



United States Department of the Interior BUREAU OF LAND MANAGEMENT



El Centro Field Office
1661 S. 4th Street
El Centro, CA 92243
www.blm.gov/ca/elcentro

Dear Reader:

Enclosed is the Proposed Resource Management Plan Amendment (RMPA)/Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the Airport Mesa Target Shooting Area Closure. The Proposed RMPA/EA was prepared by the Bureau of Land Management (BLM) in consultation with various government agencies and organizations, taking into account public comments received during this planning effort. The purpose of the Proposed RMPA is to amend the Eastern San Diego County RMP to close the Airport Mesa Recreation Area to target shooting. The need for action is in response to the U.S. Border Patrol's request for formal closure of the Airport Mesa Target Shooting Area. The Proposed RMPA would allow the BLM to manage the Airport Mesa area in a way that provides for the health and safety of U.S. Border Patrol agents working in the area.

Pursuant to the BLM's planning regulations at 43 CFR 1610.5-2, any person who participated in the planning process for this Proposed RMPA and has an interest which is or may be adversely affected by the planning decisions may protest approval of the planning decisions contained therein. The Proposed RMPA/EA and FONSI are open for a 30-day protest period beginning September 12, 2014.

For further information on filing a protest, please see the accompanying protest regulations in the pages that follow (labeled as Attachment 1). The regulations specify the required elements of your protest. Take care to document all relevant facts. As much as possible, reference or cite the planning documents or available planning records (e.g. meeting minutes or summaries, correspondence, etc.).

Emailed protests will not be accepted as valid protests unless the protesting party also provides the original letter by either regular mail or overnight delivery postmarked by the close of the protest period. Under these conditions, the BLM will consider the emailed protest as an advance copy and will afford it full consideration. If you wish to provide the BLM with such advance notification, please direct emailed protests to: protest@blm.gov.

All protests must be in writing and mailed to one of the following addresses:

Regular Mail:

Director (210)
Attn: Protest Coordinator
P.O. Box 71383
Washington, D.C. 20024-1383

Overnight Delivery:

Director (210)
Attn: Protest Coordinator
20 M Street SE, Room 2134LM
Washington, D.C. 20003

All protests must be postmarked on or before October 14, 2014.

Before including your address, phone number, email address, or other personal identifying information in your protest, be advised that your entire protest – including your personal identifying information – may be made publicly available at any time. While you can ask us in your protest to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

The BLM Director will make every attempt to promptly render a decision on each protest. The decision will be in writing and will be sent to the protesting party by certified mail, return receipt requested. The decision of the BLM Director shall be the final decision of the Department of the Interior on each protest. Responses to protest issues will be compiled and formalized in a Director's Protest Resolution Report made available following issuance of the decisions.

Upon resolution of all land use plan protests, the BLM will issue a Decision Record (DR). The DR will be available to all parties at <http://www.blm.gov/ca/st/en/fo/elcentro.html>.

Unlike land use planning decisions, implementation decisions included in this Proposed RMPA/EA are not subject to protest under the BLM planning regulations, but are subject to an administrative review process, through appeals to the Office of Hearings and Appeals (OHA), Interior Board of Land Appeals (IBLA) pursuant to 43 CFR, Part 4 Subpart E. Implementation decisions generally constitute the BLM's final approval allowing on-the-ground actions to proceed. Where implementation decisions are made as part of the land use planning process, they are still subject to the appeals process or other administrative review as prescribed by specific resource program regulations once the BLM resolves the protests to land use planning decisions and issues a DR.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas F. Zale". The signature is fluid and cursive, written over a light blue horizontal line.

Thomas F. Zale
Field Manager

Protest Regulations

[CITE: 43CFR1610.5-2]

TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER II--BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR
PART 1600--PLANNING, PROGRAMMING, BUDGETING--Table of Contents
Subpart 1610--Resource Management Planning
Sec. 1610.5-2 Protest procedures.

- (a) Any person who participated in the planning process and has an interest which is or may be adversely affected by the approval or amendment of a resource management plan may protest such approval or amendment. A protest may raise only those issues which were submitted for the record during the planning process.
- (1) The protest shall be in writing and shall be filed with the Director. The protest shall be filed within 30 days of the date the Environmental Protection Agency published the notice of receipt of the final environmental impact statement containing the plan or amendment in the Federal Register. For an amendment not requiring the preparation of an environmental impact statement, the protest shall be filed within 30 days of the publication of the notice of its effective date.
- (2) The protest shall contain:
- (i) The name, mailing address, telephone number and interest of the person filing the protest;
 - (ii) A statement of the issue or issues being protested;
 - (iii) A statement of the part or parts of the plan or amendment being protested;
 - (iv) A copy of all documents addressing the issue or issues that were submitted during the planning process by the protesting party or an indication of the date the issue or issues were discussed for the record; and
 - (v) A concise statement explaining why the State Director's decision is believed to be wrong.
- (3) The Director shall promptly render a decision on the protest.
- (b) The decision shall be in writing and shall set forth the reasons for the decision. The decision shall be sent to the protesting party by certified mail, return receipt requested. The decision of the Director shall be the final decision of the Department of the Interior.

United States Department of the Interior
Bureau of Land Management
Environmental Assessment # DOI-BLM-CA-D070-2013-0064

Environmental Assessment
Airport Mesa Shooting Closure
Eastern San Diego County, California

U.S. Department of the Interior
Bureau of Land Management
El Centro Field Office
1661 South 4th Street
El Centro, CA 92243

September 2014



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Chapter 1 Introduction

The Bureau of Land Management (BLM) El Centro Field Office, California has prepared this Environmental Assessment (EA) for the Airport Mesa Target Shooting Area Closure. This EA includes a proposed plan amendment to the Eastern San Diego County Resource Management Plan (ESDCRMP) approved in 2008.

Airport Mesa is located in eastern San Diego County, California, east of the town of Jacumba, south of U.S. Highway 80. The area described as the Airport Mesa/Carrizo Creek shooting area covers approximately 210 acres of public lands along the eastern slope of Airport Mesa. See map (appendix 1).

San Bernardino Base and Meridian (SBBM),

Township 18 South, Range 8 East,

Section 3,

S¹/₂SW¹/₄SE¹/₄ and S¹/₂SE¹/₄SE¹/₄ (20 acres, more or less);

Section 10,

Lot 9 (17.15 acres);

N¹/₂NE¹/₄ (80 acres);

SE¹/₄NE¹/₄ (40 acres);

Section 11,

Lot 12 (13.05 acres);

SW¹/₄NW¹/₄ (40 acres).

The Airport Mesa location is critical to the United States (U.S.) Border Patrol's efforts to protect this area because the high elevation of the mesa gives agents the ability to monitor the nearby valleys for illegal activities. The Secure Border Initiative congressionally authorized and funded the California Border Patrol to increase their presence along the U.S./Mexico Border to improve our national security. As part of this effort to increase the U.S. Border Patrol's effectiveness in this area, they have constructed pedestrian and vehicle border barriers, as well as roads for access and maintenance. One of these access roads traverses the eastern slope of Airport Mesa. The U.S. Border Patrol now uses the top of the mesa as a vantage point to monitor this area. The Airport Mesa area has historically been an important shooting area for residents of San Diego and Imperial Counties. The eastern slope of the mesa is easily accessible and provides a safe back-stop for target shooting. The U.S. Border Patrol's access road crosses this eastern slope and is within the line-of-fire for recreational target shooters. This has created an unsafe situation, subjecting U.S. Border Patrol agents to the dangers of stray bullets or ricochets.

Since construction of the road in October 2008, the U.S. Border Patrol has worked to inform shooters of the dangers associated with shooting in this area and has requested that shooters move elsewhere. On August 18, 2009, the U.S. Border Patrol issued a letter to the BLM requesting that the BLM formally close Airport Mesa to target shooting in order to protect their agents in the area (appendix 2). Multiple requests have been made over the years by the U.S. Border Patrol to keep the Airport Mesa area closed to target shooting for safety reasons. A temporary closure has been in place since October 2009. The proposed action and plan

amendment would be limited to an area closure for target shooting purposes only. Other recreational uses of the area would still be allowed such as photography, hunting or hiking.

Purpose and Need

The need for this action is to respond to the U.S. Border Patrol's request for formal closure of the Airport Mesa Target Shooting Area. The purpose of this action is to manage the Airport Mesa area in a way that provides for the health and safety of U.S. Border Patrol agents working in the area.

The BLM will decide whether or not to amend the 2008 ESDCRMP to keep the closure in place once the current temporary closure expires in August 2014.

Conformance Summary

This proposal initiates a land use plan amendment to the 2008 ESDCRMP, specifically to the Recreation Management Zone-02 Airport Mesa (Pg. 91 of the Record of Decision). The proposed amendment will close the area to target shooting, but it will remain open for other recreation purposes such as hiking and hunting.

This closure is in accordance with Title 43 CFR Section 8365.1-4 as the closure will prevent the direct threat to public safety, specifically the U.S. Border Patrol, as they patrol the eastern slope of Airport Mesa along the U.S./Mexico Border.

Scoping and Issues

After the publication of the Notice of Intent in the Federal Register on April 11, 2014, seven (7) public comments were received during the 30 day scoping period. The comments addressed the following topics:

- Support of the closure in order to support the U.S. Border Patrol's mission;
- Request that the closure not be made permanent in order to reinstate target shooting if a time comes when Border Patrol no longer needs to use the area;
- Concern for the lack of another legal target shooting venue in Eastern San Diego County.

Chapter 2 Proposed Action and No Action Alternative

Proposed Action

The BLM is responding to a request made by the U.S. Border Patrol to close the Airport Mesa area to target shooting to protect patrolling agents from stray or ricochet gunfire. For reasons of public health and safety the BLM proposes a formal closure order which would prohibit target shooting along Airport Mesa. The proposed action would amend the 2008 ESDCRMP to withdraw Airport Mesa as a legal target shooting area. Approximately 210 acres of BLM administered lands would be affected by the closure. Foot and vehicle access would not be restricted by the proposed action. The area would remain open to hunting for the legal pursuit of game consistent with California Department of Fish and Game regulations and seasons; and law enforcement officers while in the performance of their official duties. In order to effectively implement the closure, the BLM proposes to install closure order signs within the designated area along all access roads and “No Target Shooting” signs at the target shooting sites.

The U.S. Border Patrol will continue to patrol this area and utilize Airport Mesa as a vantage point to maintain security in this region. This closure would protect the safety of the agents from ricochet bullets. Control of this section of the border will ultimately create safer conditions to users of public lands. If at some point in the future, the U.S. Border Patrol no longer needs this area the BLM will consider reopening the area for target shooting.

No Action Alternative

The Proposed Action would not be undertaken. The BLM administered lands along Airport Mesa would become open to target shooting when the current temporary closure expires in August 2014, subject to applicable statutes, regulations, policy and land use plans. The U.S. Border Patrol will continue with patrols in the area and will be placed in dangerous situations when target shooting is taking place.

Alternatives Considered but Not Fully Analyzed

Identifying New Target Shooting Areas in eastern San Diego County:

Although outside the scope of this EA, the BLM is committed to working with the recreation community to find new areas for target shooting near eastern San Diego County. Target shooting is also still allowed within nearby Imperial County on public lands. Outside of fire season, Chariot Canyon, Rodriquez Canyon, and Buck Canyon in eastern San Diego County are open to target shooting. Target shooting within designated areas with more intensive management oversight, such as private gun clubs or through public-private management partnerships is also available.

Relocation of Border Patrol Access Road:

Another alternative considered was that of relocating the access road which Border Patrol uses at Airport Mesa. The current location of the roadway allows for the best vantage point for Border Patrol agents patrolling the area, therefore, this alternative will not be analyzed further. As stated by the acting Chief Patrol Agent in a letter to BLM dated August 18, 2009 (appendix 2),

“Design of the infrastructure and roads was planned based on the operational and intelligence driven need to perform our national security mission. Airport Mesa stands approximately 500 feet in elevation above the surrounding countryside, and possession of the high ground translates to tactical control. Prior to construction of the road, smugglers of humans and contraband had the ability to monitor Border Patrol activity. The Border Patrol has now denied that ability to the smugglers and has leveraged its own ability to maintain operational control of the surrounding several square miles.”

Chapter 3 Affected Environment and Environmental Effects

Resources

Resources identified by the BLM interdisciplinary staff and found relevant to the proposed action include recreation, wildlife, cultural resources, and public health and safety. These four resources are discussed further in this chapter. Other resources considered, but not found to be affected, will not be discussed further. These include air quality, Areas of Critical Environmental Concern, Native American concerns, farmlands, floodplains, minerals, Threatened and Endangered (T&E) plant species, invasive and nonnative plant species, wastes (hazardous/solid), water quality (surface and ground), wetlands/riparian zones, wild and scenic rivers, wilderness, environmental justice, and visual resource management.

Recreation

Affected Environment

The Airport Mesa area has historically been an important target shooting area for residents of San Diego and Imperial Counties. The eastern slope of the mesa is easily accessible and provides a safe back-stop for target shooting.

The 2008 ESDCRMP identified this area as the Airport Mesa Recreation Management Zone (RMZ). The goal of this zone is to manage for rural recreational qualities. The plan recognized this area as a destination point for the public to engage in activities including target shooting, hiking and hunting. The experience and benefits of this recreation area include learning about open spaces and proper shooting etiquette.

Target shooting is permitted on BLM administered lands throughout the eastern San Diego County planning area except within the McCain Valley and Table Mountain RMZs. Recreational target shooting is also prohibited when stage III fire restrictions are in place.

The public receives many recreational benefits aside from target shooting in this area, including hiking and hunting and an opportunity for increased appreciation of open spaces. Partnerships between the BLM and various organizations have provided a chance for local groups and individuals to take part in stewardship of these public lands through clean-ups and education programs. Use of this shooting area has contributed to the local economy by attracting shooting enthusiasts however, the Airport Mesa area has been heavily disturbed in the past from staging by previous recreational shooters, trash dumping, and fires.

Environmental Effects of the Proposed Action

Under this alternative, the Airport Mesa area would not be available for recreational shooting. Trash and debris left on the public lands from shooters would be reduced or eliminated. Noise from the discharge of guns and rifles would also be reduced. Recreational target shooters would have to explore the other parcels of BLM administered lands in the region to obtain a location that provides the physical landscape characteristics required for a safe shooting area. Outside of fire season, Chariot Canyon, Rodriquez Canyon, and Buck Canyon in eastern San Diego County

are open to target shooting however, these areas are not recommended due to fire concerns year-round due to the high amount of vegetation. Access onto these alternate lands could be somewhat restricted due to lack of roads and proximity to private land. Other target shooting areas on BLM land are located approximately 50 miles east of Airport Mesa in Imperial County. The Airport Mesa area would remain open to hunting for the legal pursuit of game consistent with California Department of Fish and Wildlife regulations and seasons.

Cumulative Impacts of the Proposed Action

The geographic scope for this analysis is San Diego County. Currently there are few locations where target shooting is permitted in San Diego County. The closure of Airport Mesa may displace shooters, causing them to move to other areas to practice this activity, such as to private shooting clubs or public lands in Imperial County. There could be impacts to adjacent lands such as illegal dumping, safety concerns, or conflicts with private land owners.

The Cleveland National Forest has closed two recreational target areas due to safety concerns. The High Point Road Area and the Orosco Ridge Shooting Area were closed in 2004 and 2010, respectively.

The closure of Airport Mesa to target shooting will result in there being no designated areas for target shooting on BLM and Forest Service Land in San Diego County however, target shooting is allowed on open BLM lands not specifically closed to target shooting such as Chariot Canyon, Rodriguez Canyon, and Buck Canyon if outside of fire season.

Environmental Effects of the No Action Alternative

Under this alternative, target shooting would continue to be allowed on the public lands administered by the BLM at Airport Mesa after the expiration of the temporary closure in August 2014. Trash and debris left on public lands within this area from shooters would accumulate once again. The U.S. Border Patrol would continue to utilize the access road and patrol the top of the hill. However since the no action alternative would lift the target shooting closure under this alternative, agents would again be in a dangerous position from ricochet and stray bullets. Additionally, visitors who enjoy the open space and hiking would lose the benefits of an area without target shooters which often results in excess trash, debris, and noise.

Cumulative Impacts of the No Action Alternative

Cumulative impacts to recreation due to the reopening of target shooting at Airport Mesa combined with the nearby East County Substation project may cause an increase in off-road vehicles traffic from those displaced by the East County substation project, which could result in conflicts between the target shooters and off-highway vehicle user groups.

Wildlife including T&E Species

Affected Environment

The Airport Mesa area is a transition zone between desert and chaparral vegetation. At only 3,000 feet in elevation, the temperature of this region frequently exceeds 100 degrees in summer. The vegetation in this area is very sparse due to the arid conditions of the region.

The project area contains habitat for a variety of wildlife including raptors, migratory birds, bats and other animals such as coyotes and bobcats. The steep rocky crags of Airport Mesa provide nesting habitat for numerous bird species including Red-Tailed Hawks and Rock Wrens. Much of the vegetation at Airport Mesa has been heavily disturbed from staging by previous recreational shooters, trash dumping, and fires.

The Federally Endangered Quino Checkerspot Butterfly was not detected at Airport Mesa. The BLM surveys for this species in 2006 and 2008 detected small populations of host plants, but no butterflies, north of old Highway 80, near Table Mountain. These locations were one mile northwest of the Airport Mesa site. The known population of Quino Checkerspot near Jacumba is three miles west of the shooting site. Designated critical habitat for this species is north of old Highway 80. Additional surveys and environmental compliance monitoring near Airport Mesa for the East County Sub Station project, approved in 2012, resulted in no detections of the butterfly.

Environmental Effects of the Proposed Action

As a result of keeping the Airport Mesa area closed to target shooting, the continued reduction in vehicle traffic, trash dumping and high-impact public use would allow some disturbed land to continue to recover. This would lead to improved potential habitat for plants and wildlife including special status species. Continued reductions in noise levels may have a positive effect on wildlife as well. The closure will have no effect on the Quino Checkerspot Butterfly.

Cumulative Impacts of the Proposed Action

The East County Substation project is currently under constructed in the same valley as Airport Mesa. This project will disturb approximately 90 acres near the shooting area. The closure of 210 acres may provide habitat for species displaced by the ECO Substation project.

Environmental Effects of the No Action Alternative

If the target shooting area is reopened under the no action alternative, the area would be impacted by trash and debris accumulating at the sites where target shooting occurs. These areas would continue to draw residents to dump household trash and goods. The BLM and volunteers would need to conduct regular clean-up projects in the area to prevent it from impacting wildlife species and habitat due to the trash and debris that is common as a result of target shooting.

Target shooting areas along Airport Mesa would continue to be denuded of vegetation. Potential habitat for wildlife and special status species would not have the opportunity to develop in the area where target shooting is taking place. These species would be unlikely to inhabit these locales because of lack of vegetation, constant human activity and noise from target shooting.

Cumulative Impacts of the No Action Alternative

Reopening of the closure would result in 210 acres of habitat being lost due to human activity, which has been recovering during the temporary closure from previous disturbance. This area would no longer be able to fully recover and provide additional habitat for species that may be displaced from the nearby East County Substation project.

Cultural Resources

Affected Environment

The Airport Mesa target shooting closure area is located within a part of eastern San Diego County where cultural resources are known to occur. Cultural resources recorded in the Airport Mesa area include historic refuse scatters and prehistoric sites such as lithic scatters, ceramic scatters, thermal features, and rock cairns. The area is also important to several Native American tribes in the region, including several bands of Kumeyaay Indians.

Environmental Effects of the Proposed Action

The Proposed Action would formally close the Airport Mesa area to target shooting and this action would be administrative in nature. Surface disturbance associated with the closure would be limited to the installation of area closure signs along existing roads.

Closure of the Airport Mesa area would not negatively impact any cultural resources; instead, closure of the area would result in a beneficial impact to cultural resources by reducing visitation to the area that could lead to surface disturbance or illegal collection.

Cumulative Impacts of the Proposed Action

The geographic scope of analysis for cumulative effects for this undertaking defined for cultural resources is the Airport Mesa Range. Within the geographic scope of analysis, activities that impact cultural resources include unauthorized off-road vehicle travel, overland vehicle travel by the Border Patrol, and unauthorized collection or displacement of archaeological resources from individuals traversing the area from the International Border.

As discussed under the Affected Environment for cultural resources, the area of eastern San Diego County, where the Airport Mesa shooting area is located, is known to contain several types of cultural resources. The area is also known to be important to several Native American tribes in the region. Implementation of the Proposed Action would not contribute to an incremental loss of cultural resources; rather, closure of the Airport Mesa shooting area would reduce or eliminate further loss or damage to cultural resources within the area of potential effects.

Environmental Effects of the No Action Alternative

Under the no action alternative, the Airport Mesa area would remain closed to target shooting only until the temporary closure expires. As described above, recreational use of the Airport Mesa shooting area may lead to unauthorized off-road vehicular travel and similar destructive activities not authorized by the BLM. These activities could result in direct and indirect impacts that may physically disturb or damage cultural resources.

Cumulative Impacts of the No Action Alternative

Under the no action alternative the area would be open to future recreational use and direct

physical effects to cultural resources, such as destruction and illegal collection, and such effects could result in contributing to the cumulative loss of cultural resources.

Public Health and Safety

Affected Environment

The Airport Mesa Area is prevalent for illegal traffic from Mexico; therefore it is a critical locale for US Border Patrol to stage surveillance and patrol. The access road to the top of the mesa traversed by the Border Patrol agents is along the eastern slope of Airport Mesa, directly in the line of fire of target shooters.

Environmental Effects of the Proposed Action

The proposed action would result in the formal closure of that area to target shooting. This closure will protect the Border Patrol agents from ricochet and stray bullets. A temporary closure to target shooters has been in place over the past five years and Border Patrol has reported that this closure has been valuable for their agents to fulfill their mission without fear of being caught in the line of fire of target shooters.

Cumulative Impacts of the Proposed Action

The proposed action would cumulatively result in providing agents the best vantage point for surveillance of the surrounding vicinity. Due to the elevation of the top of the mesa, agents are able to survey further than from any other peak in the immediate vicinity. This area has historically had a high volume of illegal activity which Patrol Border agents can more easily spot and respond to from the top of the mesa and using the eastern slope access road.

Environmental Effects of the No Action Alternative

The no action alternative would result in the area being reopened to target shooters and Border Patrol agents once again placed in an unsafe position due to ricochet and stray bullets. In addition to Border Patrol agents, hikers and other recreationalists that use the area for the open landscape could also be in danger of ricochet and stray bullets. This alternative could force Border Patrol agents to move to another location for patrol and surveillance and possibly not be able to witness nor intervene in illegal activities common to the Airport Mesa area. This not only puts the agents at risk, but also the visiting public.

Cumulative Impacts of the No Action Alternative

The no action alternative could cause Border Patrol agents and the visiting public to utilize surrounding roads, private lands, and rugged public lands for their patrolling and recreation needs causing undue damage to the land and possibly being a risk to themselves and others if legal and safe routes of travel are not available.

Chapter 4 List of Preparers and Consultation

List of Preparers

Christine McCollum, BLM El Centro Field Office Archaeologist
Andrew Trouette, BLM El Centro Field Office Botanist
Dallas Meeks, BLM El Centro Field Office Outdoor Recreation Planner
Nicollee Gaddis, BLM El Centro Field Office Planning & Environmental Coordinator
Carrie Simmons, BLM El Centro Field Office Resources Branch Supervisor
Larry LaPre, BLM California Desert District Biological Scientist
Elizabeth Meyer-Shields, BLM California State Office Environmental Protection Specialist

Consultation

Interested Parties, including the Shooting Round Table, will be notified upon release of the EA for public review. For a complete list, see appendix 3.

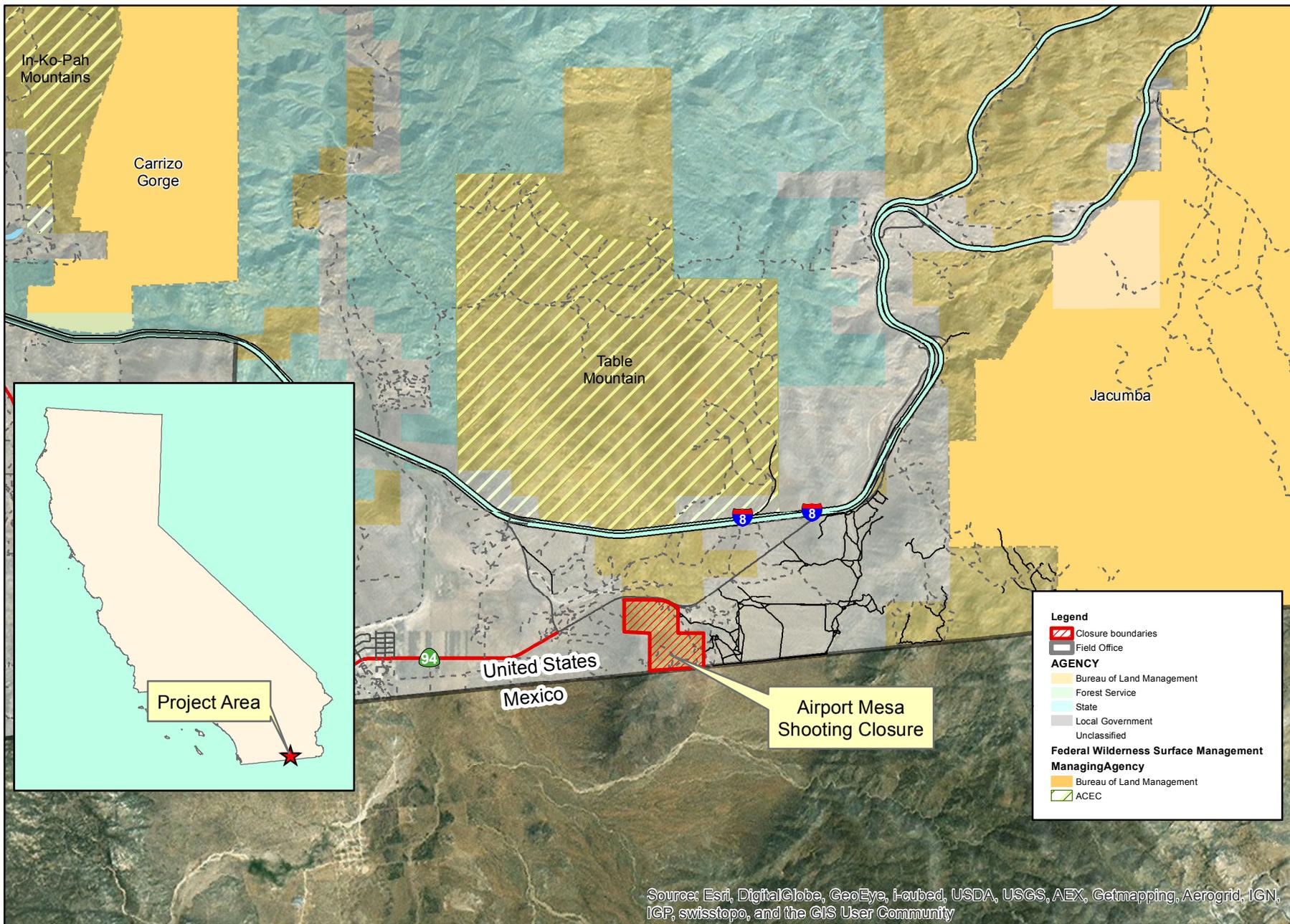
Protest Period

Pursuant to BLM's planning regulations at 43 CFR 1610.5-2, any person who participated in the planning process for this Proposed RMPA and has an interest which is or may be adversely affected by the planning decisions may protest approval of the planning decisions contained therein. The Proposed RMPA/EA and FONSI are open for a 30-day protest period beginning September 12, 2014. Please see appendix 4 for further information.

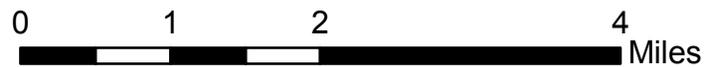
Chapter 5 References

Bureau of Land Management. (2008). *Eastern San Diego County Recreation Management Plan*. Environmental Impact Statement, El Centro Field Office.

Appendix 1: Map



Airport Mesa Shooting Closure El Centro Field Office



Date: 1/17/2014

Appendix 2: Letter from Border Patrol

2411 Boswell Road
Chula Vista, CA 91914-3519

SDC 50/2-C



**U.S. Customs and
Border Protection**

AUG 18 2009

To	Initial	Date
/ SD		
ASD		
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Mike Pool
State Director
Bureau of Land Management
2800 Cottage Way, Ste. W-1623
Sacramento, CA 95825-1886

RECEIVED
BUREAU LAND MANAGEMENT
2009 AUG 21 P 12:37

Dear Mr. Pool,

A significant safety issue that directly affects Border Patrol Agents has developed on Bureau of Land Management (BLM) administered public lands. At this time I would like to seek your assistance in resolving this matter. As you are aware, the Secure Border Initiative (SBI), a congressionally authorized and funded program to improve our national security posture and presence at the border, has permitted the Border Patrol, in cooperation with the Bureau of Land Management (BLM), to have an increased access to public lands for our law enforcement needs. As part of that access we have constructed pedestrian and vehicle border barriers, as well as roads for access and maintenance. It is the construction of our infrastructure and increased agent presence that has precipitated this ongoing safety hazard.

On BLM managed public lands in the Jacumba, CA. area, in particular in an area known as O'Neil Valley and Airport Mesa, there is an ongoing issue of recreational shooters using the eastern slopes of Airport Mesa as an informal target shooting range. With the construction of border barriers and access roads, Border Patrols agents have increased their presence at the Airport Mesa and now patrol in areas that place them in danger from the discharge of firearms by the target shooters.

The specific problem area is the eastern slope of Airport Mesa, on the western side of O'Neil Valley. Even though the Border Patrol has been fully operational there since approximately October 2008, there are still civilian shooters that want to discharge firearms in the direction of patrolling agents. When informed of the safety issues, most shooters readily cease their activities. A few shooters have been reluctant to leave until they are advised that the County Sheriffs office will be contacted for a response. What has made this area particularly dangerous for Border Patrol agents is that a construction access road, built up the eastern slope of Airport Mesa, crosses the downrange area of the informal shooting ranges. This places the patrolling agent in the line of fire or in danger of bullet ricochets.

Operationally, access to the top of Airport Mesa is crucial to controlling the surrounding area. Design of the infrastructure and roads was planned based on the operational and intelligence

Mike Pool
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driven need to perform our national security mission. Airport Mesa stands approximately 500 feet in elevation above the surrounding countryside, and possession of the high ground translates to tactical control. Prior to construction of the road, smugglers of humans and contraband had the ability to monitor Border Patrol activity. The Border Patrol has now denied that ability to the smugglers and has leveraged its own ability to maintain operational control of the surrounding several square miles.

As a means to resolve this officer safety issue, the Border Patrol is requesting the BLM to formally close the Airport Mesa shooting ranges which are on BLM managed public lands. Appropriate closure signs with BLM logo would be installed at the Airport Mesa shooting ranges. To achieve this goal the Border Patrol is open to any discussion or guidance that would lead to alleviating this dangerous safety concern.

Your consideration of this request and swift resolution would be greatly appreciated.

Sincerely,


for Michael J. Fisher
Chief Patrol Agent
San Diego Sector Border Patrol
U.S. Customs and Border Protection

Appendix 3: Interested Parties

Airport Mesa Target Shooting Closure Outreach

Public notification included notification through the Federal Register Notice for the Notice of Intent on April 11, 2014 and will include a news release to print and electronic media throughout southern California, notification via e-mail to the BLM's 15-member California Desert District Advisory Council who in turn will distribute to their constituents for the release of the Proposed Resource Management Plan Amendment (RMPA)/Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the Airport Mesa Target Shooting Area Closure for the 30-day protest period. Public notification will also include news releases published on BLM's State web page and in News Bytes, which is BLM California's electronic newsletter that is sent to more than 50,000 individual, groups, organizations and members of the public not only throughout southern California but the State as well.

Entities and Individuals Contacted:

County Planning Department

San Diego County, California – Mark Wardlaw, Director
Imperial County, California – Jim Minnick, Director

Elected Officials

U.S. Senator Dianne Feinstein
U.S. Senator Barbara Boxer
California Senator Ben Hueso
Congressman Juan Vargas
San Diego Board of County Supervisor Dianne Jacob
State Assemblyman Brian W. Jones
Imperial County Supervisor Michael W. Kelley

Advisory Councils

BLM Desert District Advisory Council
Desert Managers Group

Interest Groups

NRA
San Diego County Wildlife Federation
Quail Forever
Boulevard Planning Group Donna Tisdale

Jacumba Planning Group
California Rifle and Pistol Association
Congressional Sportsmen Foundation
Imperial Valley Rifle and Pistol Association
County of San Diego Fish and Wildlife Commission
California Fish and Game Commission
Federal Land Hunting, Fishing and Shooting Sports Roundtable

Interested Individuals

Brian Bellew, BLM
Edwin Walker, BLM
Carl Tenney, BLM

State Agencies

California Department of Fish and Game
Sherriff's Department
Cal Fire

Other Federal Agencies

US Fish and Wildlife Service
US Border Patrol

Appendix 4: Protest Process

Protest Process

For further information on filing a protest, please see the accompanying protest regulations in the pages that follow (labeled as Attachment 1). The regulations specify the required elements of your protest. Take care to document all relevant facts. As much as possible, reference or cite the planning documents or available planning records (e.g. meeting minutes or summaries, correspondence, etc.).

Emailed protests will not be accepted as valid protests unless the protesting party also provides the original letter by either regular mail or overnight delivery postmarked by the close of the protest period. Under these conditions, the BLM will consider the emailed protest as an advance copy and will afford it full consideration. If you wish to provide the BLM with such advance notification, please direct emailed protests to: protest@blm.gov.

All protests must be in writing and mailed to one of the following addresses:

Regular Mail:

Director (210)

Attn: Protest Coordinator

P.O. Box 71383

Washington, D.C. 20024-1383

Overnight Delivery:

Director (210)

Attn: Protest Coordinator

20 M Street SE, Room 2134LM

Washington, D.C. 20003

All protests must be postmarked on or before October 14, 2014.

Before including your address, phone number, email address, or other personal identifying information in your protest, be advised that your entire protest – including your personal identifying information – may be made publicly available at any time. While you can ask us in your protest to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

The BLM Director will make every attempt to promptly render a decision on each protest. The decision will be in writing and will be sent to the protesting party by certified mail, return receipt requested. The decision of the BLM Director shall be the final decision of the Department of the Interior on each protest. Responses to protest issues will be compiled and formalized in a Director's Protest Resolution Report made available following issuance of the decisions.

Upon resolution of all land use plan protests, the BLM will issue a Decision Record (DR). The DR will be available to all parties at <http://www.blm.gov/ca/st/en/fo/elcentro.html>.

Unlike land use planning decisions, implementation decisions included in this Proposed RMPA/EA are not subject to protest under the BLM planning regulations, but are subject to an administrative review process, through appeals to the Office of Hearings and Appeals (OHA), Interior Board of Land Appeals (IBLA) pursuant to 43 CFR, Part 4 Subpart E. Implementation decisions generally constitute the BLM's final approval allowing on-the-ground actions to proceed. Where implementation decisions are made as part of the land use planning process, they

are still subject to the appeals process or other administrative review as prescribed by specific resource program regulations once the BLM resolves the protests to land use planning decisions and issues a DR.

Protest Regulations

[CITE: 43CFR1610.5-2]

TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER II--BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR
PART 1600--PLANNING, PROGRAMMING, BUDGETING--Table of Contents
Subpart 1610--Resource Management Planning
Sec. 1610.5-2 Protest procedures.

- (a) Any person who participated in the planning process and has an interest which is or may be adversely affected by the approval or amendment of a resource management plan may protest such approval or amendment. A protest may raise only those issues which were submitted for the record during the planning process.
- (1) The protest shall be in writing and shall be filed with the Director. The protest shall be filed within 30 days of the date the Environmental Protection Agency published the notice of receipt of the final environmental impact statement containing the plan or amendment in the Federal Register. For an amendment not requiring the preparation of an environmental impact statement, the protest shall be filed within 30 days of the publication of the notice of its effective date.
- (2) The protest shall contain:
- (i) The name, mailing address, telephone number and interest of the person filing the protest;
 - (ii) A statement of the issue or issues being protested;
 - (iii) A statement of the part or parts of the plan or amendment being protested;
 - (iv) A copy of all documents addressing the issue or issues that were submitted during the planning process by the protesting party or an indication of the date the issue or issues were discussed for the record; and
 - (v) A concise statement explaining why the State Director's decision is believed to be wrong.
- (3) The Director shall promptly render a decision on the protest.
- (b) The decision shall be in writing and shall set forth the reasons for the decision. The decision shall be sent to the protesting party by certified mail, return receipt requested. The decision of the Director shall be the final decision of the Department of the Interior.

United States Department of the Interior
Bureau of Land Management
Environmental Assessment # DOI-BLM-CA-D070-2013-0064

Finding of No Significant Impact
Airport Mesa Shooting Closure
Eastern San Diego County, California

U.S. Department of the Interior
Bureau of Land Management
El Centro Field Office
1661 South 4th Street
El Centro, CA 92243

September 2014



Proposed Action Title/Type: Airport Mesa Shooting Closure

Applicant/Proponent: BLM Internal Action

Location of Proposed Action: Airport Mesa, Eastern San Diego County, California

INTRODUCTION

The Bureau of Land Management (BLM) El Centro Field Office, California has prepared this Environmental Assessment (EA) for the Airport Mesa Target Shooting Area Closure. This EA includes a proposed plan amendment to the Eastern San Diego County Resource Management Plan (ESDCRMP) approved in 2008.

As described in greater detail in the EA, the Airport Mesa location is critical to the United States (U.S.) Border Patrol's efforts to protect this area because the high elevation of the mesa gives agents the ability to monitor the nearby valleys for illegal activities. One of the U.S. Border Patrol's access roads traverses the eastern slope of Airport Mesa. The Airport Mesa area has historically been an important shooting area for residents of San Diego and Imperial Counties and the eastern slope of the mesa is easily accessible and provides a safe back-stop for target shooting. This has created an unsafe situation, subjecting U.S. Border Patrol agents to the dangers of stray bullets or ricochets.

At the request of the U.S. Border Patrol, formal closure of the Airport Mesa Target Shooting Area is proposed for the purpose of managing the Airport Mesa area to provide for the health and safety of U.S. Border Patrol agents working in the area.

CONSISTENCY WITH LAND USE PLANS, LAWS, REGULATIONS AND POLICIES

This proposal initiates a land use plan amendment to the 2008 ESDCRMP, specifically to the Recreation Management Zone-02 Airport Mesa (Pg. 91 of the Record of Decision). The proposed amendment will close the area to target shooting, but it will remain open for other recreation purposes such as hiking and hunting.

This closure is in accordance with Title 43 CFR Section 8365.1-4 as the closure will prevent the direct threat to public safety, specifically the U.S. Border Patrol, as they patrol the eastern slope of Airport Mesa along the U.S./Mexico Border.

SELECTED ALTERNATIVE

The EA for this project analyzed a proposed action and no action alternative, therefore the selected alternative is the proposed action as described in the introduction of this FONSI and in chapter 2 of the EA.

FINDING OF NO SIGNIFICANT IMPACT

The El Centro Field Office interdisciplinary review and analysis determined that the proposed action would not trigger significant impacts on the environment based on criteria established by regulations, policy and analysis.

Based on the findings discussed herein, I conclude that the proposed action is not a major Federal action and will result in no significant impacts to the environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 and do not exceed those effects described in applicable land use plans. Therefore, preparation of an environmental impact statement (EIS) to further analyze possible impacts is not required pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969.

This determination is based on the rationale that the significance criteria, as defined by the Council on Environmental Quality (CEQ) (40 CFR 1508.27) have not been met. “Significantly” as used in NEPA requires considerations of both context and intensity.

In making this Finding of No Significant Impact (FONSI), the following criteria have been considered, in accordance with the Council on Environmental Quality (CEQ), 40 C.F.R. 1508.27.

Context: This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short and long term effects are relevant.

Environmental impacts associated with the proposed action and alternatives have been assessed by an interdisciplinary team and described in Environmental Assessment (EA) # DOI-BLM-CA-D070-2013-0064. The context of the EA analysis was determined to be at a local and regional scale in Imperial County, California. The effects of the action are not applicable on a national scale since no nationally significant values were involved.

Intensity: This refers to the severity of impact. The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and supplemental Instruction Memorandum, Acts, regulations and Executive Orders. The following have been considered in evaluating intensity for this proposal:

1) Impacts can be both beneficial and adverse and a significant effect may exist regardless of the perceived balance of effects.

Beneficial Effects: As described in chapter 2 of the EA, the selected action is beneficial in that it responds to the U.S. Border Patrols request for formal closure of the Airport Mesa Target Shooting Area to provide for the health and safety of U.S. Border Patrol agents working in the area. In addition, wildlife and plant habitats will continue to rehabilitate without the traffic of target shooters as has been for the past 5 years while the area has been closed under a temporary target shooting closure.

Adverse Effects: As described in chapter 3 in the EA, recreational target shooters would have to explore the other parcels of BLM administered lands in the region to obtain a location that provides the physical landscape characteristics required for a safe shooting area. Outside of fire season, Chariot Canyon, Rodriquez Canyon, and Buck Canyon in eastern San Diego County are open to target shooting however, these area are not recommended due to fire concerns year-round due to the high amount of vegetation. Access onto these alternate lands could be somewhat restricted due to lack of roads and proximity to private land. Other target shooting areas on BLM land are located approximately 50 miles east of Airport Mesa in Imperial County.

2) The degree to which the selected alternative will affect public health or safety.

There will be no significant effects on public health and safety. The health and safety of persons who recreate and travel through the area will be enhanced (see Chapter 3 of the EA).

3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas.

There will be no significant effects on the unique characteristics of the area because no historic or cultural resources, park lands, prime farmlands, wetlands, or wild and scenic rivers would be affected (see Chapter 3 of the EA).

4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The effects on the quality of the human environment are not likely to be highly controversial because there is no known scientific controversy over the impacts of the selected alternative (see Chapter 3 of the EA).

5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The BLM has considerable experience with closures of areas for reasons that include public health and safety. The environmental effects of the selected alternative are not uncertain and do not involve unique or unknown risks. The failure to implement the proposed action to close the area the target shooting could create a public safety hazard to U.S. Border Patrol agents patrolling the area and member of the recreating public.

6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The selected alternative is not likely to establish a precedent for future actions with significant effects as target shooting areas are closed for safety reason throughout the BLM. Also, this particular area has been closed under a temporary closure for over 5 years.

7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership.

The proposed action does not produce any individual or cumulatively significant environmental impacts. On the contrary, the proposed action, by eliminating target shooting and associated traffic and debris, significantly reduces the adverse impacts from the no-action alternative (see Chapter 3 of the EA).

8) The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

The selected alternative will not have significant adverse effects on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places because no such locations are present. The selected alternative will not cause loss or destruction of significant scientific, cultural, or historical resources because no such resources are present; on the contrary, the proposed action is positive for the preservation of historically, culturally and scientifically significant resources.

9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, or the degree to which the action may adversely affect: 1) a proposed to be listed endangered or threatened species or its habitat, or 2) a species on BLM’s sensitive species list.

The selected alternative will not adversely affect any endangered or threatened species or any critical habitat as determined under the Endangered Species Act. Rather, the proposed action lessens impact to plant and wildlife species and their habitat (see Chapter 3 of the EA).

10) Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements.

The selected alternative will not violate any federal, state, or local laws or regulations for protection of the environment. The selected alternative is consistent with the Eastern San Diego Resource Management Plan.

Reviewed by: _____
Nicollee Gaddis, Planning & Environmental Coordinator Date

Approved by: _____
Thomas F. Zale, Field Manager Date
El Centro Field Office