

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

RECORD OF DECISION

West Mojave Route Network Project

Decision to Amend California Desert Conservation Area Plan

and

Implement Nine Travel Management Plans

*Department of the Interior
Bureau of Land Management
California Desert District*

October 2019



INTRODUCTION

It is the decision of the United States Department of the Interior (DOI) Bureau of Land Management (BLM) to amend the California Desert Conservation Area (CDCA) Plan and approve the West Mojave (WEMO) Route Network Project (WMRNP). This Record of Decision (ROD) documents the BLM's selection of Alternative 5, Final Proposed Action (Selected Alternative), as modified below, from the WMRNP's Final Supplemental Environmental Impact Statement (FSEIS) and Proposed Land Use Plan Amendment (LUPA). The Selected Alternative includes both plan-level and implementation-level decisions. It approves seven land use plan amendments to the motor vehicle access, recreation and livestock grazing elements within the CDCA Plan for the WEMO planning area. It also approves nine travel management plans, including a designated route network and implementation strategies and actions.

The WEMO planning area covers 9.4 million acres of the CDCA in the western portion of the Mojave Desert in Southern California, including parts of San Bernardino, Los Angeles, Riverside, Kern and Inyo counties. The WMRNP applies to the 3.1 million acres of public lands within the WEMO planning area.

The WMRNP was developed in response to litigation associated with the 2006 WEMO Plan, as well as recent BLM transportation and travel management guidance. The analysis in the FSEIS revisits and updates the 2005 WEMO Final Environmental Impact Statement (EIS). The FSEIS analyzed the WMRNP with comprehensive public, stakeholder, and Native American Tribal involvement, and the BLM's process and decision are consistent with applicable law, regulation and policy.

This ROD contains the BLM's decision and rationale, and a brief summary of alternatives considered, public involvement, required findings, and other information. This ROD includes three appendices: United States Fish and Wildlife Service (USFWS) Biological Opinion (Appendix A), Errata to FSEIS (Appendix B) and WMRNP Programmatic Agreement (Appendix C).

Background

The WMRNP has a complex history. In 2006, the BLM approved a comprehensive land use amendment covering the WEMO area of the CDCA. The WEMO plan amendment was evaluated in a 2005 Final EIS that was approved by BLM in a 2006 ROD. The 2006 WEMO Plan presented a comprehensive strategy to conserve and protect the desert tortoise and over 100 other sensitive species and their habitat, as well designating a motorized route network and managing livestock grazing.

The 2006 ROD was litigated by eleven organizations. Subsequently, the United States District Court issued summary judgment in 2009 and an order on remedy in 2011 that directed BLM to re-analyze specific issues in the 2006 WEMO Plan. A summary of the District Court issues and the manner in which those issues have been addressed in the WMRNP are found in Chapter 1.5 of the FSEIS.

In March 2015, the BLM issued a Draft Supplemental EIS with a 90-day public comment period that was re-opened for an additional 120-day comment period in September 2015. This planning process was postponed to address another CDCA Plan amendment project, the Desert Renewable Energy Conservation Plan, for which a ROD was issued in September 2016.

A revised Draft Supplemental EIS in conformance with the CDCA Plan, as amended in 2016, was issued in March 2018 with a 90-day public comment period.

The WMRNP FSEIS published on April 26, 2019, initiated a concurrent 30-day protest and a 60-day Governor's consistency review period.

Lastly, in response to changes in land status from the John D. Dingell, Jr. Conservation, Management, and Recreation Act (Public Law 116-9), modifications were made to the travel and transportation management route network for consistency with the law. These modifications are discussed in the Errata.

DECISION

The BLM chooses Alternative 5, as modified below, as its Selected Alternative. This decision is responsive to public comment and based on comprehensive analysis, review of alternatives, and relevant management considerations. The Selected Alternative is fully analyzed within the range of alternatives in the WMRNP's FSEIS, published in the Federal Register on April 26, 2019.

The FSEIS is on the BLM's ePlanning website at <https://go.usa.gov/xE6YH>.

Land Use Plan Amendment

This ROD amends the CDCA Plan to:

1. Eliminate the CDCA Plan language restricting the existing route network to routes established before approval of the CDCA Pan in 1980. Consistent with BLM policy, the travel and transportation management system will be restricted to designated routes of travel;
2. Identify nine travel management areas (TMA) as depicted in FSEIS Figure 2.2-6;
3. Allow the designation of competitive off-highway vehicle (OHV) and speed-controlled routes;
4. Add Cuddeback, Coyote (northeast of Barstow, CA), Koehn, and Chisholm Trail dry lakebeds to Table 9 of the CDCA Plan. Designate Cuddeback and Coyote dry lakebeds as OHV Open, Koehn dry lakebed as OHV Limited to designated routes or as authorized by permit, and Chisholm Trail dry lakebed as Closed to all types of human use to avoid potential adverse effects to public health due to historic mining;
5. Eliminate the permit requirement for OHV use in the Rand Mountains-Fremont Valley Management Area;
6. Limit stopping and parking in Desert Tortoise (DT) Areas of Critical Environmental Concern (ACECs) and California Desert National Conservation Lands (CDNCLs) to 50 feet from route centerline on previously disturbed areas, except as site-specifically designated. Limit camping in DT ACECs and CDNCLs to previously existing sites within 50 feet from route centerline, except as site-specifically designated. Outside of DT ACECs and CDNCLs, limit stopping, parking, and camping within 100 feet of route centerline on previously disturbed areas, except as site specifically designated; and
7. Retain livestock grazing in active allotments within desert tortoise critical habitat and manage grazing allotments pursuant to the CDCA Plan.

Implementation-Level Actions

This ROD designates a travel and transportation route network and nine associated travel management plans of 5,997 miles of OHV Open and Limited routes and 230 miles of OHV Closed routes that include non-motorized and non-mechanized use designations as described in the FSEIS 2-48 to 2-53, FSEIS Appendix G and Errata to the FSEIS (ROD, Appendix B).

Alternatives

The BLM considered five alternatives as described in the FSEIS Chapter 2. A summary of the alternatives follows:

- Alternative 1 – No Action. The CDCA Plan would not be amended. This alternative is comprised of 5,677 miles of OHV Open and Limited routes which includes formal adjustments to the 5,098 miles of motorized routes designated in the 2006 WEMO Plan.
- Alternative 2 – Environmentally Preferable Alternative. This alternative differs from the Selected Alternative as it would identify eight TMAs, retain designated competitive routes but seasonally restrict use, close two dry lakebeds and limit OHV use on two dry lakebeds to designated routes, limit stopping, parking and camping to within 50 feet from route centerline for the entire planning area, and eliminate livestock grazing in desert tortoise critical habitat. This alternative also has 4,912 miles of OHV Open and Limited routes, which is less than the No Action Alternative.
- Alternative 3. This alternative differs from the Selected Alternative as it would identify eight TMAs, allow the designation of competitive OHV routes managed by permit, and has 10,280 miles of OHV Open and Limited routes.
- Alternative 4 – Draft Supplemental EIS (DSEIS) Proposed Action. This alternative differs from the Selected Alternative as it has 5,955 miles of OHV Open and Limited routes and 200 miles of OHV Closed routes that include non-motorized and non-mechanized use designations.
- Alternative 5 – FSEIS Proposed Action. The only difference between this alternative and Alternative 4 is a revised route network that includes route designation components of the four alternatives evaluated in the DSEIS. This alternative has 6,247 miles of OHV Open and Limited routes and 248 miles of OHV Closed routes that include non-motorized and non-mechanized use designations.

Rationale

The BLM's decision considers relevant factors and information, and is based on sound environmental analysis and public involvement. Factors considered in this decision include the BLM's purpose and need, public comments and stakeholder interests, and applicable law, regulation and policy. Alternative 2 was found to have the least impact on sensitive resources while Alternative 3 was found to have the greatest impact. Impacts on sensitive resources were not substantially different between Alternatives 1, 4 and 5. Alternative 2 was found to have the greatest adverse impact on recreation experience and access. BLM selected Alternative 5, as modified, because it balances responsiveness to public comment, protection of resources and minimizes conflicts among users of public lands consistent with regulatory designation criteria.

The Selected Alternative's designated route network provides north-south and east-west connectivity, consistency across jurisdictional boundaries, and increased access to recreation areas, lands of other

ownership, mines, points of interest and authorized facilities such as powerlines and livestock water. The Selected Alternative addresses the need for public, authorized, and administrative access to and across BLM-managed lands, including motorized, non-motorized and non-mechanized modes of travel. It eliminates parallel and redundant routes, and allows restoration to address use impacts and improve resource conditions, including habitat for Endangered Species Act (ESA) listed species. The Selected Alternative also retains access to existing camping and staging areas along designated routes.

This decision is also consistent with Secretarial Orders 3347, 3356, and 3366, advancing conservation stewardship, increasing recreational opportunities and restoring trust as a good neighbor through sound travel management of public lands.

PUBLIC INVOLVEMENT

Public involvement was a crucial component in this planning effort. The FSEIS Chapters 1, 5, Appendix B and Appendix I describes public comment and participation processes and actions.

In response to the Draft Supplemental EIS, BLM received more than 9,000 public comments of which more than 7,900 were route specific comments. The most frequent comments were to open or close specific routes to motorized use, for general or specific reasons, as well as restrict use on routes to street-legal vehicles within rural residential areas and on county maintained roads. Public comments resulted in changes to the route designation alternatives, including the addition of one alternative; removal of duplicative text; addition of clarifying text; reorganization of text including appendices; and additional environmental analysis for several resources. Comments that were not route specific were organized into categories and responses were developed to each group of comments. The response-to-comment document is provided in Appendix I of the FSEIS.

The BLM received 29 protest letters. The BLM reviewed and resolved the protests, pursuant to 43 CFR 1610.5-1(b), without requiring revisions to the Proposed LUPA described in the FSEIS; however, minor modifications were made to the FSEIS to provide further clarification of the environmental impacts from the decisions. The BLM Director's Protest Resolution Report for the WMRNP is available at <https://www.blm.gov/programs/planning-and-nepa/public-participation/protest-resolution-reports>.

CONSULTATION AND COORDINATION

Environmental Protection Agency Review

Both the Draft Supplemental EIS and FSEIS were provided to the Environmental Protection Agency (EPA). The BLM received the EPA review of the Draft Supplemental EIS on June 14, 2018 and provided a rating of Lack of Objections.

Governor's Consistency Review

The BLM initiated the California Governor's Consistency Review required by 43 CFR 1610.3-2 on April 26, 2019. The State completed its review on June 28, 2019. There were no inconsistencies identified with State or local plans, policies, or programs.

ESA

Under Section 7 of the ESA, a Federal agency that authorizes, funds, or carries out a project that “may affect” a listed species or its critical habitat must consult with the USFWS. The USFWS issued a Biological Opinion (BO) that concluded the Selected Alternative would not jeopardize the continued existence of listed species in the WEMO planning area or result in the destruction or adverse modification of critical habitat. A copy of the BO is included in Appendix A of this ROD.

National Historic Preservation Act (NHPA)

Pursuant to NHPA §106 (Section 106)(54 USC 306108) and its implementing regulations (36 CFR 800) the BLM consulted with the California State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation (ACHP), Federally recognized Tribes, and others in considering the effects of the WMRNP on those resources listed or eligible for the National Register of Historic Places. A Programmatic Agreement (PA) was executed in September 2015 following the regulations at 36 CFR 800.14 (b) and is consistent with BLM guidance (Washington Office Instruction Memorandum-2012-067) for cultural resource considerations in OHV designations and travel management efforts. The FSEIS Chapter 6 describes the Section 106 process and on-going consultation with the SHPO, ACHP, and Tribes throughout the 20-year life of the Programmatic Agreement. A copy of the PA is included in Appendix C of this ROD.

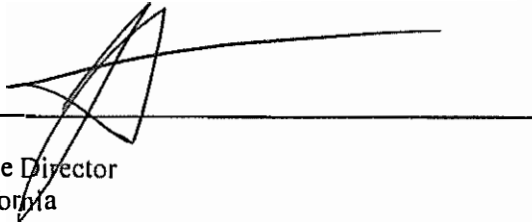
Clean Air Act

The Selected Alternative is in conformity to the applicable state implementation plan’s purpose of attaining ambient air quality standards consistent with the Clean Air Act. A copy of the Final Conformity Determination is included in the Errata to the FSEIS.

APPROVAL

Land Use Plan Amendment Decisions

It is the decision of the BLM to approve the Selected Alternative Proposed LUPA to the CDCA Plan, as modified. All protests on the Proposed Plan Amendment have been resolved and in accordance with BLM regulations, 43 CFR 1610.5-2, the decision on the protests is the final decision of the Department of the Interior. I hereby approve the Proposed Plan Amendment. This approval is effective on the date this Record of Decision is signed.



Joe Stout
Acting State Director
BLM California

10 / 3 / 19
Date

Implementation-Level Decisions

It is my decision to approve each of the nine travel management plans, and associated travel and transportation route network, as described in the FSEIS 2-48 to 2-53, FSEIS Appendix G and Errata to the FSEIS (ROD, Appendix B).

Each of these decisions is subject to administrative review, through appeals to the Office of Hearings and Appeals, Interior Board of Land Appeals, pursuant to 43 CFR, Part 4 Subpart E. These implementation decisions are the BLM's final approvals allowing on-the-ground actions to proceed within each travel management area and are effective on the date this Record of Decision is signed.



Joe Stout
Acting State Director
BLM California

Date

10/3/19