

**Environmental Assessment
for the
Temporary Closures of Selected Routes in
Lower Chemehuevi Valley, California**

Environmental Assessment Number EA-CA-690-EA01-18

United States Department of the Interior
Bureau of Land Management
California Desert District
Needles Field Office
Lake Havasu Field Office

Molly Brady, Needles Field Manager

Date

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
NEEDLES FIELD OFFICE
LAKE HAVASU FIELD OFFICE**

ENVIRONMENTAL ASSESSMENT

1. **CONTROL NUMBER:** CA-690-EA01-18
2. **CASE FILE / SERIAL NUMBER:** N/A
3. **PROPONENT:** Bureau of Land Management (BLM)
4. **PROJECT:** Temporary Closures of Selected Routes in Lower Chemehuevi Valley, California
5. **LOCATION:** Routes of Travel on Public Lands managed by the BLM's California Needles Field Office and Arizona Lake Havasu Field Office.
 - Route #690517, Township 4 North, Range 24 East, Sections 6, 7, 8, 10
 - Route #690522, Township 4½ North, Range 24 East, Section 32; Township 4 North, Range 24 East, Section 5
 - Route #690523, Township 4½ North, Range 24 East, Sections 32; Township 4 North, Range 24 East, Sections 4, 5; closed except to persons holding valid mining claims
 - Route #690524, Township 4½ North, Range 24 East, Section 32; Township 4 North, Range 24 East, Sections 4, 5; closed except to persons holding valid mining claims
 - Route #690525, Township 4½ North, Range 24 East, Section 33; Township 4 North, Range 24 East, Sections 3, 4
 - Route #690527, Township 4 North, Range 24 East, Section 4, closed except to persons holding valid mining claims
 - Route #690528, Township 4 North, Range 24 East, Section 4, closed except to persons holding valid mining claims
 - Route #690529, Township 4 North, Range 24 East, Section 4, closed except to persons holding valid mining claims
 - Route #690530, Township 4 North, Range 24 East, Section 3, 4, 9
 - Route #690531, Township 4 North, Range 24 East, Sections 2,3, 10
 - Route #690532, Township 4 North, Range 24 East, Section 1, 2
 - Route #690533, Township 4 North, Range 24 East, Section 1, 2
 - Route #690534, Township 4 North, Range 24 East, Section 2
 - Route #690536, Township 4 North, Range 24 East, Section 2, 3, 10, 11
 - Route #690537, Township 4 North, Range 24 East, Section 10

Route #690538, Township 4 North, Range 24 East, Section 2
Route #690540, Township 4 North, Range 24 East, Sections 11
Route #690542, Township 4½ North, Range 24 East, Section 34, 35, 36;
Township 5 North, Range 24 East, Sections 34, 35
Route #690543, Township 4½ North, Range 24 East, Section 34, 35
Route #690544, Township 4½ North, Range 24 East, Section 35; Township 4
North, Range 24 East, Section 2
Route #690546, Township 4 North, Range 24 East, Section 14, 15
Route #690896, Township 4 North, Range 23 East, Section 1 and Township 5
North, Range 23 East, Section 36

6. **AFFECTED ACREAGE (for routes only):** 18
7. **7.5' QUADRANGLE:** Havasu Lake, Savahia Peak NE,
8. **MULTIPLE-USE CLASS:** Limited
9. **LAW ENFORCEMENT SECTOR:** 91
10. **LAND STATUS:** Public
11. **SPECIAL DESIGNATION AREA:** California Desert Conservation Area; and Desert Tortoise Critical Habitat
12. **AUTHORITY:** 43 United States Code 1701 et seq.; 43 CFR 8364.1
13. **LAND USE PLAN CONFORMANCE AND APPLIED REGULATIONS:**

Land Use Conformance:

The proposed action is subject to and in conformance with the California Desert Conservation Area Management Plan of 1980 (as amended) in accordance with Title 43 Code of Federal Regulations 1610.5-3. The Plan's Motorized Vehicle Access Element provides that specific routes in the California Desert will be designated "open," "closed," or "limited" for motor vehicle use. The Plan's Multiple-Use Class "L" (Limited Use) protects sensitive, natural, scenic, ecological, and cultural resource values. Public lands designated as Class L are managed to provide for generally lower-intensity, carefully controlled multiple use of resources, while ensuring that sensitive values are not significantly diminished. The Plan's Wildlife Element provides that all crucial habitats of sensitive species will be considered in all decisions so that impacts are avoided, mitigated, or compensated.

The proposed action is subject to and in conformance with the Yuma District Resource Management Plan of 1985 (as amended) in accordance with Title 43 Code of Federal Regulations 1610.5-3 which, under Off-Road Vehicle Use, provides that all off highway vehicle use will be limited to existing routes of travel.

Applicable Regulation:

The lower Chemehuevi Valley routes would be closed in accordance with Title 43 Code of Federal Regulations 8364.1, Closure and restriction orders. The regulation provides that to protect persons, property, and public lands and resources, the authorized officer may issue an order to close or restrict use of designated public lands.

14. NEED FOR PROPOSED ACTION:

The need for the proposed action is to minimize the potential for any adverse impacts to sensitive resources pending designation of open, closed and limited routes in the lower Chemehuevi Valley through the Northern and Eastern Colorado Desert Plan, a proposed amendment to the California Desert Conservation Area Plan of 1980.

On March 16, 2000, the Center for Biological Diversity, and others (Center) filed for injunctive relief in U.S. District Court, Northern District of California (court) against the Bureau of Land Management (BLM) alleging that the BLM was in violation of Section 7 of the Endangered Species Act (ESA) by failing to enter into formal consultation with the U.S. Fish and Wildlife Service (FWS) on the effects of adoption of the California Desert Conservation Area Plan (CDCA Plan), as amended, upon threatened and endangered species. On August 25, 2000, the BLM acknowledged through a court stipulation that activities authorized, permitted, or allowed under the CDCA Plan may adversely affect threatened and endangered species, and that the BLM is required to consult with the FWS to insure that adoption and implementation of the CDCA Plan is not likely to jeopardize the continued existence of threatened and endangered species or to result in the destruction or adverse modification of critical habitat of listed species.

Although BLM has received biological opinions on selected activities, consultation on the overall CDCA Plan is necessary to address the cumulative effects of all the activities authorized by the CDCA Plan. Consultation on the overall Plan is complex and the completion date is uncertain. Absent consultation on the entire Plan, the impacts of individual activities, when added together with the impacts of other activities in the desert are not known. The BLM entered into negotiations with plaintiffs regarding interim actions to be taken to provide protection for endangered and threatened species pending completion of the consultation on the CDCA Plan. Agreement on these interim actions avoided litigation of plaintiffs' request for injunctive relief and the threat of an injunction prohibiting all activities authorized under the Plan. These interim agreements have allowed BLM to continue to authorize appropriate levels of activities throughout the

planning area during the lengthy consultation process while providing appropriate protection to the desert tortoise and other listed species in the short term. By taking interim actions as allowed under 43 CFR Part 8364.1, BLM contributes to the conservation of endangered and threatened species in accordance with 7(a)(1) of the ESA. BLM also avoids making any irreversible or irretrievable commitment of resources which would foreclose any reasonable and prudent alternative measures which might be required as a result of the consultation on the CDCA plan in accordance with 7(d) of the ESA. In January 2001, the parties signed the Stipulations and Proposed Order Concerning All Further Injunctive Relief.

15. PROPOSED ACTION AND ALTERNATIVES:

15.1 Proposed Action:

Pursuant to Title 43 Code of Federal Regulations 8364.1, the BLM proposes to temporarily close selected routes of travel that occur within the Lower Chemehuevi Valley, California. Selected routes would be closed to motorized vehicle use. Fire, emergency, or law enforcement vehicles would be exempt from this closure while in official use.

Twenty-two routes on public lands totaling 15 miles managed by both the BLM's California Needles Field Office and Arizona Lake Havasu Field Office would be temporarily closed. The lengths of these routes would vary from less than a quarter-mile long to two miles long. Routes to be temporarily closed include: 690517, 690522, 690523, 690524, 690525, 690527, 690528, 690529, 690530, 690531, 690532, 690533, 690534, 690536, 690537, 690538, 690540, 690542, 690543, 690544, 690546, and 690896. Route numbers 690523, 690524, 690527, 690528, and 690529 would be closed except to persons holding valid mining claims accessible only by these otherwise closed routes. All other routes in the area would be considered as open, unless otherwise posted. Less than one-quarter mile of route numbers 690532 and 690533 extend onto public lands managed by the BLM's Arizona Lake Havasu Field Office. These portions of routes would also be signed as closed. All remaining routes are located on public lands administered by the Needles Field Office of the California Desert District.

Threatened and Endangered Species:

During installation of signs, general patrolling, and maintenance activities, protection measures for the desert tortoise and its habitat would include:

1. When installing physical barriers, a clearance survey would take place, not more than 24 hours prior to the beginning of vehicle access to the proposed work sites. At that time tortoise burrows in the area would be checked for the presence of desert tortoises. The burrows at the proposed project sites would be flagged or

marked with traffic cones to avoid impact.

2. Bureau staff would maintain a record of any tortoises encountered during construction and maintenance activities. This information would include date of observation, location (narrative and map), general condition and health of tortoise, and any previous diagnostic markings (ID numbers of marked lateral scutes).
3. All project-related vehicular traffic would be confined to existing roads.
4. A tortoise observed during any phase of the project would be left to move out of the way of its own volition. Handling of tortoises would not be permitted.
5. To assure observation and avoidance of any tortoise in roadways, staff would travel no more than 20 mph on all routes during tortoise active season (March 16 to October 31).
6. Staff would inspect for tortoises under vehicles prior to driving. If a tortoise is present, personnel would wait for the tortoise to move out from under the vehicle prior to driving.
7. All trash and food items would be contained in raven and coyote proof containers either in hard plastic or metal containers or within vehicles, and removed from the proposed closure sites as work is completed for the day.

Implementation:

Subsequent to issuing a closure order pursuant to, and in conformance with, 43 CFR 8364.1, including publication of the order in the *Federal Register*, physical closure of selected routes would be implemented in two phases. Phase one would include installing red carsonite markers at the closed route entrances. Reflective signs identifying the routes as closed and why they have been temporarily closed would be installed next to the carsonite marker. If there are several routes within close proximity of each other, explanation signs would be strategically placed amongst them to avoid sign proliferation. The closed routes would be closely monitored to determine if there are excessive violations of the closure.

Phase two would be implemented if monitoring reports indicate that the current method for closing routes proves to be ineffective in reducing potential adverse impacts to the resources due to excessive violations. These actions would include installing post and cable barriers at the entrance of each closed route. Post holes would be excavated with a Bobcat auger assembly and excavated at the road shoulders. To minimize unauthorized vehicle use around closures, vehicle tracks would be removed by hand-raking or use of an all-terrain vehicle pulled harrow.

Voluntary compliance with the closure would be pursued through public education. Brochures would be provided at the Havasu Landing Store, Sail Inn bulletin board, and the Chemehuevi Indian Tribal Headquarters. Brochures would also be available at Chemehuevi Valley kiosk locations, and the BLM's Needles and Lake Havasu Field Offices. Large notification signs would be placed at the kiosk locations.

15.2 No Action Alternative

The Proposed Action would not be undertaken as proposed. Existing management and use of the site would continue subject to applicable statutes, regulations, policy and land use plans.

16. IMPACTS ANALYSIS

16.1 Proposed Action

Impacts to Ecologically Critical Areas; Threatened and Endangered Habitat/Species; and Wildlife:

The desert tortoise was listed as threatened under the Federal Endangered Species Act of 1973, as amended. The Mojave population of the desert tortoise was listed as threatened on April 2, 1990. The Mojave population includes all tortoises north and west of the Colorado River in California, southern Nevada, southwestern Utah, and northwestern Arizona. Critical habitat for the desert tortoise was designated by the U. S. Fish and Wildlife Service (FWS) in portions of California, Nevada, Arizona, and Utah in its Final Ruling, published in the *Federal Register*, February 8, 1994. A Recovery Plan for the Desert Tortoise (Mojave Population) was completed in June 28, 1994.

The proposed project area lies adjacent to and partially within the desert tortoise (*Gopherus agassizii*) Chemehuevi Critical Habitat Unit. Two routes, totaling three miles, proposed for temporary closure are located within this area (routes 690517 and 690896). Desert tortoise presence has been established within portions of the proposed project area.

During installation of signs and/or barriers and general patrol and maintenance, impacts to desert tortoise and their habitat are not anticipated as the proposed project incorporates protective measures and activities are limited in scope and time. Short-term sign and maintenance-related effects may disrupt habitat adjacent to the work sites. The nature of this effect will be limited in terms of duration of activity and area affected. The proposed project will not result in temporary or permanent loss of desert tortoise critical habitat.

Impacts to desert tortoise and its habitat could occur as a result of motorized vehicle users intentionally violating the closure and driving around post and cable barriers onto

undisturbed areas.

Adoption of the proposed action's desert tortoise protection measures will result in "no affect" upon desert tortoise and its habitat. With the exception of the desert tortoise, no other federally and/or state threatened or endangered species, occur within the project area.

Impacts to Historic Properties:

Existing cultural resources will not be negatively impacted as a consequence of implementing the proposed action. Accordingly, exempt undertakings 1 through 4 below have been applied in accordance with the Programmatic Agreement among the Bureau of Land Management, California State Historic Preservation Officer, and the Advisory Council on Historic Preservation.

Exemption 1 incorporates vehicular closures limited to existing roads and trails, Exemption 2 incorporates installation or routine signs or markers on shoulders of existing roads, Exemption 3 incorporates temporary road closures and, Exemption 4 incorporates placement of recreational, special designation, or information signs, visitor registers, portable kiosks, and portable sanitation devices.

Impacts to Mining Claims Access:

Six routes proposed for temporary closure provide access to active mining claims. These routes will remain open to those persons holding valid mining claims since BLM cannot block or remove their access. There will be no affect on access to mining claims.

Impacts to Recreation:

Recreation use in the Lower Chemehuevi Valley is generally limited to OHV use. OHV travel in the area primarily consists of touring activities, and to a lesser extent, facilitates hunting and rockhounding access. The landscape offers excellent opportunities for OHV activity and receives intensive use from September through March. Implementation of the temporary closures will increase the recreational community's perception of ever decreasing, desert-wide OHV opportunities brought about by designation of wilderness and by route closures to address impacts to threatened or endangered species. This action will result in the closure of 15 miles of routes out of a total of 302 miles of routes, leaving 287 miles of open routes in the Chemehuevi Valley.

Closures of proposed routes could result in increased recreational use of adjacent routes, and higher levels of erosion. Such consequences may cause adverse impacts to resources in the immediate vicinity of the proposed action. This concern would probably have little effect within adjacent critical habitat, which is primarily located within bajada

habitat where few recreational opportunities exist.

There are no impacts to critical and other elements of concern including: air quality, environmental justice, visual resources, prime farmland, flood plains, hazardous/solid wastes, water quality, health & safety, soils, wetland/riparian area, invasive/nonnative species, wild & scenic river, Native American religious values, wild horses & burros, wilderness, and range.

16.12 Mitigation Measures:

The proposed action incorporates sufficient measures to mitigate potential impacts. Adoption of additional mitigation measures is not required.

16.13 Residual Impacts:

No residual impacts are anticipated.

16.14 Cumulative Impacts:

Recreation:

Early in 1994 a total of 382 miles of routes existed within the Chemehuevi Valley area. In October of 1994 eighty miles of routes were closed through Wilderness designation. These routes were located within the Stepladder Mountain Wilderness, Turtle Mountain Wilderness and Whipple Mountains Wilderness areas, surrounding Chemehuevi Valley. Combined with the 1994 wilderness closures, the proposed action would result in closing a total of 95 miles of routes within the Chemehuevi Valley area, or approximately 25%, since 1994.

Increased restrictions on motorized-vehicle access cumulatively affect recreational opportunities. The number of routes used for various recreational activities would decrease.

16.2 No Action Alternative:

16.21 Description of Impacts

Adoption of the No Action Alternative will preclude the BLM's ability to minimize the potential for any adverse impacts to sensitive resources pending designation of open, closed and limited routes in the lower Chemehuevi Valley.

17. EVALUATION OF EMERGENCY CONDITIONS

Based on the analysis, conditions in the lower Chemehuevi Valley do not warrant emergency action. Vehicle use of the routes proposed for temporary closure is not causing degradation of resources or loss of habitat that necessitates immediate attention or corrective measures. The temporary closure of these routes will not result in any detectible improvement in resource conditions, however the closures will minimize the potential for any adverse effects pending designation. All existing routes in the Lower Chemehuevi Valley are being evaluated and proposed for designation as “open”, “closed”, or “limited” through the Northern and Eastern Colorado Desert (NECO) planning effort, as amendments to the California Desert Conservation Area Plan. NECO route designations will be based on criteria identified in 43 CFR 8342.1.

18. REFERENCES

Programmatic Agreement among the Bureau of Land Management, California State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the Identification, Evaluation and Treatment of Historic Properties managed by the Bureau of Land Management, throughout the State of California, April 6, 1998.

Desert Tortoise (Mojave Population) Recovery Plan, June 28, 1994

19. CONSULTATION

The U.S. Fish and Wildlife Service was contacted on March 21, 2001 and June 15, 2001 regarding the effects of the proposed action. The Service concurred with the Bureau’s findings that adoption of the proposed action’s desert tortoise protection measures will result in a finding of “no affect” and that no further consultation would be required.

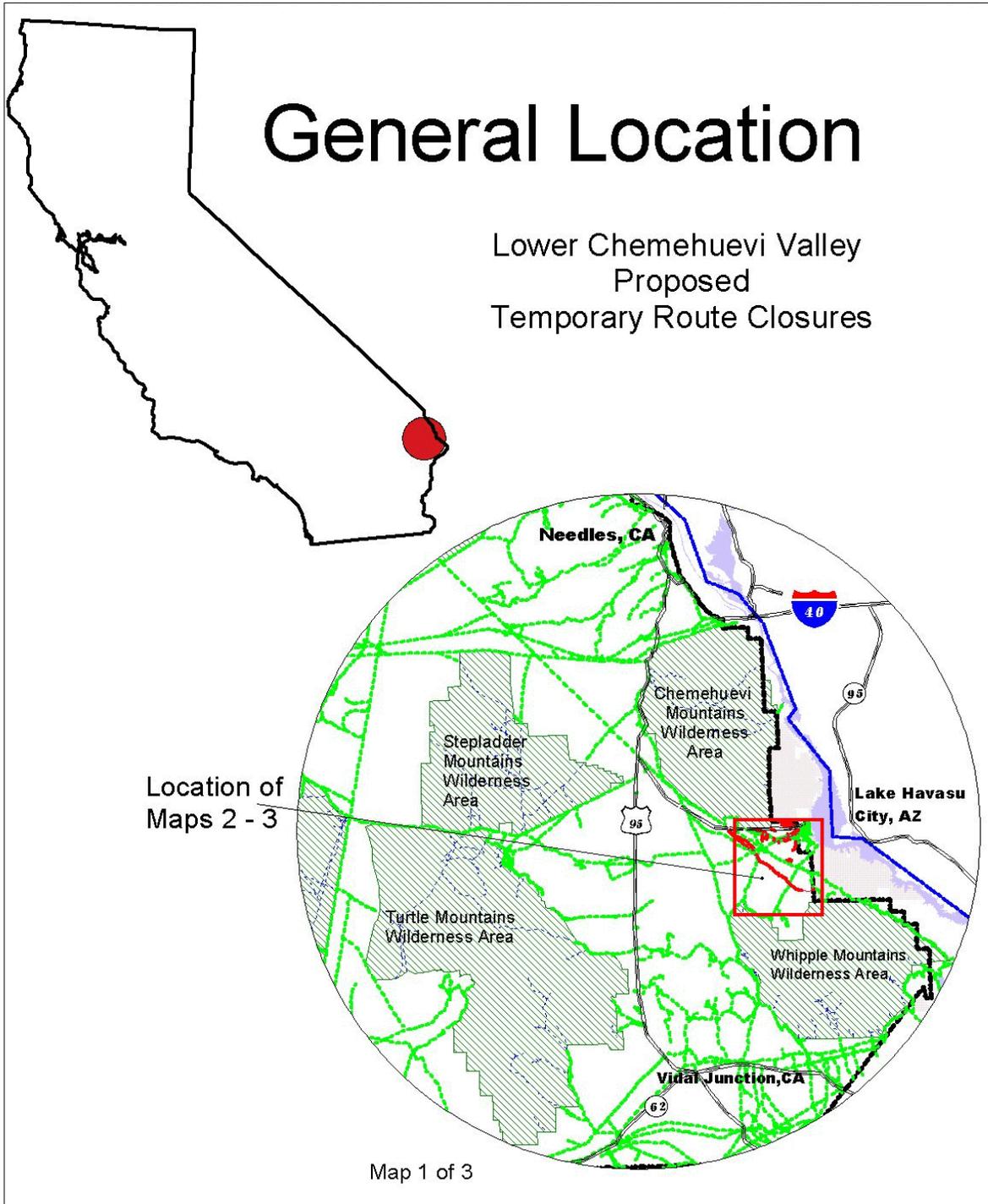
20. NOTIFICATION

Maps will be available for public review at: the Needles Field Office located at 101 W. Spikes Road, Needles, California; the San Bernardino County Library in Needles, California; the U.S. Post Office in Havasu Landing, California; the Chemehuevi Indian Tribal Headquarters; the Lake Havasu Field Office located at 2610 Sweetwater Ave, Lake Havasu City, Arizona; and the Needles Field Office web-site (www.ca.blm.gov/needles).

The BLM will publish a *Federal Register* Notice notifying the public of the BLM’s intent to temporarily close the selected routes in the lower Chemehuevi Valley. The temporary closure will remain in effect until the signing of the record of decision (ROD) for the Northern and Eastern Colorado Desert (NECO) bio-regional plan.

General Location

Lower Chemehuevi Valley
Proposed
Temporary Route Closures



Location of
Maps 2 - 3

Map 1 of 3

Temporary Route Closures Lower Chemehuevi Valley

Legend

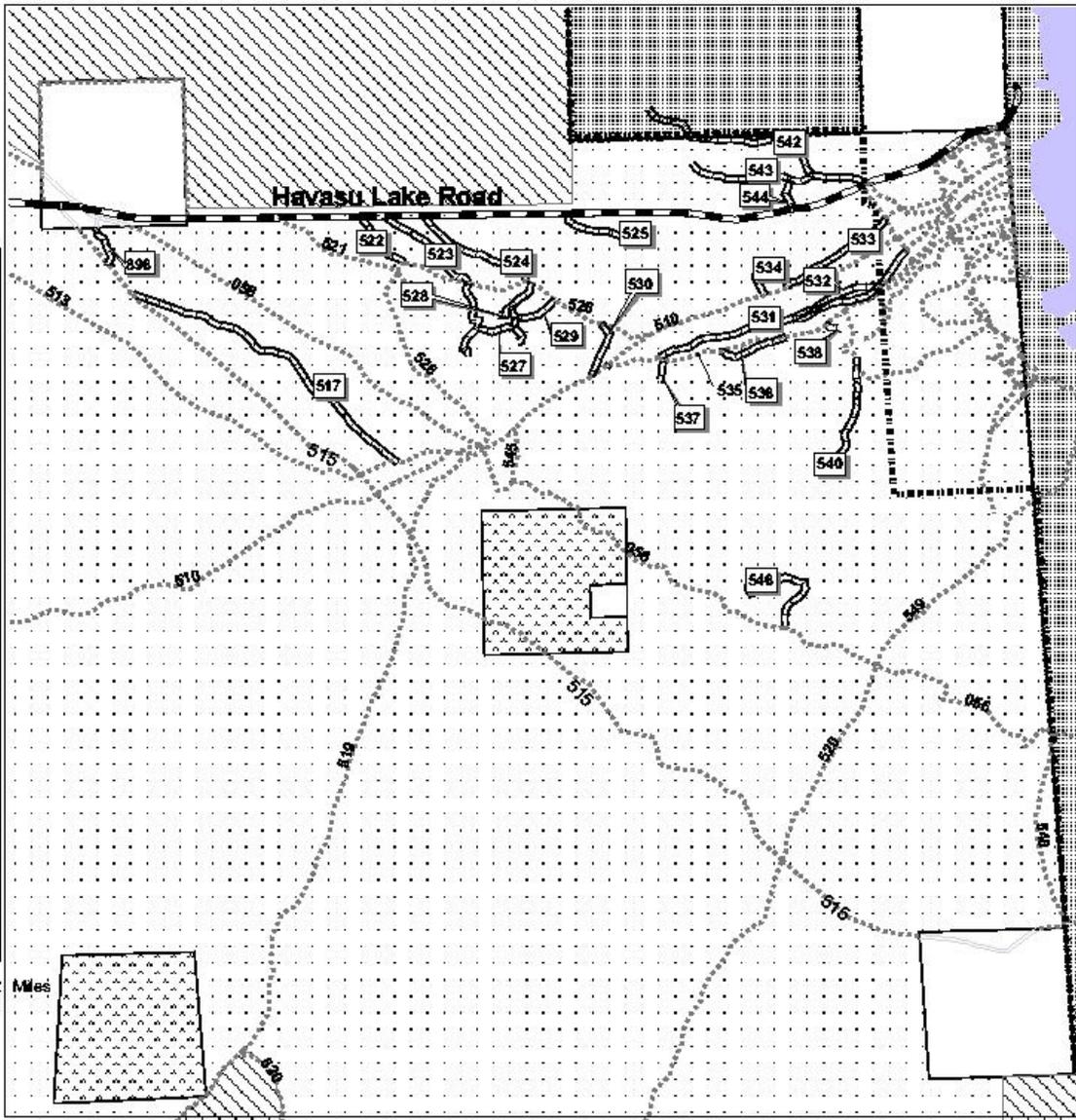
Off-Highway Routes Route Numbers*

-  Proposed Closed 560
-  Open 560
-  On Private Lands
-  Havasu Lake Road
-  CDCA Boundary
-  Chemehuevi Reservation Boundary
-  Wilderness Areas

Note:
The prefix 690 of the six digit route numbers
is not displayed.

Land Status

-  Federal - BLM
-  State
-  Private
-  Chemehuevi Tribal Lands



Tortoise Habitat Lower Chemehuevi Valley

Legend

Off-Highway Routes Route Numbers*

-  Proposed Closed  560
-  Open 560
-  On Private Lands

-  Havasu Lake Road
-  CDCA Boundary
-  Chemehuevi Reservation Boundary
-  Wilderness Areas

Habitat

-  F&W Tortoise Critical Habitat
-  BLM Tortoise Category **

Notes:

- * The prefix 690 of the six digit route numbers is not displayed
- ** Boundary Line shows difference in F&W and BLM.



Map 3 of 3

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