/FS_DATA/profiles/Imperial.xls 2001.

California Employment Development Department. *Employment by Industry Data—Annual Average*. Internet site: <http://www.calmis.ca.gov/htmlfile/subject/indtable.htm> 2001.

G-17: Water needs for a growing population, the Salton Sea Restoration, and the water transfer issues are beyond the scope of this project.

G-18: Yuma County Officials believe that the availability of the use of the public lands in the desert district can influence the economics of Yuma County.

G-19: The scoping comments for the ISDRA included comments from a wide variety of individuals and groups. The scoping comments from the WECO participants were very limited. Due to the similarities in the recreational users, interested conservation related groups, cultural resource issues, social economics, and environmental and natural resource issues, many scoping comments from the ISDRA were very relevant and useful in understanding the WECO issues. These comments were used in the WECO document, and correctly attributed to the ISDRA scoping activities. When the public informs BLM, that something is of concern in one project, we will use that information to improve similar projects.

B-1: The requested reference is: Brattstrom, B. H., and M. C. Bondello. "Effects of Off-road Vehicle Noise on Desert Vertebrates." Pages 167-206 in R. H. Webb and H. G. Wilshire, eds. *Environmental Effects of Off-road Vehicles, Impacts and Management in Arid Regions*. Springer-Verlag, New York. 1983.

B-2: BLM has given great consideration to the status of the flat tailed horned lizard. It is discussed on pages 16-17, 60-64, and 81. In addition, BLM is conferencing with the US Fish and Wildlife Service regarding the flat tailed horned lizard.

B-3: The Coachella Valley Association of Governments' data and species descriptions are some of the best available and were extensively peer-reviewed by scientists in that area. Also, to understand the cumulative impacts of the Western Colorado Desert Routes of Travel Designation action, it is necessary to have a good understanding of threats to

the various species in other areas, hence the discussion of species status in the Coachella Valley. Simply discussing the various species status solely within the Western Colorado Desert Routes of Travel Designation area would be inadequate. A comprehensive overview is what is needed for each of the listed or proposed species. These expanded descriptions were included for those reasons. Also, note that for each species a discussion of its range within the Western Colorado Desert Routes of Travel Designation area is also included.

The BLM biologist did provide information concerning wildlife specific to the WECO area. See the species accounts for each species and the impact analyses. For example, the top of page 62, the last paragraph of page 62, first and fourth paragraph of page 63, the top of page 77, and the first paragraph on page 17 contain information specific to the Western Colorado Desert Routes of Travel Designation area and the flat-tailed horned lizard.

A discussion of the extensive impacts to flat tailed horned lizard habitat in the Coachella Valley is essential to understanding the importance of the remaining habitat in the Imperial Valley, so in actuality the document would have been seriously deficient had we not discussed both areas.

In the case of the birds, much of our nearest location data for the listed birds are actually from the Coachella Valley area, so they were included to give the reader an understanding of the birds' status in the larger geographic area. We also added the limited location data we have for the birds in the Western Colorado Desert Routes of Travel Designation area.

The alleged Argentine ant "threat" doesn't exist. The desert areas of Western Colorado Desert Routes of Travel Designation are much too dry for this species, which needs wetter areas. This is a non-issue for the flat-tailed horned lizard. The Argentine ant is an issue in the moister habitats of the coast horned lizard.

B-4: Each of the alternatives described on pages 5-10 establishes a series of conditions for the project area, including areas of critical environmental concern. These conditions involve seasonal use and types of vehicles allowed for specific areas. (It is beyond the scope of this project to establish speed or visitor use limitations.) The areas of critical environmental concern have been identified on page 22. The potential affects for each alternative are described on pages 52-53.

B-5: BLM agrees that the flat tailed horned lizard strategy allows camping within 50 feet of the centerline of a route. BLM currently encourages recreational users to follow this guideline. The proposed action follows this guideline for management areas outside of the Yuha. For the Yuha, camping is only allowed in designated camping areas in the proposed action. The flat tailed horned lizard strategy is currently being modified by the federal agencies that are participants in the strategy. BLM will continue to support the implementation of the current strategy until a modified strategy is adopted. However,

BLM is using the route of travel EA to analyze the camping options throughout the project area.

B-6: BLM agrees that the flat tailed horned lizard strategy establishes vehicle use requirements. BLM currently encourages recreational users to follow these guidelines. The proposed action follows these guidelines for management areas. The flat tailed horned lizard strategy is currently being modified by the federal agencies that are participants in the strategy. BLM continues to support the implementation of the current strategy until a modified strategy is adopted. However, BLM is using the route of travel EA to analyze vehicle use options, including the development of various route networks, designation of routes, restoration activities, and law enforcement activities throughout the project area.

B-7: BLM will comply with the Peninsular Range Bighorn Sheep Recovery Plan. BLM is seeking concurrence with the US Fish and Wildlife Service for the Peninsular Range Bighorn Sheep for the proposed action.

B-8: BLM has the authority under current regulations (43 CFR 8341) to immediately close any fragile or sensitive areas that are damaged or threatened with damage until the situation has been resolved.

B-9: The flat tailed horned lizard is discussed in the draft Plan Amendment and Environmental Assessment on pages 16-17 and 60-64. In addition, BLM biologists have conducted extensive surveys and studies of the flat tailed horned lizard. These surveys and studies are on going.

B-10: Extensive documentation of the adverse effect of human disturbance, including vehicles, is provided on pages 43-44 of the Recovery Plan for Bighorn Sheep in the Peninsular Ranges, CA (2000). Some of the documents listed on page 4 of the draft Environmental Assessment also discuss the impacts in greater detail at various points in time.

B-11: BLM's assumption is that excessive off-highway vehicle use may damage the habitats of these animals and cause mortality. We can see this through visual observation and monitoring. For example, 9% of the Yuha's surface has vehicle tracks on it and BLM has found flat-tailed horned lizards run over. Therefore, a negative impact does occur. BLM assumes that such impacts (being crushed or having its home damaged) are harmful to the various species. However, the Bureau doesn't know the degree to which the population is affected by such adversities. Some of our data shows a negative association, some does not (see 4/2002 monitoring report and our draft mark-recapture report completed this fall. Also see Wright, G. 2002. Flat-tailed Horned Lizard Monitoring Report, April 2002, Bureau of Land Management. El Centro, CA. 55pp., and Grant, T., G. Wright and P. Doherty, Draft Mark-Recapture Population Estimates of the Flat-tailed Horned Lizard (*Phrynosoma mcallii*) in the Yuha Basin of California, 13 pp.).

To summarize, BLM did not find a significant correlation between flat-tailed horned lizard density and vehicle impacts in the Yuha. However, plots with less than 9% track coverage did have about 3-4 times as many flat-tailed horned lizards as those with more than 9% track coverage. Historically, BLM has encountered the flat-tailed horned lizard at about four times the rate outside the open areas of Western Colorado Desert Routes of Travel Designation area as inside them. In 2001 surveys, flat-tailed horned lizard sightings were not significantly associated with impact levels or routes and roads. The Bureau's data are contradictory and certainly do not make a conclusive case one way or the other on the flat-tailed horned lizard and its response to off-highway vehicles. In such cases professional judgment needs to be applied.

As for the pupfish, BLM does not have any data showing a negative association between off-highway vehicle use and this species. However, the Bureau has seen off-highway vehicle tracks in the San Felipe Creek and it's possible that pupfish could be run over. Upstream soil disturbance may increase siltation of pupfish habitat. Off-highway vehicles may also bring seeds of salt-cedar into the area, as well as contributing to the fresh soil disturbance this species' seeds need to germinate. So it's a plausible hypothesis that restricting off-highway vehicle use to Kane Springs Road and prohibiting camping (from which off-highway vehicle excursions may occur) would benefit the pupfish. In addition, the documents listed on page 4 of the draft Environmental Assessment discuss the impacts in greater detail at various points in time.

Tortoise do not occur within the project area.

B-12: BLM's data does not show any significant downward trend in the rate of flat-tailed horned lizard sightings from 1979 to present in West Mesa or East Mesa. The Bureau does not have data on the effect of camping on any of the species in question. Our assumption is that camping can result in mortality and habitat degradation. This has been confirmed through anecdotal sightings. In addition, the documents listed on page 4 of the draft Environmental Assessment discuss the impacts in greater detail at various points in time.

BLM does not have any specific monitoring data related to the impact of camping on sheep and pupfish. BLM assumes, based on our best professional judgment, that camping may adversely impact these species due to disturbance, devegetation, exotic plant vectoring, increased sedimentation (in the case of the pupfish), and other similar impacts to their habitat.

B-13: The Bureau does not know if the route and camping closures will benefit the species in question on a population level. It is known that individual mortalities, habitat impacts and disturbances will be lessened to an unknown degree. In such situations, the Bureau needs to apply professional judgments.

B-14: Impacts due to displaced recreational users are discussed on pages 60-64 of the Environmental Assessment.

B-15: The seasonal limitation for the proposed alternative is on page 5 of the Environmental Assessment. It is closed from January 1-June 30. The seasonal limitation does not restrict permitted and authorized activities. Fire fighting activities and supply of water during drought are authorized activities under 43 CFR 8340.0-5(i).

B-16: As a federal agency, BLM is required to consult with the U. S. Fish & Wildlife Service. BLM conferences with California Department of Fish & Game on state-listed species: for this project the species are the sheep, black rail and desert pupfish. BLM only consults on the proposed action. BLM does not consult on all alternatives. The U.S. Fish & Wildlife Service can issue a Biological Opinion or concur with BLM. The Biological Opinion can have requirements for BLM to implement or revisions to the proposed alternative that will make it more acceptable to the U.S. Fish & Wildlife Service. (However, BLM understands that some members of the public have asked staff employees of the U.S. Fish & Wildlife Service about their opinion on other alternatives for this particular project. This public inquiry is not a part of the federal consultation process. BLM is only consulting on the proposed action for this project.)

B-17: The Fish Creek and Coyote Mountains are part of the Peninsular Ranges. Carizzo Wash, Pinto Wash, and Palm Canyon Wash contain desert dry wash woodland habitat and not riparian habitat.

B-18: The Fish Creek and Coyote Mountains are part of the Peninsular Ranges. Carizzo Wash, Pinto Wash, and Palm Canyon Wash contain desert dry wash woodland habitat and not riparian habitat.

B-19: The acreage for the Yuha ACEC is approximately 71,000 acres. This was determined using the Geographic Information System (GIS). The 1985 information was calculated by hand, without the aid of GIS. BLM believes that the 71,100 acres figure is the best available data.

CR-1: Cultural resources were described and the potential impacts for each alternative were analyzed in the Environmental Assessment. In addition, BLM is consulting with the California State Historic Preservation Officer (SHPO) and 3 Native American Tribes located on 19 separate reservations. Please see pages 38-45, 53-58, and 81 of the draft Environmental Assessment. Copies of agreements with the SHPO are not typically included in Environmental Assessments.

The BLM Archeologist has reviewed all of the records for the project area. Archeological information is not made available to the public because it is considered confidential material. BLM does not anticipate future OHV and camping restriction due to archeological concerns of the SHPO.

Each route that has been designated for closure will receive a Class III pedestrian survey if the route is selected for rehabilitation work. Routes that will rehabilitate themselves without additional work will not receive a cultural survey because no new ground disturbing activity will occur.

CR-2: The documents listed on page 4 of the draft Environmental Assessment discuss the impacts in greater detail at various points in time. 95% of the archaeological sites within the Western Colorado Desert Routes of Travel Designation area are located within 0-30 centimeter from the surface. In other words, these sites are extremely shallow. Soil deposition within the Western Colorado Desert Routes of Travel Designation area is extremely slow, thus it is possible to have 2000 year old sites and 300 year old sites laying on the surface right next to each other. Because of the shallow nature of the sites, they are particularly vulnerable to impacts from any ground disturbing activity such as off-highway vehicle travel and camping. An example of the impact to archaeological sites because of off-highway vehicle activity is the fenced Yuha Geoglyph. Two motorcycles were driven over and around the elements in 1972. Rehabilitation of the geoglyphs was attempted, but it did not work and they are now so faded that they are difficult to see

BLM conferences with CDFG on state-listed species, in this case the sheep, black rail and desert pupfish.

CR-3: BLM does not believe that total restriction from archeological sites is necessary. Many individuals and groups consider access to these sites an important need for their participation in this type of an educational recreational experience. In addition, many Native American tribes do not want cultural sites fenced off. It is beyond the scope of this project and BLM's authority to change the penalties or fines for damage to archeological sites. BLM does not publicize the location of archeological sites except for a few representative sites that have additional protective measures.

CR-4: Tank tracks are particularly evident along the old county road located within the Yuha, just south of Interstate 8.

CR-5: There are 4 Lake Cahuilla ACECs. Thank you for pointing out this error.

AR-1: The Imperial Sand Dunes Recreation Area is in the same air basin as the project area. The affected environment for both the Imperial Sand Dunes and the project area would be the same since the affected area is described based on the air quality for the Salton Sea Air Basin. However, the potential impacts were analyzed for each of the alternatives in the draft Plan Amendment and Environmental Assessment.

AR-2: The affected environment for air is described in pages 23- 29. Sources of air pollution are identified on pages 28-29. Farming is identified as a source, although great information about this source was not included. BLM acknowledges that plowing fields releases particulate matter into the air. The potential impacts are identified for each alternative on pages 49-51. As stated on these pages, the air quality would be expected to improve under the proposed action. BLM would not consider an improvement in air quality as a negative impact.

AR-3: Comment is noted. After restoration of unauthorized "user created" routes and restoration of closed routes, PM-10 emissions would be expected to be reduced due to less surface disturbance under the proposed action. In addition, biological and cultural resources in the restored areas would be afforded greater protection.

AR-4: Imperial County is in the process of negotiating a new State Implementation Plan with the U.S. EPA. Imperial County has stated that BLM activities will not be exempt from Clean Air Act compliance.

AR-5: Here are the requested references:

California Air Resources Board (ARB). *Documentation of Input Factors for the New Off-Road Mobile Sources Emission Inventory Model*. Prepared by Systems Applications International under subcontractor Energy and Environmental Analysis, Inc. June 1995.

———. EMFAC computer program version 7G emission factors model. Technical Support Division. Sacramento, California. 1997.

California Environmental Protection Agency. *State Implementation Plan*. 1998.

Imperial County. *General Plan*. 1993.

———. Personal communication between Jim Minnick/Imperial County Planning Department and _____/CH2M HILL. November 7, 2001a.

———. Local Climatological Data, Annual Summary with Comparative Data. 2001b.

Imperial County Air Pollution Control District. *1997 Air Quality Attainment Plan*. 1997.

———. *Rules and Regulations*. 2001.

National Climatic Data Center/National Oceanic and Atmospheric Administration. *Climatological Data Annual Summary*. 2001.

Prill, R. C. *Movement of Moisture in the Unsaturated Zone in a Dune Area, Southwestern Kansas*. U.S. Geological Survey Professional Paper. 1968.

South Coast Air Quality Management District (SCAQMD). *CEQA Air Quality Handbook*. November 1993.

U.S. Environmental Protection Agency (EPA). *Compilation of Air Pollutant Emission Factors*. 1985.

———. Non-Road Engine and Vehicle Emissions Study. 1991.

———. *AP-42 Volume I: Stationary Point and Area Sources*. 1995a.

———. *Draft Guidance for Consideration of Environmental Justice in Clean Air Act 309 Reviews*. Office of Federal Activities, Washington, D.C. July 19, 1995b.

———. *Guidance for Incorporating Environmental Justice in EPA's NEPA Compliance Analyses*. Washington, D.C. April 1998a.

———. *Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits*. Washington, D.C. February 5, 1998b.

———. *Draft Title VI Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs (Draft Recipient Guidance) and Draft Revised Guidance for Investigating Title VI Administrative Complaints Challenging Permits (Draft Revised Investigation Guidance)*. Federal Register Volume 65, Number 124, pages 39649-39701. Washington, D.C. June 27, 2000.

———. Office of Air Quality Planning and Standards: Imperial County, California. AIRData 1996-2000. Internet site: <http://www.epa.gov/air/data> 2001.

AR-6: The Calexico monitoring station is in the middle of the southern portion of the project area. It was chosen because it has a human receptor population and the station is believed to be in an area with fewer impacts from non-project related sources. However, all of the monitors have significant non-project sources of pollutants.

SS-1: BLM has no data to support that OHV recreational users have a higher rate of non-payment of medical bills than other segments of the general population. This type of social economic analysis is beyond the level of analysis required under the National Environmental Policy Act.

SS-2: The social economic analysis meets the requirements for an analysis under the National Environmental Policy Act. The social economic analysis is provided on pages 58-60 of the Environmental Assessment.