226 DATE 9/11/03

Dear Sirs,

My name is Jeff Dillon. I am a 19 year old. I have been riding & racing dirt bikes in the desert for 15 years. As a member of AMA for 13 years I have enjoyed the desert and all it has to offer. My family has been involved with District 37 for over 16 years. We enjoy Camping in the West Mojave 35-40 weekends per year.

I have been employed by Kawasaki Motor Corp for the last 3 years. During this time I have become very aware of the economic impact that the desert riding and racing have on the industry as well as the Cities and towns surrounding the riding areas. Limiting both riding and racing will have a very negative impact on our California economy. We are all very aware of the bad condition of California's economy. There will be lost revenue to the off-road manufacturers, retailers, the DMV, the stores and restaurants, the repair shops and many others. How can this help our state to recover? People will tend to stay at home more and spend less money.

In making decisions as to which trails should be closed there were many trails that were said to be parallel. It would be great if we had a say in which of those to close. There should be a wide variety of trails open so that riders of different interests and skill levels can all be accomodated in the Route Designation.

DATE

Please take all this into Consideration as decisions are made about Closures and Route designations. Many Citizens will be affected by these decisions. More importantly these decisions will have either a positive or negative impact on Californias economy. We don't need any more jobs lost or families to move out of state.

Sincerely,
Jeff Dillon

Please add me to your mailing list.

Jeff Dillon
1288 Kimbark Ave
Devore, CA 92407

Steve Dillon
1288 Kimbark
Devore, CA 92407

September 11, 200

West Mojave Plan
22835 Calle San Juan De Los Lagos
Moreno Valley, CA 92553

Re: West Mojave Plan(WEMO)

Dear Sirs,

The following is my complaint about the handling of the WEMO. My family has been camping, hiking, and utilizing Motorized recreation in BLM land for years and not just in California. The plan has moved too fast to fairly evaluate the entire system to change for a 30 year or more plan. My major complaints are the following:

Has there been a Tortoise Study recently? We have been going to the desert for 45 years and have lived in San Bernardino County for 45 years. I have seen over the last 10 years more turtles then many years before that. I read an article in the local Sun newspaper about 12 years ago that in Las Vegas that they were allowing people to adopt them as pets otherwise the tortoises would get a lethal injection because there were too many in the developing areas. And our desert doesn't? The raven is a lot of our problem here; it is not natural to this area. Several times it has been reported in our local paper that foreign people have been caught with car trunk loads of turtles this is sad.

The 90-day comment period is too short. It took almost 30 days to get a draft, 20 plus days to read, and no time to check any of the designated routes.

There has been no public comment in the Los Angeles Basin; the majority of users live in this area. We need more meetings. Please add more meetings in this area.

Why don't you start the designations in Glamis and open it up for public discussion. Are you afraid of the public complaints there? That is where most of your problems are. I think BLM would be overwhelmed with complaints. Looking at having more meetings in the L.A Basin, all those people that go there do not live in Imperial County.

The 23 sub regions, only 11 were fully surveyed. The other 12 relied on the 1985 to 1987 survey, which ignored the single-track trails that are used. This survey is almost 20 years old.

The DEIR/S proposes that no competion be allowed outside these areas. Congress has allowed for point-to-point events. The wording should be changed to allow for corridors for compition.

The Spangler Open Area, the C routes should be reopened and put back in the inventory.

All parallel routes should be kept open do to the difficulty of these trails that may be different. They are already there.

The Fremont Rec. Area as described in Alt. E could be created as mitigation, open this area for other areas that are closed.

The Study of Economics Impacts 4(96-97) grossly underestimates the financial impact this industry contributes. Go down to Glamis during Thanksgiving. Chapter 3.4.4.4 the Economic Contribution of OHV Recreation and table 3-55 show no dollar estimates. Again go to Glamis, 100,000 people with $100,000.00 campers, $20,000.00 dune buggies, $30,000.00 4 wheel drive trucks, and $5000.00 motorcycles and Quads. If a person estimated this out 4 people camping in a motor home and everyone had 1 dune buggies/truck per motor home and 80% of the people have a Quad/motorcycle the numbers look like this.

Glamis Thanksgiving

Motor homes 25,000@ $100,000.00	2,500,000,000.00
Truck/Buggies 25,000@ $25,000.00	625,000,000.00
Motorcycles/Quads 80,000@ $500.00	400,000,000.00
Total	3,525,000,000.00

WOW! 3.5 Billion how can someone ignore this. Not much of an impact. *Now we didn't add gas/oil/insurance/food and drinks. Also This is just Glamis.

Maybe this all needs to be looked at very closely.

P.S. Please put me on the mailing list at the above address, thank you.

Sincerely,

Steven J. Dillon

September 5, 2003

Steven N. Costello
22958 Copper Ridge Dr.
Corona, CA 92883

BLM – West Mojave Plan
22835 Calle San Juan De Los Lagos
Moreno Valley, CA 92553

Dear BLM Staff:

My name is Steve Costello and I would like to offer some comments to you before the final version of the West Mojave Plan goes into effect. First I would like to give you a little background on myself. I'm from Southern California and have been visiting the deserts for many decades. I attended CSUF and received my degree in Geography and Environmental Studies in 1979. I have also been riding off road vehicles in the deserts of California since 1971.

I would first like to discuss some of the provisions for protecting the desert tortoise and other species that seem to be struggling for survival at this time. I can remember taking school field trips near Randsburg in the 1960's and seeing tortoises everywhere. At the time, many of the kids picked them up and took them home as pets (I never took one). I think that was the real beginning of their problems, which had nothing to do with off road vehicle use. In fact, in all my years of desert riding I know that neither my friends nor myself have ever harmed or even bothered a tortoise. The studies now show that disease has been the culprit responsible for the reduction of the tortoise population during the recent decade.

With all that said, I would like to recommend the following points to help save the tortoise while maintaining as much opportunity for off road recreation as possible.

- The BLM should implement a program of captive breading to replenish the population at Fremont Valley. This is standard procedure for all organizations trying to preserve endangered species.

- The raven population must be brought under control in order for the young tortoises to survive. Declare open season on these non-native birds.

- Do not install fences as recommended in the DEIR/S. The cost for this is huge and the money can be better spent on other options. Fences may do more harm than good and become used as perches for ravens and other tortoise predators.

- The DEIR/S now propose four Desert Wildlife Management Areas (DWMAs) for the tortoise. Two of these would then connect near Johnson Valley. A zone of

separation should be maintained in order to keep disease from spreading between the two DWMAs. I recommend adding only one large DWMA as described in Alt.E. This DWMA has already been established by the closures and restrictions set fourth in the route designation process. The DWMA should be a combination of the proposed Fremont-Kramer and Superior-Cronese DWMAs.

Other points I would like the BLM to consider in connection with off road vehicle use include the following:

- Post the closed routes as closed. The standard rule (even driving on paved roads) has always been "open unless posted closed". Only posting open routes will cause a great amount of confusion and a much greater incidence of accidental violations among the general public. What we don't want to do is spend the whole day looking for "open" signs and wondering if we have wandered onto a closed route because we haven't seen an "open" sign on the trail recently.

- All open routes should be automatically approved for duel sport competition use. The same speed laws and regulations should apply to duel sport tours as to the general public using the same routes.

- Competition should be allowed outside of the open areas on race specific corridors such as Johnson to Parker and Johnson to Stoddard. These events have already been litigated and approved in the courts. Language needs to be inserted to allow for the continued use of the corridors for competitive events.

- The Barstow to Vegas corridor needs to be placed back on the route list.

- Duplicate and parallel routes were closed in route designation. These should be returned to open status for two reasons. First, no consideration was given to the degree of difficulty and user preference. Second, more open routes lessens the impact on the area. When all traffic is funneled into one small space the rate of deterioration increases greatly from both an environmental and user perspective.

- Reopen the "competition" routes that were temporarily closed at the Spangler Open Area. This was supposed to be contingent on the completion of the WEMO.

- Establish a "competition" route system at Cinnamon Hills as described in Alt.E.

- Connect the Fremont Recreation Area to the Spangler and El Mirage open areas using existing routes.

- Very important – OHV use is growing and the available land area is constantly shrinking. I highly recommend that, as described in Alt.E, the Fremont Recreation Area be created as compensation mitigation for the loss of opportunity due to route closures.

- Off road vehicle use is important to the economy. I have eight motorcycles and four quads and pay my registration fees on all of them. Of course, that doesn't even take into account the money spent to purchase and maintain these vehicles. We also patronize many of the local desert businesses for food, gas, supplies, etc.

Please keep all the above points in mind when amending the West Mojave Plan. The best overall approach would be to not close routes until each one can be examined and a decision made on a case-by-case basis. Other mitigating measures, besides closure, may be more suitable and desirable depending on what a site-specific analysis would reveal.

In closing, let me just say what the off road recreational opptunities mean to my friends, my family and me. As I mentioned, I have enjoyed using off road vehicles in the desert for many years. However, it is now with my two sons ages 17 and 11 that the sport has really paid big dividends. Our trips to the desert really bring us together. None of us are interested in traditional sports, so off road riding and competition are our main activities. I credit it with helping to keep my sons busy, involved and away from of the typical negative influences in a young persons life.

There are only a few places left where you can camp without being crowed in on every side by other campers, vehicles, etc. The California Desert offers this opportunity for the off road vehicle community. Please plan wisely in order to maintain this opportunity for a growing number of OHV enthusiasts.

Sincerely,

Steven N. Costello

228

UNITED STATES MARINE CORPS
MARINE AIR GROUND TASK FORCE TRAINING COMMAND
MARINE CORPS AIR GROUND COMBAT CENTER
BOX 788100
TWENTYNINE PALMS, CALIFORNIA 92278-8100

5090.4
9/3374

Mr. Bill Haigh
California Desert District Office
Bureau of Land Management
22835 Calle San Juan De Los Lagos
Moreno Valley CA 92553

Reference: Draft Environmental Impact Report and Statement for the West Mojave Plan

Dear Mr. Haigh:

The Marine Air Ground Task Force Training Command, Marine Corps Air Ground Combat Center (MAGTFTC MCAGCC) has taken the opportunity to review the Draft Environmental Impact Report and Statement for the West Mojave Plan and would like to express concerns with the following elements of the document:

- The proposed creation of an Area of Critical Environmental Concern (ACEC) at the Pisgah Crater area.
- The suggested creation of a Desert Wildlife Management Area for Nelson's bighorn sheep in and/or near the existing Cleghorn Lakes Wilderness Area.
- Many of the proposed "open" routes lead directly to the Marine Corps Air Ground Combat Center (MCAGCC) boundaries and to off base communications facilities.

The MAGTFTC is very concerned with the proposed designation of an ACEC at the Pisgah Crater area. This is an issue that could potentially affect the training mission at MCAGCC, and it should have been an issue that involved consultation with the Command for compatibility prior to publication of the aforementioned document. MAGTFTC would very much like to meet with your office regarding this subject in the near future to discuss and resolve any potential conflicts between the Bureau of Land Management (BLM) goal to protect this area and the MAGTFTC MCAGCC training mission.

The MAGTFTC is also concerned with the proposed Desert Wildlife Management Area (DWMA) near the Cleghorn Lakes Wilderness Area. The Proposed Action and several of the alterative actions mention establishment of a DWMA for bighorn sheep between Joshua

Tree National Park and MCAGCC. Although this is not a formal proposal within the scope of the current West Mojave Plan, MAGTFTC would be concerned if this proposal were to be implemented. If the DWMA were to be designated entirely within Joshua Tree National Park, the existing Cleghorn Lakes Wilderness Area, and/or other BLM managed lands, MAGTFTC would have no objection. However, it should also be noted by BLM and in the plan that the re-introduction of Nelson's bighorn at MCAGCC in the early 1990's was accomplished as an "experimental" population, not protected at that time under the United States or the State of California Endangered Species Acts, and with specific management prescriptions and responsibilities in the event of listing or proposed listing of the species in the future. MAGTFTC asserts that this agreement would categorically release the United States Marine Corps (USMC) from any obligation, implied or otherwise, to accept the creation of a DWMA or any other alteration of training activities based upon the presence of bighorn sheep on MCAGCC.
In prior correspondence with BLM (Enclosures (1) and (2)), MAGTFTC has objected to Open Routes that terminate at MCAGCC boundaries. Please review prior correspondence and adjust route terminations away from MCAGCC boundaries. Additionally, MAGTFTC is concerned with a network of proposed "open" routes in the Copper Mountain area. These routes have no numbered designation, but are in USGS quad Sunfair, Area 79, of the Proposed Action Route Map. Along with law enforcement agencies and local radio stations, the Marine Corps operates communications facilities in this area. Open access to these sites increases the risk of vandalism, and due to recent global events and homeland security issues, these roads should be considered for closure or limited access.

We appreciate the opportunity to review and comment on the Draft Environmental Impact Report and Statement for the West Mojave Plan and look forward to meeting with BLM to discuss our concerns. If you have any questions, please feel free to contact me at 760-830-7396, extension 210, or via email at aytesjm@29palms.usmc.mil.

J. M. AYTES
By direction

229

RECEIVED
BUREAU OF LAND MANAGEMENT
03 SEP 12 PM 9:0
BARSTOW FIELD OFFICE
BARSTOW, CALIFORNIA

R 9/15
2
3
Mike A
RETURN TO:

September 12, 2003

Mr. Timothy Read, Field Office Manager
Barstow Field Office,
Bureau of Land Management,
2601 Barstow Road,
Barstow, CA 92311

Dear Mr. Read,

This letter is to confirm your agreement to treat the Juniper Sub Region as a separate collaborative management Unit and to adopt the "no action" alternative of Route Designation until the collaborative effort is finalized. This agreement was reached at the conclusion of the joint field trip to the Juniper Sub Region, where we met with you, Mike Ahrens, Roxie Trost and a few interested residents, Native Plant Society members, Mojave Desert Bird Club members as well as other Sierra Club members. Reasons for such a separate, collaborative effort include:

- Local community was not given required notice and opportunity to participate in the planning process of the Juniper Sub Region MAZ (Motorized Access Zone).
- Private residences adjacent to and surrounded by BLM lands are being adversely affected by the proposed Motor Vehicle Routes.
- Sub Region is within close proximity to the fastest growing community in San Bernardino County with approximately 300,000 residents.
- Provide the necessary time to complete adequate field study to ensure proposed Open Motor vehicle Routes adhere to established rules.

We agreed to provide some names and addresses of interested persons, and we have begun the process of collecting that data. Our first step has been to collect signatures on a petition for such a Collaborative Management Planning unit. Enclosed please find the preliminary results of this first step, which includes 51 names, addresses and signatures.

We are continuing our outreach efforts with letters to potentially interested groups and clubs, as well as the local cities. We hope to have some of this information within 4-6 weeks.

We trust that you are holding firm to your commitment to establish the Juniper Sub Region as a Separate Collaborative Management Planning Unit and to adopt the "no action" alternative of Route Designation in the interim.

Sincerely,

Jenny Wilder

Jenny Wilder, Mojave Group Vice-Chair

7323 SVL BOX,
VICTORVILLE,
CA 92392

Juniper Sub Region Petition

As a resident of the Victor Valley, I am concerned about the number and location of proposed "open" motor vehicle routes for the Juniper Sub Region in the West Mojave Plan. I am signing this petition to **support the proposal to consider the Juniper Sub Region as a Separate Management Planning Unit, and to adopt the "no action" alternative for route designation in the interim**. I believe that the Juniper sub region should be a Separate Management Planning Unit, utilizing a collaborative effort involving the Bureau of Land Management, local residents, interested groups such as Desert Survivors, Sierra Club, Native Plant Society, Local Bird Club, Desert Tortoise Club, Equestrian groups, etc. This is necessary because the local community was not given adequate opportunity to participate in the planning process of the Juniper Sub Region, and the region is within close proximity to the fastest growing area in San Bernardino County, with approximately 300,000 residents. Some residents are surrounded by BLM managed public land, and others own land or live adjacent to the BLM land. In addition, the Sub Region contains the Juniper Flats ACEC and adequate field study of the proposed "open" routes of motor vehicle travel was not accomplished before the comment period. Routes now proposed open were not on the original map.

Name	Complete Address	Interest	Phone or email	Signature
Pete Sosa	9000 Bowen Ranch Rd Apple Valley	Owner Resident Horse	760 9617419	
Karen Sosa	9000 Bowen Ranch Rd Apple Valley	Owner Resident Horse	760 96174A	Karen Sosa
David Anstrom	24146 Cascade Tr. Apple Valley	Resident	310-920 7698	
Maria Villa	7261 Kontum tr Apple Valley CA	Resident		Maria Villa
Ann McNally	7499 Bowen Ranch Rd. Apple Valley CA 92308	Resident	760 247-6733	Ann McNally
Paul Vezina	22812 Via Seco Apple Valley CA 92308	Resident	909-312 9148	Paul Vezina
Tim Wiseman	P.O. Box 490272 Hesperia CA Hidden Vly. Ranch	Resident		
Jean Greenwalt	4405 Tosca Rd. Woodland Hills CA, 91364	Rock Springs Ranch Owner	818 884-9888	Jean Greenwalt
David Van Voorhis	23999 Cascade Tr. Apple Valley, CA 8631 Sands Ave Riverside CA 92504			
Michaele Boyer	7499 Bowen Ranch Apple Valley, CA 92308	Resident	760-887-0566	Michaele Boyer

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Name PRINT	Complete Address	Interest	Phone or email	Signature
JENNY WILDER	7323 SVL Box 92392 VICTORVILLE CA	HIKING	JENSOASIS @AOL.COM	Jenny Wilder
Bradford B. Underhill	13590 Pyramid Dr Victorville CA	Cultural heritage	BBUSA @AOL.COM	B Underhill
KARRY FREDERICKSON	12945 AUTUMNWOOD DR VICTORVILLE	FLORA + FAUNA	760-241-9103	[illegible]
Marilyn Butterworth	12945 Autumnwood Dr Victorville, CA 92392	Heritage	760-241-9103	Marilyn Butterworth
Dorothy Inglese	8925 ARENA RD PINON HILLS CA 92372	PRESERVING HISTORY	760-868-6611	Dorothy Inglese
Lucretia Penn	13967 Tamoshanter Victorville	Photo	760 241-8359	Lucretia Penn
Bettye Underhill	7275 SVL VICTORVILL	Photo	760 243-9599	Bettye Underhill
Maria CLAUSS	PO BOX 40-3207 Hesperia, CA 92340	Hiking	MTC7576 @aol.com	Maria J. Clauss
William Sprenger	P.O. Box 129 Victorville, Ca	Hiking	760 951-9520	William Sprenger
Teresa Johnson	14710 Kokoro Apple Vly	Hiking		Teresa Johnson

Juniper Sub Region Petition

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Name	Complete Address	Interest	Phone or email	Signature
Keven Moore	PO Box 402 Apple Valley Ca		760-247-4511	Keven K Moore
Harriet Huston	18698 Vine St Hesperia CA 92345	hiking camping	760-244-9011	Harriet E Huston
Jennifer Houston	12885 Petaluma Rd Victorville, CA 92392	hiking	760-245-5092 DesertRun1@Aol.com	Jennifer Houston
JoAnn Kelly	11558 Deep Creek	hiking	247370	JoAnn Kelly
Carol Stubblefield.	25565 Skyline Dr A.V. 92308	resident of area hiking. equestrian	240 5841	Carol Stubblefield
Darren Corcoran	751 Higgins #6 Barstow CA 92311	Hiking Camping	760 252 1378	[illegible]
Diana Corcoran	751 Higgins #6 Barstow CA 92311	hiking camping photography	dval221@hotmail.com	Diana Corcoran
TOM ARBANAS	45726 WESTRIDGE NEWBERRY SPRINGS 92365	HIKING CAMPING PHOTOGRAPHY	257-4646 tarbanas@ia.net	[illegible]
Joan Shartle	14221 INDIAN CREEK Victorville CA 92392	Hiking Camping	hdpjoan@aol.com	J Shartle
Bill Spreng	12692 9th Victorville, Ca	Hiking	760 951 4520	Bill Spreng

Juniper Sub Region Petition

As a resident of the Victor Valley, I am concerned about the number and location of proposed "open" motor vehicle routes for the Juniper Sub Region in the West Mojave Plan. I am signing this petition to **support the proposal to consider the Juniper Sub Region as a Separate Management Planning Unit, and to adopt the "no action" alternative for route designation in the interim**. I believe that the Juniper sub region should be a Separate Management Planning Unit, utilizing a collaborative effort involving the Bureau of Land Management, local residents, interested groups such as Desert Survivors, Sierra Club, Native Plant Society, Local Bird Club, Desert Tortoise Club, Equestrian groups, etc. This is necessary because the local community was not given adequate opportunity to participate in the planning process of the Juniper Sub Region, and the region is within close proximity to the fastest growing area in San Bernardino County, with approximately 300,000 residents. Some residents are surrounded by BLM managed public land, and others own land or live adjacent to the BLM land. In addition, the Sub Region contains the Juniper Flats ACEC and adequate field study of the proposed "open" routes of motor vehicle travel was not accomplished before the comment period. Routes now proposed open were not on the original map.

Name PRINT	Complete Address	Interest	Phone or email	Signature
JOHN MAYER	16376 ALVISO AVE VICTORVILLE	JUNIPER FLATS	243-2429	[illegible]
Sharon Iverson	14022 VICTORIA DR Victorville 92392	Too many off-road vehicles	245-3539	Sharon Iverson
Keith Iverson	14022 Victoria Drive Victorville CA 92392	Plants Birds Nature Photography	245-3539	Keith Iverson
Beverly Fontaine	12361 Squaw Valley Lane Victorville CA 92392	Native Plants + Animals	760 243-6750	Beverly Fontaine
Elaine Eberle	21435 Kenora CT. Apple Valley CA 92307	Hiking	760-961-0514	Elaine Eberle
VERA MOORER	14719 Walnut Hesperia, CA 92345	Camping + hiking	760-662-9381	Vera J M
NANCY GALES	[illegible]	[illegible]	(760) 247-4415	Nancy Gales
Maria Clauss	PO Box 403207 Hesperia CA 92340	Hiking	MTC 7596@aol.com	Maria J. Clauss
Richard Garrison	16381 Villa Dr 92392	Hiking	760 240-8428	Richard Garrison
Gor Wilder	7323 SUL Box V.V. CA. 92392	Hiking Biking	760 243-3999	[illegible]

Juniper Sub Region Petition

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Name	Complete Address	Interest	Phone or email	Signature
Carol D. Ferré	1564 Barbara St Wrightwood, CA 92391	leave the area alone	wrightop @ qnet.com	Carol D Ferré
Gail Nieto	PO Box 169 Wrightwood CA 92397	Conservation	gailnieto @yahoo.com	[illegible]
Jennifer DeWese	18922 Sheffield Hesperia	Conserve	760-[redacted]244-2000	Jennifer DeWese
Lovella Sullivan	21829 Foxave Apple Valley	Conserve	760 961 1941	[illegible]
George Graham	14681 Riverside Dr. AV.		946-2686	[illegible]
Anthony Lund	14013 Dale CT	VV	951-7587	[illegible]

Juniper Sub Region Petition

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Name	Complete Address	Interest	Phone or email	Signature
CAROL MILLS	19282 A.V. ALLEGHENY RD	?	242-7785	Carol Sylvester Mills
James Navarro	15225 Beaghan-s Apple Valley CA		946 2145	James Navarro

Juniper Sub Region Petition

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Name	Complete Address	Interest	Phone or email	Signature
Paul W. Thevenot	7261 Kunlun Tr. Apple Valley, Ca. 92308	Resident		Paul W. Thevenot

Juniper Sub Region Petition

As a resident of the Victor Valley, I am concerned about the number and location of proposed "open" motor vehicle routes for the Juniper Sub Region in the West Mojave Plan. I am signing this petition to **support the proposal to consider the Juniper Sub Region as a Separate Management Planning Unit, and to adopt the "no action" alternative for route designation in the interim**. I believe that the Juniper sub region should be a Separate Management Planning Unit, utilizing a collaborative effort involving the Bureau of Land Management, local residents, interested groups such as Desert Survivors, Sierra Club, Native Plant Society, Local Bird Club, Desert Tortoise Club, Equestrian groups, etc. This is necessary because the local community was not given adequate opportunity to participate in the planning process of the Juniper Sub Region, and the region is within close proximity to the fastest growing area in San Bernardino County, with approximately 300,000 residents. Some residents are surrounded by BLM managed public land, and others own land or live adjacent to the BLM land. In addition, the Sub Region contains the Juniper Flats ACEC and adequate field study of the proposed "open" routes of motor vehicle travel was not accomplished before the comment period. Routes now proposed open were not on the original map.

Name	Complete Address	Interest	Phone or email	Signature
Scott Jodice	1111 Apple St. Wrightwood CA.	Resident	249-1937 (760) Area Code	Scott Jodice
Steve Jodice	277 Hwy 2 Space 8 Wrightwood CA 92397	Conservation	(760) 249-4694	Steve Jodice

Richard Willette
1632 Armory Road
Barstow, CA 92311-5644

September 5, 2003

West Mojave Plan
US Bureau of Land Management
22835 Calle San Juan De Los Lagos
Moreno Valley, CA 92553

RE: Proposed Pisgah ACEC

Dear Sir and Madam:

I am employed at the Hector Mine where I have worked as the Mine Superintendent for nearly a quarter of a century. The Hector Mine is located well within the western portion of the proposed Pisgah ACEC. During the course of my employment I have traversed over much of the area involved in proposed ACEC. I have also had repeated opportunities to work with various professional on numerous regulatory projects including the drafting of the Mining and Reclamation Plan for the property. I consider myself to be quite knowledgeable about much of the area included in the currently proposed Pisgah ACEC.

The introductory letter to the proposals for the West Mojave Plan states that the purpose of the plan is to "...develop management strategies for the desert tortoise, Mojave ground squirrel and over 100 other sensitive plants and animals...". In that respect the Sand linanthus, White–margined beardtongue, Crucifixion thorn and the Mojave fringe-toed lizard are indicated as parts of the need for the creation of the proposed Pisgah ACEC. Unfortunately the outline of the proposed Pisgah ACEC does not in fact preserve the areas of these plant and animal species, which are concentrated to the northeast and east of the of the proposed area.

Over half of the west portion of the proposed Pisgah ACEC includes an airstrip in a playa, numerous roads used by recreationalists, many powerline and gas line corridors including their maintenance roads and three active mining operations. Biologic investigations within the mining areas identified some tortoises, which were properly and safely relocated outside a fenced enclosure and a small stand of Crucifixion thorns near one of the powerline corridors. The professional biologist, who conducted the area examinations, listed all of

the plants and animals observed. Neither the Sand linanthus, White-margined beardtongue nor Mojave fringe-toed lizard were observed to be existing within the areas examined in the western portion of the proposed Pisgah ACEC. In summary, the western portion of the Pisgah ACEC lacks the biologic species, which it is supposedly going to protect.

If a Pisgah ACEC is to be created, a large western portion from near the Pisgah Crater should be excluded from the protected area. Further, in order to effectively offer protection for the several previously mentioned species the boundaries of the ACEC should be extended to the northeast to include much of the Sleeping Beauty Peak area and to the east of the currently delineated east limit of the proposed ACEC. These latter areas are where populations of the concerned species have been identified.

I thank you for the opportunity to present my comments, and wish you much success in reaching achieving a generally acceptable plan for the West Mojave area.

Respectfully yours,

Richard Willette
Hector Mine Superintendent

231

San Diego Gas & Electric
8335 Century Park Court
San Diego, CA 92123

A Sempra Energy® utility

'03 SEP 17 PM 12:29
RIVERSIDE, CA.

also received via e-mail 9/12/03

September 12, 2003

Larry Lepre
United States Department of the Interior
Bureau of Land Management
22835 Calle San Juan De Los Lagos
Moreno Valley, CA 92553

Re: **Comments on the Bureau of Land Management's West Mojave Plan Draft EIS/EIR, Sempra Energy Utilities (SEU)**

Dear, Mr. Lepre:

San Diego Gas and Electric Company (SDG&E) by its duly authorized agent and parent company, Sempra Energy Utilities[1], is responding to your West Mojave Draft EIS/EIR. The following items represent Sempra Energy Utilities (SEU) initial comments on the West Mojave Plan Draft EIS/EIR. Based on BLM's responses to our initial comments, SEU will provide the BLM with any additional information necessary to adequately address the environmental impacts of the West Mojave Plan as it relates to SEU facilities. The following information is provided for your consideration:

Mitigation Fees

Exemption of Utilities from Fees for Maintenance Work: Private and Public Lands

1. *Section 2.2.2.2 (page 2-32) and Table 2-8 (page 2-35)* need to include specific language exempting the maintenance activities of SEU and other affected utilities (by name) on private lands for road regrading activities in order to provide a comprehensive and adequate environmental analysis. Table 2-9 (page 2-35) needs to specify that utilities are exempt from fees on BLM land.

[1] Sempra Energy owns and operates The Southern California Gas Company (SCG) and San Diego Gas and Electric (SDG&E). The two companies are collectively referred to as Sempra Energy Utilities (SEU).

a. In addition, there are other portions of SEU gas pipeline access system including, but not limited to cleared work areas, valve stations, regulator stations, and facility yards that require maintenance. These represent an important part of the gas pipeline system and must be clearly identified in the EIS/EIR to provide a comprehensive and adequate environmental analysis.

Incidental Take Permit Issues

Status of Existing BO's and Incidental Take Permits: Public and Private Lands

1. To adequately assess the environmental impacts of the West Mojave Plan, reviewers must know what the relationship is between the West Mojave Plan and existing Biological Opinions and Incidental Take Permits. The EIS/EIR does not assess the environmental impact differences of incidental take coverage under the West Mojave Plan versus coverage under existing Biological Opinions and Incidental Take Permits. Please clarify the relationship. The language contained in the EIR/EIS appears to suggest that these permits would not be affected on Public or Private land but does not address the environmental impacts of this scenario.

Motorized Access Zones

Motorized Access Zones: Inclusion of Utility Access

1. *Table 2-23 (page 2-130) Motorized Access Zones (MAZ) Issues and Goals.* Under Newberry-Rodman, ALL, Goals on page 2-134. Modify the last point in the Goals column to read: Maintain adequate access for patrol and maintenance activities within existing utility right-of-ways, commercial and private properties.

Impact Occurring Adjacent to Established Roads

1. *Section 2.2.2 (page 2-31).* This section of the EIS/EIR should include the following language in order to fully analyze the potential environmental effects of the West Mojave Plan:

   Utility maintenance activities and the construction of new utility facilities in existing paved roads, dirt roads, disturbed road shoulders, disturbed pull-outs, etc., shall be exempt from wildlife surveys, construction monitoring, habitat mitigation, and habitat restoration provided that exclusionary fencing is utilized in the appropriate situation and ground contours are closely re-established.

Desert Tortoise

Desert Tortoise: Take-Avoidance Measures

1. *See Section 2.2.4.1, page 2-56.* The proposed revegetation requirements may limit access to utility facilities for the purpose of performing routine maintenance as mandated by state and federal regulations. The potential impacts to the reliable delivery of utility services as well as public health and safety have not been adequately considered in the environmental analysis. Revegetation requirements should not unduly limit the ability of utilities to adequately maintain and operate their facilities in the best interest of the public.

GENERAL COMMENT

Homeland Security Measure

The following statement should be added the EIS/EIR in order for the document to fully consider the potential for, and the response necessary to a Homeland Security related circumstance. In an emergency condition as a result of an attack on the United States of America:

This plan recognizes that unforeseen national security measures may require immediate compliance by utilities to operate or construct features designed to secure and protect energy and communication systems. Should the Department of Homeland Security, Federal Energy Commission, California Energy Commission, or California Public Utility Commission proclaim the necessity of such measures, utilities will be allowed to implement said measures. Appropriate mitigation and plan compliance shall be sought "after the fact". Where variance to plan is required, parties shall negotiate to accomplish the spirit of the plan.

Sincerely,

Tom G. Acuna
SDG&E
Natural Resources Administrator

(858) 637-3701
Fax (858) 637-3700

232

RECEIVED
BUREAU OF LAND MANAGEMENT
03 SEP 11 AM 11:17
BARSTOW FIELD OFFICE
BARSTOW, CALIFORNIA

TO		INT	DATE
	AM	62	9/10
	ADMIN		
2	RES	5	9/15
	REC		
	LEO		
	FMC		

RETURN TO: _____

Carol Stubblefield
25565 Skyline Dr
Apple Valley Ca 92308

760 240 5841

yorkshirerose1@juno.com

8th September 2003

U. S. Department Of the Interior
Bureau of Land Management
California Desert District
22835 Calle San Juan De Los Lagos
Moreno Valley, Ca 92553

Comments
West Mojave Plan
A Habitat Conservation Plan and California Desert Conservation Area Plan

As a resident on the boundaries of the Juniper Sub Region, please find enclosed my comments, specifically to the area mentioned above.

Trails and Off Road Use.
The Juniper Sub Region, before the two major fires was an area of multiple use, equestrian, hunting, hiking, vehicle touring and extensive technical motorbike use. After the Willow fire this area was closed with fencing, gates, under surveillance from regular ranger patrols, with help from local off road motorbike clubs. Even with these enforcements, the area was/is used heavily for "technical" motorbike use. Occurring during the week, night and week ends. I personally can hear this activity and have documented via photography, knocked down fences, new trails across the canyon sides, and disregard for red markers. Trails run parallel with riparian areas. Multi trails run along side each other, up steep terrain.
With out some form of conservation with in this area, disruption of cryptobiotic soil crusts, erosion, reduced soil-percolation rates, noise and wildlife/plant disturbance, will continue from these 'renegade bikers.' On communicating with 'responsible' off road bikers, they need access to the National Forrest and prefer to tour, covering 100's of miles not riding around in an approximately 8 square mile area.
J1001 from Coxey truck trail to Grapevine Canyon is a very steep sided, narrow route. Jeep 4x4 groups, motorbikes, equestrians and hikers all try to negotiate this route, this is a liability waiting to happen.

Off road usage is 'short-term', conservation is for the 'long-term'. The area is now designated 'limited use'.

Noise Disturbance
Ref: California Fish and Game Commission, title 14. Hunting in the immediate vicinity of wildlife waters, guzzlers included, is limited to 30 minutes.
On observation near riparian areas, one can find vast quantities of spent shells, broken, shattered objects from target usage.
With regards to vehicle noise, ref; comments from Bureau of Land Management with regards to trails near riparian areas, they can be .50 miles away. Therefore a hunter can shoot for 30 minutes, yet there is no limit to the time an off road vehicle can ride around using the different trails? Making unlimited noise.

Fire
At the present time a lot of the area is covered with Fiddleneck *amsinckia,* this is an invasive California native, when dry it is a very high fire danger. I have photographs of single motorbike tracks, plowing through this knee high dry plant.
I personally have called the Barstow Bureau of Land Management office and reported illegal woodcutting; J1001/ Arrastre Canyon (water fall) a huge pile of kindling was left. This area is a popular party place for drinking and smoking.
Ref: Bureau of Land Management comments J1001 is used as an access road for fire and emergencies. During the Willow Fire, fire personal used Milpas Drive for access, obtaining a key to the gate; they had access to Juniper Riviera County Water District's fire hydrants. A lot of the equipment is too large to negotiate J1001.

Cultural Areas
The area contains a unique concentration of habitation and special use archaeological sites. The ACEC addressed the impact of recreation, grazing and mineral exploration and were recognized as threats to conservation.

Monitoring and Ranger Patrol
Due to lack of government funding patrols are conducted at least monthly, these need to be increased. Especially during peak usage, which appears to be on an afternoon during the week and weekends. Vandalism is occurring to the historic mines, riparian areas are trashed. Private property owners are constant battling with 'renegade' bikers. Call out time from the local sheriff is 30 minutes or more, for non-emergency the time can be hours.

Community Growth
Within my water district area, the rate of new home growth is on the increase. More families and teenagers are using the Juniper Region. As the Victor Valley's population grows, more recreational land is needed. If all parties do not take a conservation effort, this area will not be available for ALL to enjoy and use.

The Juniper Region is a very diverse unique eco system. Back in 1980 the area was established as an Area of Critical Environmental Concern. In 1988 a Management Plan was signed "to define coordinated management actions that, when implemented, will meet the goals of the CDCA plan".

Within the Mojave Desert riparian areas with year round water are very rare. These areas are vital for wild life and migratory birds. They are also home to a vast array of plant life, found nowhere else. These animals and plants have adapted to the harsh desert conditions. We can enjoy this area, with out leaving vast scars on the side of the canyons, and disturbing the wildlife.

I personally would be willing to help with 'special management' of this area. If we are all to enjoy multi – 'limited' use within this area, we all need to come to some form of conservation agreement.

As per Webster's Dictionary "Conservation"
The act of keeping free from depletion, decay or injury. Wise management and maintaining.

I urge you, with the interested public's help to form a 'special management' group, to conserve this area, for the future generations.
Please notify me of any future meetings with regards to this area.

Sincerely

Carol Stubblefield

Carol Stubblefield

References:

BLM description of Juniper Sub Region use and Rules and Regulations
http://www.ca.blm.gov/barstow/jflats.html

Mojave Desert Wildflowers Pam Mackay

The Western Range Revisited Debra L. Donahue

The Jepson Desert Manual

July 2003 Response from comments from Bureau of Land Management.

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STATE CAPITOL
SACRAMENTO, CA 95814-4900
(916) 445-6637

MAIN DISTRICT OFFICE
ANTELOPE VALLEY
1008 W. AVENUE M-14
SUITE G
PALMDALE, CA 93551
(661) 274-0188

California State Senate

SENATOR
WM. J. "PETE" KNIGHT
SEVENTEENTH SENATORIAL DISTRICT

SANTA CLARITA VALLEY
(661) 294-8184

VICTOR VALLEY
(760) 843-8414

WEBSITE:
WWW.SEN.CA.GOV/KNIGHT

	Route Hard copy to:	/s/	Date
	District Manager		
	Assoc DM		
	Support Services		
	Outreach		
	Resources		
	Technical Services		
	Fire Mgt		
	Field Office		
	Duplicate to:		

September 5, 2003

Bureau of Land Management
Attention: Linda Hansen
22835 Calle San Juan De Los Lagos
Moreno Valley, CA 92553

Re: Extension of Comment Period for West Mojave Plan

Dear Ms. Hansen:

This letter is in regards to the Comment period on the West Mojave Plan. This Plan has only been out for Public Review since the first of June 2003, with the Federal Register Notice on June 13, 2003. As you are aware, normal comment periods are 120 days for a plan of this scale. For those who have just received copies of this plan, it is virtually impossible to make responsible comments in such a short turn-around.

This Plan is multi-faceted with various complex biological aspects that will prove to be difficult for much of the general public to even comprehend. Therefore adequate time must be afforded to read, digest and comment for proper public input into the plan. Since this Plan encompasses millions of acres of public land managed by the BLM's California Desert District, located in Inyo, Kern, Los Angeles and San Bernardino Counties, it will have long lasting impacts on people's lives and livelihoods. It is because of this that I am requesting an extension of the comment period.

Thank you in advance for your assistance and respect for the public's interest in the State of California.

Sincerely,

WM. J. "PETE" KNIGHT
Senator, 17th District

WJK:re

CC: The Honorable Gale Norton, Secretary – Department of the Interior
The Honorable Richard Pombo, Chair – Committee on Resources

The Honorable Jerry Lewis, 41st Congressional District
The Honorable Buck McKeon, 25th Congressional District
The Honorable Bill Thomas, 22nd Congressional District
The Honorable Roy Ashburn, 18th Senate District
The Honorable Sharon Runner, 36th Assembly District
The Honorable Bill Maze, 34th Assembly District
The Honorable Kevin McCarthy, 32nd Assembly District
Supervisor Bill Postmus, San Bernardino County
Supervisor Don Maben, Kern County
Supervisor, John McQuiston, Kern County

hand delivered
9/12/03

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SCI
FIRST FOR HUNTERS

U.S. Department of the Interior
Bureau of Land Management
California Desert District
22835 Calle San Juan De Los Lagos
Moreno Valley, CA 92553

Re: West Mojave Plan

September 12, 2003

Dear Bureau of Land Management,

Please consider this letter an official response to the West Mojave Plan (hereafter referred to as "the Plan") from Safari Club International (SCI). SCI is a nonprofit corporation incorporated in the State of Arizona and is recognized as one of the leaders in protecting the freedom to hunt and in promoting wildlife conservation worldwide. SCI's missions are the conservation of wildlife, protection of the hunter and the education of the public concerning hunting and its use as a conservation tool. We have over 40,000 members around the world and almost 6,000 in California alone. In addition, there are over 45 million hunters in the United States and Canada. Our members have serious concerns regarding the management of the resources in the West Mojave.

SCI has substantial interest and experience in California desert wildlife management and has been significantly involved with issues concerning water developments and hunting in the Mojave National Preserve. More specifically, SCI has worked with the National Park Service, the California Department of Fish and Game as well as conservation and wildlife organizations to protect hunting opportunities and to facilitate access to and maintenance of water development systems in the Mojave National Preserve in order to conserve the wildlife populations that rely on these water systems. We use the experience we have obtained through our involvement with the East Mojave to submit these comments on the West Mojave Plan. Our purpose in submitting these comments is to prevent problems that have been encountered in the East Mojave, currently under the administration of the National Park Service.

Our concerns with the West Mojave Plan focus on road access that can impact both hunting and conservation of the area's wildlife. Opportunities to hunt and to conserve the species that reside in the West Mojave rely, at least in part, on road access. The closing of roads, has a broader effect on wildlife than simply limiting the access of hunters. In addition, road closures make it difficult, if not impossible for wildlife and conservation groups to access and maintain the water developments on which the resident species rely. When water developments cannot be maintained, they frequently dry up and fall into disrepair. They no longer provide a reasonable source of water for a variety of species that reside in the area. When these sources of water disappear, the animals and birds that depend upon them must pursue a desperate search for new water. If no new source can be found, many animals will perish. While the BLM may feel compelled to implement road closures to protect the threatened and endangered species living within the West Mojave, such motivation does not justify any choice that would utterly disregard the need to conserve other wildlife that also reside in the same area. Therefore, we urge the BLM to give further consideration to its decision to limit road access in certain areas and to factor into its analysis the need to maintain access for the purpose of filling, repairing and in some cases restoring water developments.

As stated, our goal is to avoid any potential problems with respect to the current management plan for the West Mojave. We hope that the BLM will take our comments into consideration through the next and final stage of this process. Protecting the freedom to hunt and maintaining the water catchments throughout the desert is smart wildlife management based on sound science and should be a considerable focus of the BLM's efforts in finalizing the management of this area.

Washington DC Office
501 2nd Street, NE, Washington, DC 20002 • Phone 202 543 8733 • Fax 202 543 1205 • www.sci-foundation.org • www.sci-dc.org

We appreciate the opportunity to comment on this Plan and look forward to responding to any questions or concerns you may have.

Sincerely,

Anna M. Seidman
Acting Director of Governmental Affairs
Litigation Counsel
Safari Club International

Darrin Peterson

From: "Darrin Peterson" <darrinp@sbcglobal.net>
Sent: Friday, September 12, 2003 9:49 AM

Good Day

First let me say after reviewing at length the Draft of the West Mojave Plan that I am totally set back in my seat at the lack of scientific justification for the conclusions that support such an plan and the lack of fiscal responsibility shown by the items that are proposed in the Plan.

And Furthermore I am personally distressed by the removal of another family past time shared by my family of 4 who enjoy camping in this great land we are blessed to have as Americans. We and many other families make desert adventures part of our life's. Certainly the ones that have drafted the Plan have no idea of the impact to those of us who regularly use the desert as a family bonding experience and to keep our kids focused on a none violent pastime.

I ask that you must extend the comment period and have more public meetings where the users reside.(L.A. Metropolitan areas) Ninety days – I have been riding the area for many years and have knowledge of only a small portion of the plan you propose.

More Specifically let me comment on several items:

You propose areas for the protection of a species based on arbitrary decisions. I think that you should Go back and do the proper studies to define the reasons for decline if any. Once defined, assign priority to the threats. This is good science and common sense. The Plan does not address the threats as is now understood. Declination by O.H.V seems very minimal Infection and Raven predation top a list way ahead of many other causes.

Remove the fences these are a hazard to medium sized animals who run. You will be coming to the users asking for more funds to pay for unneeded/unwanted expenditures.

The Plan does not include a vast number of trails used as single track by motorcycles in specific. Re-survey all trails and leave as open unless posted otherwise. This is convention as is commonly accepted. You see fit to go counter to convention. If there are many trails going to a desired local it will greatly reduce the tendency to forge new ones..

The corridors that have been used for Barstow to Vegas and for the Check Chase

should be listed as competition corridors and given specific language to that end. Just because you forgot to put the corridor for the largest off road event ever held in the country and perhaps in the world into your plan does not and should not simply delete the competition corridor. Correct what you forgot. Place B to V in the route inventory and help us keep an American tradition alive.

Re establish routes in the Cinnamon Hills and in Spangler Hills that were closed "temporarily" – permanent is not temporary. Route closure is not supported by the documentation. In fact there is little if any scientific evidence to support much of the proposed closures.

In conclusion; although I understand that much of the underlying work was done due to deadline and you used a lot of dated study information, not to best supply the appropriate best solutions there is still is an opportunity to correct many of the errors in the findings before the draft of the plan is final. This will potentially keep many of the errors from being challenged in the courts and you then can make better use of your time doing what your office was created to do. I urge that you do this now.

Thank you for your effort to come.

Darrin Peterson
9445 Yucca Hills Road
Aqua Dulce, Ca. 91390

A great American family and business owner with traditional American Values...active riders and off road enthusiasts, Members of Checkers MC. Founded 1952..

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Telephone: (562) 699-7411, FAX: (562) 699-5422
www.lacsd.org

JAMES F. STAHL
Chief Engineer and General Manager

September 12, 2003

File No. 14R-04.01-00

VIA E-MAIL AND FAX

03 SEP 17 PM 12: 27
RIVERSIDE, CA.

Mr. William Haigh
Bureau of Land Management
California Desert District Office
22835 Calle San Juan De Los Lagos
Moreno Valley, CA 92553

Dear Mr. Haigh:

West Mojave Plan

The County Sanitation Districts of Los Angeles County (Districts) are comprised of 25 separate districts, two of which are located in the Antelope Valley in the southwestern portion of the West Mojave Plan (WMP) area. County Sanitation District No. 14 of Los Angeles County (District No. 14) operates the Lancaster Water Reclamation Plant (LWRP), located at 1865 West Avenue D in Lancaster, California, near the intersection of Avenue D and Sierra Highway. County Sanitation District No. 20 of Los Angeles County (District No. 20) operates the Palmdale Water Reclamation Plant (PWRP), located at 39300 30th Street East in Palmdale, California. Districts Nos. 14 and 20 provide wastewater collection, treatment, and disposal services for the City of Lancaster, the City of Palmdale, and unincorporated areas of Los Angeles County (County). The Districts appreciate the opportunity to review the WMP Environmental Impact Statement/Report (EIS/R) and submits the following comments for your consideration.

The Antelope Valley is a closed basin with no outlet to the ocean. Therefore, all of the recyclable water produced at the LWRP and the PWRP must be disposed of through evaporation or reused, both of which are land-intensive. Any proposed change that increases the cost of obtaining land to expand the existing treatment and recyclable water management facilities in the Antelope Valley, or affects Districts Nos. 14 and 20's performance of ongoing operations and maintenance of these facilities, will have a significant impact on the ability of Districts Nos. 14 and 20 to continue to provide adequate wastewater treatment for the current and future needs of the area. The Districts' comments and questions are summarized below, and elaborated on in the following paragraphs:

1. The LWRP is completely surrounded by the proposed Alkali Mariposa Lily (AML) Permanent and Interim Conservation Areas identified in the EIS/R. The designation of this land as AML Permanent and Interim Conservation Areas could potentially constrain current operation and maintenance activities and limit expansion potential of the facilities to accommodate growth in

the District No. 14 service area. This constitutes a significant impact to health and services that is not addressed in the EIS/R (Section 5.5.5).

2. Application of compensation ratios, and therefore a mitigation fee, to all land within the WMP area is excessive. The effect of this fee is to increase the cost of any piece of land in the area by at least 50 percent for all but some residential uses. If an area has been previously disturbed or is adjacent to existing developed areas, and it can be shown that no threatened or endangered species are present through absence surveys or other means, no compensation should be required.

3. Please clarify with respect to how conservation areas will be established and managed, particularly for those areas located on private lands. Will the Implementation Team begin to purchase the private properties within the conservation areas? What procedures will be used to determine whether an interim conservation area should be made into a permanent conservation area? Will there be procedures for removing lands from permanent conservation areas?

4. Please clarify the allowed uses for recreation and utility easements within conservation areas. What procedures will be required to operate and maintain facilities within utility easements in conservation areas? What procedures will be required to establish additional utility easements within conservation areas?

Services such as wastewater treatment are essential for all residences. And due to the continually increasing environmental regulations, upgrades at these facilities are required on a regular basis. Upgrading facilities often requires the acquisition of additional land upon which those facilities can be constructed. Under the proposed alternative in the WMP, such land acquisition will require the payment of a mitigation fee. Therefore, although single-family residential units are exempt in many cases from the mitigation fees, there will still be an impact due to the costs associated with providing critical services. This impact was not addressed or accounted for in the development of the mitigation fee structure.

For example, District No. 14 is currently developing a facilities plan and EIR for expansion of the LWRP to provide wastewater treatment and effluent management capacity through the year 2020. Using population projections from the Southern California Association of Governments, District No. 14 has calculated that the population growth within its service area will increase by 106 percent between the years 2000 and 2020. In order to accommodate this growth, District No. 14 will need to acquire 1,105 acres for additional treatment and storage facilities. The land being considered for these facilities is located adjacent to the LWRP and falls within the footprint of the AML Permanent and Interim Conservation Areas identified in the EIS/R. Assuming that a compensation ratio of 5:1 applies to this entire area, the mitigation fees would total $22.1 million—almost 20 percent of the overall project cost! This cost will, in turn, require a significant increase in connection and service fees for District No. 14 ratepayers. As a direct result of this, housing costs will increase in the Lancaster area and impact the long-term growth management plans prepared by local governmental entities. This significant impact was not addressed in the WMP EIS/R.

Growth in the Antelope Valley continues to outpace that of the rest of the County, and, according to the growth numbers provided in the EIS/R, the rest of the WMP area. Much of the area has been previously disturbed and no longer contains habitat suitable for the threatened and endangered species discussed in the EIS/R. Pockets of undisturbed habitat do exist, but are often surrounded by developed areas or areas previously disturbed. These "islands," which may contain the resources to support listed species, often do not contain populations of such species because of their fragmentation from significant undisturbed areas and proximity to developed areas. If, through regulatory-approved protocol it can be proved that listed species are absent from such areas, no compensatory land, and therefore no mitigation

fee, should be required. This would encourage infill development of previously disturbed land and fragmentary habitat areas where listed species are not present, and are less likely to inhabit at some future date.

Furthermore, the WMP EIS/R does not provide an accurate analysis of the existing conditions within the proposed AML Permanent or Interim Conservation Areas. Plant surveys of the area suggest that the identified conservation area may not encompass the best AML population area(s) within the region. Imposing specific conservation area boundaries at this time limits the ability to identify the best location for the species while unnecessarily encompassing areas of lesser habitat value. It also places an undue burden on operation and expansion of the LWRP, which provides a critical public health service to the community as described above.

The EIS/R is unclear with respect to how the conservation areas would be established or managed. The proposed AML Permanent and Interim Conservation Areas are located entirely within privately owned land. Without the means or authority of establishing these conservation areas, the WMP unfairly constrains land uses. Would they limit the expansion of the LWRP due to constraints on the amount of land that can be developed within the AML Permanent and Interim Conservation Areas? The EIS/R is unclear on the implementation authority, management, and use of the AML Interim Conservation Areas. How would these areas limit land uses or promote the establishment of AML Permanent Conservation Areas?

The EIS/R is also unclear on the allowed land uses within a conservation area with regard to recreation and utility easements. Districts Nos. 14 and 20 operate and maintain approximately 110 miles of trunk sewers within their service areas. Many of these sewers cross undeveloped lands, and, in the case of District No. 14, are located within the AML Permanent and Interim Conservation Areas identified in the EIS/R. The impact that the conservation areas have on utility easements, and the operation and maintenance of the facilities thereon, must be clarified.

The EIS/R also does not analyze potential impacts on facility operation and maintenance due to the establishment of conservation areas adjacent to existing utilities. Would the proximity of a conservation area limit these activities for existing facilities, such as the routine access to Piute Ponds on Avenue C by LWRP personnel? Limiting operation and maintenance activities of existing utilities would be a significant impact of the project.

The current LWRP treatment and storage facilities occupy 550 acres. Recyclable water is used to irrigate alfalfa grown on an additional 667 acres and supplies make-up water for evaporation losses from the 400-acre Piute Ponds and 90-acre Ducks Unlimited Impoundments (both located on Edwards Air Force Base). The existing treatment and storage facilities, along with almost the entire 667 acres of alfalfa irrigated with treated effluent, are surrounded by the proposed AML Permanent and Interim Conservation Areas identified in the EIS/R. The ditches and pipelines transporting treated effluent to the various off site areas also traverse the AML Permanent and Interim Conservation Areas. The designation of this conservation area will have a significant effect on District No. 14's ability to continue providing wastewater treatment and effluent management capacity adequate to meet the needs of its service area, both by potentially constraining current operation and maintenance activities and by limiting expansion potential of the facilities. The service provided by the LWRP is necessary to ensure the health and safety of the people and environment in the Lancaster area. The impact that the designation of the AML Permanent and Interim Conservation Areas will have on the ability to continue these services in an environmentally sound and cost effective manner is significant and not adequately addressed in the EIS/R.

Thank you for the opportunity to comment on the Draft EIS/R for the WMP. Please contact me at (562) 699-7411, extension 2711, if you have questions or desire further information.

Very truly yours,

James F. Stahl

Steven W. Highter
Supervising Engineer
Planning Section

SWH:MJJ

U.S. Department of the interior
Bureau of Land Management
California Desert District
22835 Calle San Juan De Los Lagos
Moreno Valley, CA 92253

Comments Submitted Regarding:
Draft Environmental Impact Report and Statement for the West Mojave Plan
May, 2003

Submittal Deadline:
September 12, 2003

Submitted by:
City of Los Angeles
Los Angeles World Airports (LAWA)
Environmental Management Division (EMD)

Dr. Andrew Huang, Environmental Supervisor
7301 World Way West, Room 312
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Comment #1

All references in the above proposed plan that refer to the County of Los Angeles Significant Ecological Areas (SEA) delineation should be corrected by the deletion of all discussions on the Little Rock Wash.

The proposed County of Los Angeles SEA is flawed in regard to delineating the Little Rock Wash as a wildlife corridor. The wash running south to north through the Antelope Valley is crisscrossed by numerous major highways and fences. To the north, the wash disappears into private agricultural lands. To the south, the wash is bottled up by houses and the California aqueduct running along the foothills. Hydrologically, the wash no longer contains water to support wildlife since the construction of the Little Rock Dam in the 1920s.

The West Mojave Plan should not adopt the Little Rock Wash as a significant ecological area. Changes should be made in the document: p. 3-16, 3-17; 3-26 etc.

Comment #2

On page 2-32; Table 2-7, all references to agricultural land should be remove. Agricultural land sometimes is left fallow for agronomic reasons. Farms should not be penalized.

Comment #3

The use of (0.5-1; 1:1; 5:1) area based on a general Map 2-8, is too arbitrary. The numbers should be reduced to a maximum of 3:1. Replacement acreage should also be allowed to be calculated by a habitat quality index number determined through a study for the proposed development site. Even undisturbed lands have different habitat qualities. The current approach seems unfair.

Comment #4

Section 2.2.2.3 Habitats Rehabilitation Credits (p. 2-36 to 2-39)

Since the compensation fee is dependent on CR, DA, HRCs and L, these factors need to be better defined.
CR - based on general gross map is unfair.
DA - disturbed acres - whole parcel? Site containing previously developed land?
L - averaged land value base on what and when?

Comment #5

Section 2.2.4.1 Species Conservation Measures Applicable Throughout the HCA (p. 2-50 to 2-51)

This section discusses "Agriculture", "Fire Management", "Highways", and "Land Acquisition Within the HCA" activities. A discussion should also be included addressing the maintaining of safety fly zones for military and civilian airports. For safety reasons, clear zones for departing and arriving aircraft need to be maintained around an airport. The ingestion of shrubs or raptors attracted by rodents into aircraft engines has caused fatal crashes. To reduce these risks, safety zones are established and need to be maintained.

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September 12, 2003

West Mojave Plan
Bureau of Land Management
22835 Calle San Jaun De Los Lagos
Moreno Valley, Ca. 92553

RE: **COMMENTS REGARDING THE DEIS FOR THE WEST MOJAVE PLAN**

To Whom It May Concern:

As a participant in the West Mojave Planning process for the last 4 years representing both governmental agencies, private businesses interests small economically depressed communities located in the northwestern portion of the planning area, an organization devoted to the preservation of mining history and a participant in the route survey team I have the following comments to offer regarding the above referenced document.

- It is respectfully requested that a 90 extension of the comment period be granted for the following specific reasons.
  - This is the largest and most complex habitat conservation plan ever proposed. Despite my planning background and intimate involvement in the process for the last 4 years I find it impossible to complete a detailed analysis of this very intricate project. Based on my background it is my belief that the plan is impossible for the ordinary citizen to review and understand.
  - The California Department of Fish and Game and the Federal Fish and Wildlife Service have not signed off on the plan. Without their sign off on the plan and any proposed changes which they might request it is impossible to perform and adequate evaluation of the plan.

- The environmental document fails to adequately address the cumulative impacts associated with route closures associated with the NEMO, NECO and WEMO plans. Each of these plans has addressed the perceived impacts of proposed closures in each individual plan but fails to address the cumulative loss of routes across the entire area addressed in the California Desert Plan. In addition, the Draft EIS fails to address the cumulative economic and route closure impacts associated with proposed and future Wilderness Designations. Under the provisions of the National Environmental Policy Act foreseeable future actions must be addressed.

- The Draft EIS fails and proposed California Desert Plan Amendment contained in this document fail to address the RS 2477 issues associated with the Proposed Action. This same specific issue has not been addressed or adequately discussed in the previous environmental documents prepared for the other amendments of the California Desert Plan. Examples of major missed RS 2477 rights-of-way include portions of Hoffman Road and the Lockhart Road in the Red Mountain and adjoining subregions. This combination of routes has always provided a historical inter regional connection.

- The second sentence in the last paragraph on page 16 relating to the decision tree structure indicates that legal easements and rights-of-way were taken into account. A review of the Red Mountain PA 26

map indicates that certain easements were not taken into account (Examples: RM 3008 which is shown as closed on the Proposed Action Map is an existing valid water line right of way and route of travel recognized by the Bureau of Land Management since March 31, 1937; RM 3004 is recognized by the BLM as a water line, power line right of way and route of travel since 1937 and 1938.) **If this easement was missed how many more were? The potential impact of missing these easements is considered significantly adverse due to the fact that they open each holder of easement routes to the ill defined administrative process of each individual field office in making individual determinations. This problem could be resolved through a simple statement in the CDCA Plan Amendment stating that *"All easement or rights of way, whether shown on the Route Designation Plan Maps or not, are designated as open or limited."***

- In the Disturbance Polygons Section on page 16 of the EA for the Route Designation Project it states that "Access would be provided to private property and commercial sites that would meet minimum requirements." The term minimum requirement is not defined. This issues still has not been addressed in Section 2.2.6 etseq of the Draft EIS In the Red Mountain Area (Section 16 on the PA 26 map provides access a single access point to a Section of land and closes two other access points to property owned by other individuals.) Given these facts and the topographic concerns this does not meet the access requirement and constitutes a taking of property and is premature in nature due to the fact that the proposed DWMA boundaries have not been legally fixed as of the date of the CDCA Plan amendment. **How many other examples of this exist in the area encompassed by the plan? In order to rectify this problem the CDCA Plan Amendment must contain clear wording and guidance for resolving this problem in a timely manner without subjecting the private property owner to undue expense and ill defined Local Field Office procedures.** Other apparent example of this type of action include the following:

  - The closing of RM3127 off of RM3047. It appears that you have technically land locked Section 3. This action should not occur until such time as this property is purchased and included in the government inventory.

  - In the Fremont MAZ - 5 the designation is missing on the spur off of F3004 near F5104 which goes north to a private parcel in Section 13.

  - In the Middle Knob area it appears that you have again land locked a private parcel through not designating a spur off of MK 41 in the vicinity of MK3.

  - In the Superior Subregion S 2017 is used frequently by homestead residents in area. The closure of this route in effect constitutes diminishment in the value of their property and a taking.

- In the Section dealing with the El Paso Collaborative Access Planning Area it is suggested that bullet one be modified as follows:

  - Protection of raptor nest, particularly golden eagle and prairie falcon through seasonal closures" This complies with the existing Federal Standards.

- In the Section dealing with the El Paso Collaborative Access Planning Area it is suggested that bullet 4 be modified as follows:

  - "Use of ***limited*** vehicle access to wildlife spring and artificial water sources "guzzlers" along with the development of uniform and timely procedures for the provision of limited access."

- In Section 2.2.6 - Implementation (page 22) it is suggested that the following be added to the end of bullet one:

- "and signage on open routes adjacent to private property indicating private property boundary"

The implementation of this measure would bring about a decrease in trespass issues and the development of volunteer routes.

- In Section 2.2.6.9"Modification of Route Network -- paragraph 2 - Minor Modifications" it is requested that the following additional bullets be incorporated into the CDCA Plan Amendment:

  - "Opening or limited opening of routes where valid rights-of-way or easements of record were not accurately identified in the route designation process identified with this particular plan amendment."

  - "In cases where the Route Designation Process has land locked private property parcels, not located within the boundaries of existing wilderness areas, a new open or limited route can be designated."

- From a technical stand point Appendix C of the document relating to the Red Mountain sub-region is flawed in the sense that you cannot match route numbers in a large portion (specifically Red Mountain MAZ's 1 and 2) of the area to the decision tree therefore one cannot accurately respond to the reasons whether or not a route is open or closed. This fails to meet the disclosure requirements of NEPA and flaws the document.

- There are many inconsistencies between the route designation maps and the sections shown in the Appendix C outlining reasons for opening or closing a route. Specific examples of these inconsistencies are provided below. Due to these errors the document and project description fails to meet the requirements of a full disclosure document under the provisions of NEPA and it is impossible to determine what the specific project is. Until such time as these issues are resolved the document and the proposed amendment fail to meet the legal requirements. It is suggested that these specific issues be resolved and the document be recirculated for further comment **or that specific wording be placed in Section 2.2.6.9 "Modification of Route Network – paragraph 2 – Minor Modifications" allowing for these discrepancies or errors to be resolved through the Minor Modification process. If this method is chosen the reference to the one linear mile length shown in the last sentence on page 24 needs to be made** Examples of these errors include the following: (note: credit for much of this detailed analysis must be given to Randy Banis of Sundance Media Com who will be submitting much more detailed comments)

  - Middle Knob Subregion:

    - No map was provided for the No Action alternative

    - Route MK 15 does not dead end as shown on the map but continues into key areas of Antimony Flats, an important historical mining area. Due to the fact that much of the surrounding area is private property and is gated this is the only means of access to the area.

    - None of the existing routes in the Horned Toad Hills are shown.

    - Route MK 37 is not labeled on the map.

    - Route MK 57 continues west to intersect with routes MK10 and MK14.

- SU 2086 is shown as open on the Proposed Action Map yet is shown as closed on the Appendix C table.

- Coyote MAZ 1 – C10051 - This route is shown on the map but is not shown in Appendix C.

- El Mirage MAZ - 2 :

  - All route numbers from EM2000 to EM2040 are shown on the map as closed despite the fact that nearly 50% of the routes are indicated as open in Appendix C.

  - Appendix C fails to address all of the routes above EM 2040 (approximately 30 to 50 routes).

- Fremont MAZ – 2:

  - The following routes are not listed in Appendix C so that it is impossible to specifically comment on the merits of these routes or the validity of reasoning for opening or closing them:
    - F 2071
    - F 2072
    - F 2072A
    - F 2074
    - F 2075
    - F 2076
    - F 2078

- Juniper Subregion:

  - J1003 is shown on the map as open but is listed as closed in Appendix C.

- Kramer Subregion:

  - Route K 2107 is show as open on the map but is listed as closed in Appendix C.
  - With regard to K 3072 appendix C states that the route should be closed due to the fact that it is redundant to route K 3106. K 3106 is presently designated as closed on both the map and Appendix C. How can K 3072 be redundant?

- Red Mountain MAZ – 1 & -2:

  - Over 600 route numbers were mislabeled in Appendix C and it is impossible to make detailed comments on this specific area. If the EA and Route Designation Amendment are to proceed ahead some provision needs to be made in the Section 2.27 Modification of Route Network - Minor to allow for the correction of this problem.

- Red Mountain MAZ – 3:

  - Route RM 3043 is designated as closed on the map and in Appendix C. The reason stated is that it is redundant with RM 3002. Note RM 3002 is designated as closed. There is an error in logic.

  - Route RM 3044 is designated as closed on the map and in Appendix C. The reason stated in Appendix C is that it is redundant with RM 3002. Note RM 3002 is designated as closed. There is an error in logic.

- Red Mountain MAZ –4
  - Mapping is missing for the northern portion of RM 4, north of Blackwater.
  - The map fails to show a key, long standing route from Black Well east to RM 4001. This route contains many scenic and remote attributes.
- Superior MAZ –1, -2, -3 & -4:
  - Route S 2071A is not shown on the map so therefore it is difficult to assess its value.
  - Route S 4036 is shown as open on the Route Designation Map, however it is listed as closed in Appendix C.
  - Route S 5067 appears to be listed as closed in Appendix C. This appears to be an error.
  - Route S 5095 is listed as an open route in Appendix C. This appears to be in error.
  - SU2088 provides access to a well know rock hounding site. This route should not be closed.

- Financial Implications

  This plan does not take into account the financial implications to the citizens of rural communities by the actions taken here. What is the loss to the California economy especially to the desert communities with this wholesale closer of routes and land? Also, the costs of implementing this plan are not adequately addressed.

  Financial implications of this plan are three fold: cost to implement the plan by the agency, the cost to the local government units and the cost to private citizens. No mention is made regarding the financial impact of the cost to implement and support this plan. In other words, a cost analysis should be made in this plan with time frame and source of funds to accomplish what is being proposed. The cost analysis needs to identify initial program goals and implementation costs along with subsequent continuing support and monitoring costs for the out years. Agency needs to identify projected costs to implement and support the preferred alternative and show that sufficient funding is available to implement and support the proposed alternative. If this is not done, the entire plan is subject to litigation for noncompliance. It does not appear that this plan cannot be implemented in the Agency's current budget framework.

  Part two of the financial implications involve the impact to the local economies. With respect to the definition of "local," the projected impacted recreation users include residents of Southern California and the adjoining regions of Nevada and Arizona. The local desert communities will be most impacted. Their economies depend on providing services (food, water, fuel, and other supplies) to members of the public seeking recreation activities in the area covered by the management plan. Restrictions on types of activities, areas of access, and numbers of people allowed access have direct impacts on local desert economies along with the regional economies in Southern California and the adjoining states.

  Examples of costs to private citizens include the additional cost associated with project proscriptions, the increased cost of maintaining and patrolling private property due to increased incidences of trespass caused by route closures in the area.

  As with budget considerations, the financial impacts to the economy need to be identified and considered in determining the final alternative to be accepted. The economic analysis must

address the cumulative and include impacts from all sources. (New Mexico Cattle Growers v. USFWS provides guidelines for the economic analysis that is cumulative.)

- The use of the 85-87 route designations in a number of the polygon areas is unacceptable due to the fact that they do not accurately show what existed in these areas at the time and skew the actual number of miles used in the comparison tables. During the preparation of the route inventory, the BLM identified 21 areas (polygons) within the area covered by the West Mojave Plan. Of these areas, five have been surveyed for single and two-track routes. Six areas have been partially surveyed covering two-track routes. The remaining ten areas have never been surveyed.

  The plan uses new data in combination with old data based on a 1985-87 route inventory. The new route inventory clearly demonstrates that the 1985-87 route inventory fails to represent the actual network of routes on the ground, under accounting for routes in all surveyed subregions by an average of 155%. In the Kramer subregion, the actual inventory was found to be nearly 450% larger than that within the 1985-87 route designations.

  With almost half of the subregions surveyed, and knowing that the survey was erasing all credibility of its 1985-87 inventory, the BLM denied the 2001 route survey project the necessary funding to complete the survey in the remaining subregions.

  The remaining subregions together accounted for over 25% of the 1985-87 inventory. Based on the experience in the eleven surveyed subregions, it is reasonable to expect that the 1985-87 inventory fails to include some 1050 to 1450 miles of legitimate and noticeably traveled routes. Furthermore, the 1985-87 route inventory fails to designate single track motorcycle routes, only traditional two-track routes.

  Therefore the Plan neglects to apply the best available data to the question of route designations in the twenty-one subregions within the plan by relying on proven obsolete route inventories rather than completing the 2001 route survey project across the entire planning area.

- In general terms various small mining operations have problems with a number of the route closures which provide access to unpatented mining claims for maintenance of claim stakes due to the ill defined administrative process required to gain access permits to perform this work. If the procedure and requirement for response within a specific reasonable time frame were implemented this would remove many of their concerns. This issue needs to be addressed in the proposed CDCA Plan Amendment.

- On pages 3-108 thru 3-109 reference is made to Berry's 1997 study. It should be noted that this study and claim has not been peer reviewed. This is a typical example of not using the best available science and tends to skew the data.

- Protection of the desert tortoise is the primary motivation for this plan. The strategy is based on the flawed and outdated Desert Tortoise Recovery Plan of 1994. This plan was to be rewritten every 3 to 5 years. It has never been rewritten or amended. The West Mojave (WEMO) Plan reliance on flawed and outdated data and inadequate science renders the entire WEMO Plan invalid.

  The ESA listing of the Desert Tortoise was controversial in the first place. The method used in pre-listing was not critically reviewed nor a scientifically designed and tested study for this species. Studies from Germano and Bury 1995 of NBS in Washington; Bury-Corn in NBS Bulletin 23(1):41-47, Journal of the Society for Conservation Biology, J. E. Freilich, K.P. Burnman, C.M. Collins and C. Ann Garry; November-October 2000, Volume 14 document

much that is known of the Desert Tortoise. The Bury-Corn study (NBS Bulletin 23(1):41-47) was conducted from 1991 to 1996 in Joshua Tree National Park. That study showed populations of Desert Tortoise were higher than before the 1971 ESA listing. Throughout these studies, there is no comparison base to determine the Desert Tortoise population at 10, 20, 50 or 100 year marks. What data is available indicates the tortoise population is on the increase. And yet, this plan seeks to use dwindling tortoise populations as a means of reducing access to desert areas.

- The statement "The West Mojave Plan is based upon the best science reasonably available." is not entirely true. The University of Redlands was hired by the Desert Managers Group to log and develop a data base of information and studies on the desert tortoise. Peer reviewed scientific data is the only proper basis for developing a plan to protect a species or habitat. To date, no priority has been assigned by the Desert Tortoise Planning Team regarding the threats to the desert tortoise. The motorized access community has been asking for years for a ranking of relative threat levels. This question has been avoided by the desert tortoise recovery team.

  As stated in General Accounting Office Report No. 03-23 dated December 2002 covering the Mojave Desert Tortoise Recovery Plan, most of the monitoring has not been done on surveyed tortoise sites. Only the DOD military bases have done any on-the-ground work to determine the risks and engage in mitigation actions to save the species.

- The mitigation fee proposal set forth in Section 2.2.2.2 is not flexible enough. The assumptions that mitigation fee proposal is based upon does not take into account the actual value of the land acquired and causes a significant inequity for small scale projects in the northern rural portions of the planning area. In some rural areas the proposed five to one mitigation fee works out to be a 1000 to 1 mitigation fee. This is truly inequitable and causes an economic taking.

- Additional comments will be forth coming shortly

:

Sincerely,

Paul D. Condon

Paul D. Condon

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Route Hard copy to:	/s/	Date
District Manager		
Assoc DM		
Support Services		
Outreach		
Resources		
Technical Services		
Fire Mgt		
Field Office		
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

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San Francisco, CA 94105-3901

SEP -8 PM 3:44

RIVERSIDE, CA.

September 4, 2003

Linda Hansen
Bureau of Land Management
California Desert District Office
22835 Calle San Juan De Los Lagos
Moreno Valley, CA 92553

Subject: West Mojave Plan Draft Environmental Impact Report and Statement (DEIS) [CEQ #030267]

Rating: EC-2: Environmental Concerns-Insufficient Information

Dear Ms. Hansen:

The U.S. Environmental Protection Agency (EPA) has reviewed the document referenced above. Our review and comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementation Regulations at 40 CFR 1500-1508, and Section 309 of the Clean Air Act.

EPA has rated this DEIS as EC-2 -- Environmental Concerns-Insufficient Information (see enclosed "Summary of Rating Definitions"). The draft West Mojave Plan is the product of a well-coordinated effort between agencies and non-government organizations and individuals with various and sometimes conflicting goals. We commend the Bureau of Land Management (BLM) and the other involved agencies and groups on this effort, and recognize that the Preferred Alternative (Alternative A) appears to significantly improve resource protection in the planning area. We recommend, however, that BLM consider adding several mitigation measures to the Preferred Alternative in order to more fully protect resources. Our detailed comments are enclosed.

We appreciate the opportunity to review this DEIS. Please send a copy of the Final Environmental Impact Statement to this office when it is officially filed with our Washington, D.C., office. In the meantime, if you have any questions, please call me at (415) 972-3854, or Jeanne Geselbracht at (415) 972-3853.

Sincerely,

Lisa B. Hanf

Lisa B. Hanf, Manager
Federal Activities Office

Printed on Recycled Paper

MI# 004189
Enclosures

cc: Randy Scott, County of San Bernardino, Land Use Services Department
Scott Priester, City of Barstow, Community Development Department

SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT

Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

EPA Comments – West Mojave Plan Draft EIS

1. The DEIS addresses a range of mitigation opportunities. However, the Preferred Alternative (Alternative A) does not incorporate some mitigation measures that appear warranted. For example, the DEIS (p. 4-188) indicates that, in order to ensure compliance with the proposed Regional Public Land Health Standard for Riparian/Wetland and Stream Function, BLM would need to take an aggressive look at the best placement of water to facilitate management actions (e.g., establishment of grazing exclusion zones) and minimize impacts on all covered species. If it is necessary to ensure compliance with the standard, it is unclear why this is not included under Alternative A.

Recommendation: The Final Environmental Impact Statement should provide additional information on how BLM would fulfill its responsibilities to implement its rangeland standards, especially for riparian, wetland, and stream functions. Specific mitigation measures should be identified and described.

2. It also appears that the several other measures could be implemented to provide more protection to desert tortoise populations in the West Mojave planning area:

- the expanded head-starting program to repopulate areas north of Highway 58 in the Fremont-Kramer Desert Wildlife Management Area (DWMA),
- fencing Highway 395 south of Kramer Junction 10 to 15 years prior to construction,
- re-routing race corridors out of higher tortoise density areas of conservation areas,
- imposing seasonal restrictions on recreational events,
- establishing vehicle use quarantine areas to alleviate stresses in higher tortoise density areas during prolonged drought, and
- applying level 1 best management practices in tortoise survey areas outside of DWMAs, not just within DWMAs and Special Review Areas.

Recommendation: We recommend that BLM and other appropriate agencies consider adding these mitigation measures to the Preferred A lternative to improve resource protections.

Juniper Sub Region Petition

As a resident of the Victor Valley, I am concerned about the number and location of proposed "open" motor vehicle routes for the Juniper Sub Region in the West Mojave Plan. I am signing this petition to **support the proposal to consider the Juniper Sub Region as a Separate Management Planning Unit, and to adopt the "no action" alternative for route designation in the interim**. I believe that the Juniper sub region should be a Separate Management Planning Unit, utilizing a collaborative effort involving the Bureau of Land Management, local residents, interested groups such as Desert Survivors, Sierra Club, Native Plant Society, Local Bird Club, Desert Tortoise Club, Equestrian groups, etc. This is necessary because the local community was not given adequate opportunity to participate in the planning process of the Juniper Sub Region, and the region is within close proximity to the fastest growing area in San Bernardino County, with approximately 300,000 residents. Some residents are surrounded by BLM managed public land, and others own land or live adjacent to the BLM land. In addition, the Sub Region contains the Juniper Flats ACEC and adequate field study of the proposed "open" routes of motor vehicle travel was not accomplished before the comment period. Routes now proposed open were not on the original map.

Name	Complete Address	Interest	Phone or email	Signature
Tom Egan	POBox 388 Helendale CA 92342	Mojave Chap. CNPS	760-952-3678 streamnot@aol.com	
DAVE CHARLTON	24670 CONDOR RD NEW BERRY SP	MOJAVE CH CNPS	760 254 0081	David Charlton
Keven Moore	PO Box 402 Apple Valley Ca 92307	CNPS Sierra Club	247-4511	Keven Moore
Tim Thomas	8448 SVL Box Victorville Ca	CNPS	241-2642	
Micki Brown	PO Box 2615 Apple Valley Ca 92307	CNPS	9486904	Micki Brown

ELEMENTIS

SPECIALTIES

September 12, 2003

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West Mojave Plan
22835 Calle San Juan Des Los Lagos
Moreno Valley, CA 92553

Dear Sir:

Thank you for the opportunity to respond to the Draft Environmental Impact Report and Statement for the West Mojave Plan.

The Plan and environmental document address a subject of critical concern to our company. Elementis Specialties, Inc. is the operation/owner of the only commercial hectorite clay mine in the entire Western world at Hector which is located in the proposed Pisgah Crater ACEC as described on Map 2-11 and page 4-110 of Volume 1. Numerous citations throughout the document show the mine's existence.

Elementis Specialties, Inc. and its predecessors have mined hectorite or similar clays in the area for over 80 years. The Hector mine, from which the scientific name of Hectorite comes, is owned by Elementis Specialties, Inc., a company headquartered in Hightstown, NJ (where it employs 250 people). The Hector mine and its own headquarters at Newberry Springs employs 40 people in the Mojave area.

The Plan proposes to change the areas multiple use class designation from M to L, overlay the area with an ACEC and implement a series of development restrictions. The document does indicate that the designation would have an impact on mining and implies the possibility of relocating existing mines outside the ACEC.

I am concerned that the proposed plan will have a serious impact on Elementis Specialties existing and future planned operations at the mine, that the assumptions used in proposing the ACEC are inaccurate and that the EIR/EIS does not identify the potential impacts to mining and employment associated with the proposal. In addition, it appears that an ACEC can be repositioned to another close area which would provide greater protection to the environment.

The following points reflect our concerns.

> The Western half of the proposed ACEC is dominated by active mining extending from the Pisgah cinder cone to the western boundary. Mining in the area is conducted by at least four separate mining companies. In fact, Elementis Specialties mining operations for hectorite encompass 580 acres of patented mining claims and are currently approved for 34 more years under a Federal, State and County approved plan. The area has been continuously mined since the 1920s by our company.

Elementis Specialties, Inc.

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In addition the Western half contains the large electrical power grid providing electricity to Los Angeles and is used by four large pipelines owned and serviced by two major pipe line companies.

- The ACEC designation would limit expansion of our existing and planned mining, relocation and waste removal operations and increase mitigation requirements by five time previous compensation rates. The EIR/EIS does not consider the loss of resource potential, jobs or financial impact to the industry and local economy.

- The report fails to recognize the utility corridors that bisect the proposed ACEC or address potential impacts to maintenance and operations.

- The report refers to the area as relatively high tortoise habitat when in fact historic studies indicate the area to be low density habitat. Elementis, even though this density is low, has installed and maintains a tortoise fence around the Hector mine to protect this species and has a record of environmental concern and responsiveness.

- Our investigation of the distribution of local plants and animals from existing published literature indicates the majority of the species of concern are located to the immediate northeast outside the proposed ACEC boundary, a much more suitable location for an ACEC on a risk/reward benefit analysis particularly as to Cruxification thorn plants and desert tortoise habitats. We are ready to demonstrate this and to show the fact supporting our investigation. The ACEC designation as proposed therefore fails in its attempt to manage or protect the target species in the general area.

- We question the ability of the area to meet criteria for the establishment of an ACEC, particularly in the area of substantial significance and value. Research in the RNA has indicated that the majority of sensitive plants reside outside the study boundary. Policy requiring conversion from RNA to ACEC was issued in 1996 and is believed to have been rescinded.

- The EIR/EIS does not assess the benefits to species derived by the proposed ACEC nor does it compare the benefits to the impacts to existing mine operations.

- It is not clear if the 1 percent development criteria relates to the total area of the ACEC or the cumulative total of all ACEC acreage within the plan. We assume from the document that future development within the Pisgah Crater ACEC would be limited to approximately 220 acres of undisturbed land.

Thank you for the opportunity to present our concerns regarding the EIR/EIS. We look forward to your response. Elementis will of course work with both the BLM and the county government, as in the past, to both continue to provide employment and protect the desert and its future.

Sincerely,

Michael McGath
Plant Manager
Hector Mine

Cc: Michael J. Cronin, Counsel, Elementis Specialties, Inc.

Scott & Kimberly Lynch
2926 Oakwood Lane
Torrance, CA 90505
(310) 629-9495
September 11, 2003

West Mojave Plan
22835 Calle San Juan De Los Lagos
Moreno Valley, CA 92553

RE: **Opposition to the West Mojave Plan**

To Whom It May Concern:

This letter is in **opposition to the current draft of the West Mojave Plan**. We have several concerns regarding the closure and limit of public access of the public lands affected by the proposed plan.

Although we agree it is necessary to monitor and sometimes limit public use of fragile land, we believe **the current plan is overbroad and vague** in its drafting and **lacks proper investigation as to the cause of the perceived threats to the environment**.

We oppose the plan for the following reasons:

Notice

1. **The comment period:** The comment period was not long enough for the general public to read, understand, investigation and verify sources quoted in the DEIR/S. The Plan is a very long document, with many complicated acronyms and alternatives. The public comment period should be extended another 6 to 8 months for the general public to digest the entire document, form an educated opinion, and respond accordingly.
2. **Public Meetings:** There were no public meetings held in the Los Angeles basin. Reasonable notice is required. The majority of the affected public lives in the Los Angeles basin. **At least two public meetings should be held in the Los Angeles basin** to accommodate the majority of the users of the land. The BLM cannot reasonably say they believe they held sufficient public meetings, when they are well aware the affected public lives and works in the Los Angeles area. The meetings were not published in a publication of wide circulation in Los Angeles in a manner, which would give the average person notice of the meetings.
3. **Publish Source Documents for Peer Review:** The plan is not supported by documentation, and is therefore, based on speculation. All reports used in making the proposed changes in the Plan, should be published for public inspection, and sufficient time should be allowed for the public to test the theories and assumptions made by the BLM.
4. **Provide Reasons for Choosing One Alternative Over the Other**: The DEIR/S violates the NEPA by failing to "devote substantial treatment to each alternative

considered in detail so that reviewers may evaluate their comparative merits." The DEIRS/S fails to provide analysis or data to support the proposal in Alt. A through Alt. E to reduce open routes in ACECs and higher density tortoise population areas. There's is no documentation provided I the administrative record indicating the methodology or analysis used to determine which routes would be closed, showing location or identification of routes to be closed and no scientific justification for closure. Put routes on the CD provided, with numbers, and refer to the trails by number when you are referring to them in the plan. This way, the public can make an educated decision regarding the trails and provided sources of information as to why one alternative was chosen over the other. The only way to provide proper notice to the public is to show them which trails are to be closed, and why the closure is necessary. Only then can the public understand the proposed plan, and make informed decisions.

5. **Trail Designation**: See No.14 below regarding route designation.

Overbroad

6. **Excessive Land Closure/Use Limitations**: The proposed DWMAs for the desert tortoise are excessive and do not reflect the recommendations of the Super Group. Instead of four DWMAs, the BLM should add one large DWMA as described in Alternative E. The DWMA should not come from one area, but be a combination of acreage from the proposed Fremont-Kramer and Superior-Cronese DWMAs. This alternative could protect 1,118 square miles.
7. **Head Start Program**: To further protect the desert tortoise, the BLM should implement the "head start program," which would allow close monitoring of the numbers and health of the desert tortoise. Several endangered species are helped in this way. In addition, the raven population should be monitored and possibly controlled to allow the young desert tortoises to reach adulthood.
8. **Fencing**: We oppose fencing in the desert, unless the fencing is for the protection of the public from man-made and natural hazards, i.e. mineshafts, etc. Fencing would create perches for the ravens, and would visibly pollute the desert areas affected. In addition, keeping everyone out might not be the best solution. Marked trails would allow access, and environmentally aesthetic signs could warn the public of fragile habitat. Most users do not want to harm the environment, and want to work with, not against the BLM in keeping the animals habitats intact.
9. **Outdated Information**: The BLM has a duty to use current information to form their decisions to close/limit use of the affected areas. According to the plan, only eleven of the twenty three sub-regions were surveyed. The other twelve were last surveyed in 1985 to 1987 and contained no single track trails. A complete, up-to-date survey is mandatory to make educated decisions regarding the affected land. As a member of the public, and a user of the affected land, we insist on a complete survey.
10. **Competition Routes**: The plan shows race open race corridors, known as the Johnson to Parker and Johnson to Stoddard race corridors. The proposed plan states there is to be no competition outside of the open areas. This is against Congresses original intent, as they allowed for point to point events outside of the open areas. These events have been litigated and approved by the courts. The BLM is trying to

thwart point to point races by not including specific language regarding the events. Language should be inserted to allow the continued use of the corridors for competitive events.

11. **Barstow to Vegas Corridor**: The BLM has no authority to delete the Barstow to Vegas Corridor. Just because it was left out of NEMO, does not give the BLM authority to leave it out of the WEMA Plan. The corridor should be put back into the inventory, and any further closure of this corridor should be after sufficient public notice and comment.
12. **Parallel Route**: The BLM has closed parallel routes without consideration of user preference and degree of difficulty. Several levels of users are present in these areas, and parallel does not necessarily mean equal. Any closure of public land should be based on investigation, and the publics planned use and enjoyment should be taken into consideration when alternatives exist. All parallel routes should be reopened until sufficient investigation is conducted as to the best routes to leave open. Closing easy alternatives around natural hazards, and closing more difficult, but desirable routes, should not be done without proper investigation. The land is for public use, and the publics wishes should be taken into account whenever an alternative exists.
13. **Unauthorized Closure**: The "C" routes at the Spangler Open area should be reopened immediately. These routes were supposed to be closed temporarily. Public notice is required before permanent closure. The competitions in this area should be resumed as soon as possible to avoid further denial of the public's right to use this land.

Vagueness

14. **Route closure**: To avoid confusion, all routes should be considered **open unless signed closed**. This would send the message that the desert is for the public, but specific areas are to be avoided. The proposed plan sends the message the desert is closed, unless you can find an open trail. In order to enforce the plan, the public must have notice they are treading on a trail, which has been closed. Without closed trail designation, the public is left to guess whether or not they are breaking the law. Other states, including Nevada and Arizona, use the "open unless posted" policy. Consistency among the states should be promoted since the land is federally protected, and people from other states frequent the areas.
15. **Choice among Options**: The DEIR/S violates the National Environmental Policy Act by failing to "provide a clear basis for choice amongst options." Alternative A through E offer the same redesign networks in tortoise critical habitat and 'adopt existing designated networks elsewhere." Alternative G provides for no change to existing networks. The number of routes should not be reduced until closures are determined on a case by case basis supported by site specific analysis to determine detrimental effects, if any. Other mitigating measures besides closure should be considered as a part of the site specific analysis. There should be at least two alternatives with a variety of route networks selected from existing routes. The proposed alternatives provide no opportunity for choice.
16. **Provide Reasons for Choosing One Alternative Over the Other**: The DEIR/S violates the NEPA by failing to "devote substantial treatment to each alternative

considered in detail so that reviewers may evaluate their comparative merits." The DEIRS/S fails to provide analysis or data to support the proposal in Alt. A through Alt. E to reduce open routes in ACECs and higher density tortoise population areas. There's is no documentation provided I the administrative record indicating the methodology or analysis used to determine which routes would be closed, showing location or identification of routes to be closed and no scientific justification for closure. Put routes on the CD provided, with numbers, and refer to the trails by number when you are referring to them in the plan. This way, the public can make an educated decision regarding the trails and provided sources of information as to why one alternative was chosen over the other.

Recommendations:

17. **Fremont Recreation Area**: The Fremont Recreation Area, as described in Alt. E, should be creates as mitigation for loss of recreational opportunity due to other route closures. The Fremont Recreation Area should be connected to Spangler and El Mirage open areas using existing routes. This would give the public a more usable area to use and enjoy.
18. **Cinnamon Hills**: A "C" route system should be established at Cinnamon Hills as described in Alternative E of the Plan.

Further Comment:

19. **Economic Impact**: The economic impact of the Plan should be realistically investigated. The Study of Economic Impacts, pages 4-96 to 4-97 greatly underestimate the economic benefits derived from motorized recreation in the affected areas. The Motorcycle Industry Council estimates motorized recreation contributes six billion dollars annually to the California economy. The Economic Contribution of OHV Recreation, Table 3-55 in Chapter 3.4.4.4, does not offer dollar estimates.
20. **Physical Impact**: The youth of the United States are obese. Limiting use of public lands will contribute to the increasing obesity of the youth of the nation. Motorcycle sports are an important part of many families physical exercise routine. In addition, motorcycle sports are a family oriented sport. The sport is routinely past from generation to generation. In addition, many children learn a great deal about the fragile desert environment through their parents, and the sport. A great deal of time is spent in the desert, and a true appreciation for the desert is gained during the family outings. I myself would not have any reason to go to the desert if it weren't for the motorcycle community, and I truly love the desert and wish to pass my feelings on to my children and grandchildren.

My husband and I are out in the desert 3 out of 4 weekends a month. We both race District 37 desert races. When we are in the desert we are careful to stay on existing trails, we pick up trash, and we try and leave the place the way it was when we arrived. We have been coming to the desert for 25+ years with family and friends, and we would like to continue doing so for another 25+ years.

Land closure, although sometimes necessary, should be the last possible alternative taken. The desert is public land, and should remain open to the public. The desert racing community come to the desert self contained, and leave without a trace. We are not

RECEIVED SEP 12 2003

BLM
West Mojave Plan
22835 Calle San Juan de Los Lagos
Moreno Valley, CA 92553

To Whom It May Concern:

Please extend the comment period. We the general public has not had enough time to digest the huge amount of information in this plan and there were no meetings in the areas closest to the majority of users.....the Los Angeles Basin.

The proposed DWMA's in Alternative A are huge and unmanageable. Alternative E the most sensible and the DWMA's described therein should be a combination of the acreage from the proposed Fremont-Kramer and Superior-Cronese DWMA's contaning over 1000 square miles.

There cannot be a tortoise recovery program without a "headstart" program. Disease free tortoises can be reintroduced into crashed populations to bring back native populations. The URTD problem is extreme and not addressed sufficiently in the plan as well as not addressing the raven predation/control problem. The plan hints at statistics relating to raven population increase but does not account for the near complete absence of ravens early in the 20th century when tortoises were plentiful. The increases from these times are more like 4000% over a declining tortoise population.

The proposal is full of terms relating to scientific data such as "could, may, and possibly." These are not terms associated with scientific conclusions. The science purported to be used in the proposal is NOT peer reviewed science. Until the plan can quote peer reviewed science the conclusions are not trustworthy. Use up to date studies such as the current study being conducted by the University of Redlands.

Every road in the United States is open unless posted closed. This MUST be the philosophy applied to routes of travel in backroad areas as well. To do otherwise will do no more that invite an enforcement disaster.

On page 2-241of the proposed plan, "Open Routes" must include simply referenced language stating that the open route system is ***programmatically available*** for the uses stated in the paragraph, thereby negating the necessity for any form of EA when routes for commercial or permitted events are selected for a proposed event such as Dual Sport, bicycle, 4wheel and touring events.

The surveys referenced in the plan were never completed. Only 11 of the 23 subregions were completed. The remainder were judged on the '85-'87 surveys which were incomplete on their own at that time.

The Fremont Recreation Area as described in Alternate E should be created as mitigation for loss of recreational opportunity in other areas.

- On page 2-241, "Speed Limits" references the Basic Speed Law (38035) of the 2001 Vehicle Code. The second paragraph of this section specifically addresses DWMA's stating that "if monitoring or studies show that certain unimproved roads are causing increased tortoise mortality, the Implementation Team should coordinate with the BLM, county road departments, and others to consider ways, including speed regulators, to reduce or avoid that mortality." The following is the text from a letter written to the BLM regarding the *arbitrary* 35 MPH speed limit forced upon **ONLY** the participants of a permitted event in tortoise habitat areas on the day of the event.

I am writing you as a result of a conversation with Ira Long regarding the 35 MPH speed limit in tortoise habitat areas during the winter hibernation season as required by the USFWS for Dual Sport tours. We at AMA District 37 Dual Sport feel it is time for the 35 MPH ruling to be revisited by your staff and the USFWS.

It is understood that the original number was nothing more than an arbitrary figure arrived at by the agencies and "experts" that did nothing more satisfy a "comfort zone" for protecting the tortoise and appeasing tortoise protection advocates. The original number initiated was not based on any real scientific studies regarding traffic on dirt roads during the hibernation season, only a "comfort zone." The 19 years of running a 450+ mile Dual Sport ride across the ENTIRE California Desert Conservation Area including the Southern Nevada district, has indirectly accomplished the necessary *science* required to revisit and change the arbitrary and unnecessarily low speed limit restriction.

The *facts* over 19 years are as follows:

- Each year the annual tour is attended by 200 to 320 on average participants, permit is for 500, mean value approximately 260.
- Miles traveled in the CDD average 320, including what is now NPS land.
- Miles traveled across critical desert tortoise habitat average and estimated 100 miles per year.
- Total participant miles in the CDD over 19 years: ***1.8 MILLION MILES*** (estimated)
- BLM pre-ride course sweep for tortoises: 0
- Total take allowed by permit per year: 1
- Total take as surveyed by the BLM in Post Use Reports over 17 years: 0
- Habitat disturbance or habitat destruction attributed to the annual event: Little or NO impact per your own post tour reports. Even when the S-21 "Desert Protection Act" was brought into law, weeks before the LA-B to V, we were highly scrutinized by the BLM in a "special test" section with little or NO impact!
- Tortoises observed on the designated route of travel as a result of the Post Event Sweep by the BLM: 0

The BLM observations on the day of the event constitute 19 years of evidence and *SCIENCE* that support rationale for re-evaluation of the 35 MPH speed limit on all of the approved routes for Dual Sport events.

In summary, there have been NO tortoises seen out of burrows on the last weekend of November, there have been NO tortoises carcasses in evidence after the event, NO tortoises observed as having been awakened by the event and roaming after the passing of vehicles on the day of the event, and NO incidental "takes" as a result of 19 years of collecting data on the annual tour. All this data is of public record after approximately 1.8 million miles for this Tour alone of participant miles in the CDD.

It is our proposal that the agencies move to re-evaluate the 35 MPH speed limit in tortoise habitat areas during the hibernation season and move it to 55 MPH average. For motorcycles traveling on average dirt roads this would be a reasonable figure. The 55 MPH value would better describe the Basic Speed Rule, Sec. 11-801, of the Uniform Vehicle Code, which requires vehicle operators to drive at a speed that is reasonable and prudent.

It must be noted that due to conditions on unimproved roads the average speed would be well below the proposed figure, in reality closer to the original. However, long straight stretches of powerlines and pipelines are generally smooth and well maintained. It is on these types of roads that a more reasonable and higher speed limit needs to be adopted.

- The LA-B to V® organized and permitted Tour is not the only Tour over the last 19 years which qualifies and quantifies our rationale for a change. We wish to initiate this change for a reasonable and necessary updated version.

This letter which was originally drafted and mailed on 5/18/2001, is updated and is applicable to the current proposed plan as the letter has indicated and statistics have proven that "tortoise mortality" is **NOT** an issue and speed limits in DWMA's should follow the "Basic Speed Law" as stated for everyday use as well as permitted events during hibernation season of the DT.

- CFR's currently allow BLM "Cost Recovery" for man hours exceeding 50 hours for any Special Use Permit. The common threshold for this was $5000 however this has been changed and most probably is in the $2000 range. There is no specific citation as to what this figure is for the CDD. This is a CFR and needs to be uniformly applied. There is also no language supporting any check and balance for uniform application. No language requiring any degree of sanity relating to day of event observers or how many observers can be supplied by the promoter of an event. Simply stated: For any given event on any given day the BLM could arbitrarily and capriciously require observers and day of event ground personnel that would essentially put the individual or group promoter out of business for events such as Dual Sport, 4WD, and bicycle touring events. Even though these events have proved to be of VERY low impact and of no consequence to habitat or wildlife. These facts as referenced in the "speed letter"

above lead to a conclusion that non-speed and non-timed touring events should be treated as "events of no consequence" to wildlife and habitat thereby negating the requirements for excessive observation and wasted BLM resources on day of event activities. At the very least a cost ceiling must be established for touring events that are non-speed and non-timed.

Regards,

David Tonkiss
LA-B-to-V ride Coordinator
AMA District 37 Legislative Officer

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Glendale, CA 91221

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September 11, 2003

Via Federal Express

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SEP 12 2003

West Mojave Plan
BUREAU OF LAND MANAGEMENT
22835 Calle San Juan De Los Lagos
Moreno Valley, CA 92553

Re: Comments on the Draft Environmental Impact Statement for the West Mojave Plan

To whom it may concern:

This firm represents the California Off-Road Vehicle Association ("CORVA"), the American Motorcycle Association District 37 ("AMA-37"), and the Off-Road Business Association ("ORBA") on land use and environmental matters affecting the California Desert Conservation Area ("CDCA"), including the Western Mojave Desert ("WEMO"). On behalf of CORVA, AMA-37, ORBA, we have reviewed the Draft Environmental Impact Statement ("EIS") for the WEMO Plan (the "Plan") for purposes of identifying defects in its analysis and conclusions. The results of our review are set forth below. Note that many of our proposed comments on the WEMO Plan were earlier submitted to BLM in our comments regarding the Environmental Assessment for the WEMO OHV Route Designation Project. Rather than repeat these comments, we incorporate them by this reference and attach them as Exhibit A to this letter. In addition, we have reviewed the comments prepared by the United Four Wheel Drive Associations ("UFWD") with respect to the WEMO Plan. We believe UFWD's comments are reasonable and well-supported, and except were indicated, we adopt them and incorporate them by this reference.

I. EXECUTIVE SUMMARY

The fundamental purpose of an EIS is to disclose to the public, in a well-organized document written in clear English prose, the potential impacts of a given action on the human and natural environment. It must be based on sound, up-to-date science, and take an interdisciplinary approach to its technical analyses. Speculation, conjecture, and unsupported

anecdote must be avoided in favor of hard data gathered through accepted scientific methods. In this regard, the WEMO Plan is defective. The EIS fails not because it lacks technical data – in fact, it contains a great deal of scientific work – but because it often presents the data in a disorganized fashion or deploys it in such a way as to mislead and confuse the reader. Worst of all, the data are often ignored when actual policy decisions are being made. There is a strking disconnect, for example, between the field data regarding causes of desert tortoise mortality and the management proposals designed (at least allegedly) to control that mortality and advance the species towards recovery. The latter barely correspond with the former, essentially dooming the "conservation" effort to failure.

The WEMO Plan/EIS also betrays a strong institutional bias against public recreation – especially motorized recreation. On one hand, despite extensive evidence that Upper Respiratory Tract Disease ("URTD") has ravaged tortoise populations throughout the WEMO, BLM will not yet take aggressive action "on-the-ground" to arrest the disease, claiming more scientific study is required before management policies can be developed and implemented. On the other hand, BLM is immediately prepared to close vehicle trails and camping areas "to protect the tortoise" even though there is little data showing that public use of the trails and camping areas has a significant negative impact on the species.

The ideological bent of the WEMO Plan/EIS renders the document suspect from a NEPA compliance perspective. For example, the document is extremely deceptive in its "disclosure" (or non-disclosure) of the Plan's impacts on public access and recreation. Apart from directly closing hundreds of miles of OHV trails, the Plan also changes the use classification of many others. In almost all cases, the classification change results in greater restrictions on public access and use. Further, the plan calls for the establishment of new Areas of Critical Environmental Concern ("ACECs"), Biological Transition Areas ("BTAs"), and Special Review Areas ("SRAs"), all of which contemplate the elimination or diminishment of certain recreational uses. However, these "losses" to public recreation are never fully explained, quantified, or evaluated in a cumulative sense. The Plan also gives BLM managers wide discretion to restrict recreational use in non-specific areas of the WEMO to protect a variety of plants and animals, even in the absence of data showing that public recreation is having a demonstrable effect on the species in question. Again, the EIS fails to assess the impacts of this near-limitless grant of authority.

The most tragic defect of the Plan and EIS, however, is BLM's continued denial of the huge, perhaps determinative, role disease plays in the decline of desert tortoises in some areas of the WEMO. After spending more than $100 million to recover the tortoise by restricting human access to tortoise habitat, the tortoise is closer to extinction now than it was when it was emergency listed in 1989. In the fourteen years since that listing, disease has contributed to or caused extensive tortoise die-offs in some of the most protected, pristine habitat in the WEMO; yet, to this day, neither BLM nor USFWS has taken action to address the epidemic.

We were happy to see that the Plan actually includes an alternative, entitled "Aggressive Disease and Raven Management (Alternative F)." But hopes were diminished when we

discovered that this alternative is given short shrift in the document and few of its action items have been incorporated into BLM's Preferred Alternative (Alternative A). This defies logic and science. It indicates that BLM is less interested in meeting the recovery goals of the desert tortoise, and more interested in protecting the cottage industry that has grown up around the "tortoise question." It is time the federal government spent its limited funds on programs that will benefit the tortoise directly and immediately – and that means disease control. Although additional "studies" are nice to have and certainly keep grant funds flowing to a handful of researchers, we now possess sufficient scientific information to take aggressive action on the ground to arrest the spread of URTD and the other diseases that are eroding the reproductive potential of the species. We don't need another decade of study, where the only tangible results are articles published in obscure scientific journals (or worse, unpublished reports stuffed into file drawers at BLM and USFWS). We need action. Now.

II. SPECIFIC COMMENTS

A. Chapter One – Introduction

1. Planning Issues. At page 1-12, the EIS indentifies a number of planning issues relating to the desert tortoise and the Mojave Ground Squirrel ("MGS"). We note that for both species, BLM intends to "identify conservation areas and adopt conservation strategies that minimize take on private land and recover populations on public land." To the extent this planning goal guides decision-making, we suggest that BLM focus first on those recovery strategies that have the most immediate and positive impact on both the tortoise and the MGS. In the case of the tortoise, this means disease control and raven management. Past experience has shown that securing more "conservation areas" for the tortise has failed to bring the tortoise closer to recovery. A new strategy should be adopted, one that makes the best use of scarce federal funds.

2. Data Base. At pages 1-14 and 1-15, the EIS claims that its assessments are based on the "best science reasonably available." We hope this is true, but suspect it is not. Few of the many scientific studies and articles regarding URTD are listed among the documents considered by BLM when preparing the Plan/EIS. As Exhibit B to this letter, we have attached a list of such articles. These should be consulted and discussed in the Final Plan/EIS, and then used to shape management decisions.

3. WEMO Plan's Relationship to Other Regional Plans. At pages 1-19 and 1-20, the EIS briefly describes the other regional plans that apply to the CDCA. Unfortunately, the EIS does not provide a cumulative impacts analysis with respect to these plans. For example, nowhere does the EIS explain or attempt to quantify the total amount of OHV use areas (including trails and washes) that have been closed or restricted as a result of the WEMO Plan combined with the other regional plans (NECO, NEMO, WECO, etc.). The EIS also does not adequately discuss past closures within the WEMO itself (e.g., the Rands) These are NEPA violations.

B. Chapter Two – Alternatives

1. Alternative A: The Proposed Action (Habitat Conservation Plan). One of the two goals identified for this Alternative is to "provide an economic stimulus to communities within the Western Mojave Desert by simplifying the process of complying with the California Endangered Species Act and the Federal Endangered Species Act." (EIS, at p. 2-8). However, it is difficult to imagine how this goal will be achieved, given that the preferred alternative calls would close recreational trails and place additional restrictions on public use. Desert-related tourism is a critical source of revenue for many of the towns in and near the Western Mojave. By reducing public access in the name of "habitat conservation," BLM will weaken, not strengthen, local tourism and the economic base of these communities. In short, the preferred alternative is not an economic "stimulus" package. It is, instead, another set of federal policies that serve to reduce tourism in the desert.

2. New ACECs. Alternative A would designate 14 new ACECs in the WEMO. However, the EIS does not provide data explaining why these new ACECs are needed or how they will aid efforts to recover the desert tortoise or other listed species. This same lack of technical information exists with respect to BLM's plan to modify the boundaries of four current ACECs.

3. Biological Transition Areas. Under Alternative A, BLM would also establish Biological Transition Areas ("BTAs") – strips of land adjacent to tortoise DWMAs and the MGS Conservation Area that would be subject to heightened biological review when new projects are proposed in these locations. The EIS does not, but should, explain why these BTAs are needed and what kind of "heighted biological review" would be imposed. Without such an explanation, the BTAs appear to be nothing more than an unwarranted expansion of the DWMAs and the Conservation Area.

4. Desert Tortoise Component of the Habitat Conservation Area. Alternative A would establish four tortoise DWMAs – one each in Fremont-Kramer, Superior-Cronese, Ord-Rodman, and Pinto. According to the EIS, all BLM land within these DWMA's would be managed as Category I tortoise habitat, even though some of that land would not otherwise qualify as Category I. The EIS should, but does not, explain why this is so. If the land is not Category I quality habitat, it should not be managed as Category I habitat.

5. Redesignation of Owens Lake. At pages 2-12 and 2-12, the EIS states that within the MGS Conservation Area, Alternative A would change the designation of Owens Lake from use class M to use class L. The EIS does not explain why this change is needed to protect the MGS (or any other listed species). Further, the EIS does not assess the impacts to recreation caused by the new designation.

6. Special Review Areas. At page 2-17 and 2-18, the EIS describes three Special Review Areas ("SRAs") that would be established under Alternative A: one each in Brisbane Valley, Copper Mountain Mesa, and Joshua Tree. According to the document, these

SRAs contain relatively high numbers of tortoises but, from a habitat perspective, are too small and fragmented to be considered DWMAs. However, the fact that these "pockets" of habitat, despite being small and fragmented, nevertheless support large numbers of tortoises, raises some interesting issues. First, it tends to challenge the assumption that tortoise preserves must be large and/or connected to other conservation areas in order to sustain viable tortoise populations. Second, it suggests that the isolated nature of the proposed SRAs actually protects tortoises from disease, in that infected tortoises from other locales cannot reach them. Both of these issues demand further study.

7. BLM Multiple Use Class Changes. At pages 2-18 through 2-20, the EIS indicates that under Alternative A, BLM will change the use designation of 22 recreation areas within the WEMO. In all but one case, the change results in greater restrictions on public access and use. In fact, 14 of the areas have been reclassified as (L) for "limited," virtually eliminating vehicle use.

8. Rand Mountains – Fremont Valley Management Plan. According to the EIS, BLM must make the following four amendments to the CDCA Plan to allow full implementation of the Rand Plan:

- Expand the Western Rand ACEC by 13,120 acres
- Redesignate those same 13,120 acres from Class M to Class L
- Clos entire management area to OHV use, except 129 miles of designated open routes
- Recategorize portions of the management area as Desert Tortoise Category I Habitat. (EIS, at p. 2-21 – 21-23.)

Again, however, the EIS does not explain why these amendments are necessary to protect the desert tortoise. The best technical data suggest that only disease control, not use restrictions, will have a measurable postive effect on tortoise recovery in this area. For example, in the Biological Opinion for the Rand Mountains-Fremont Valley Management Plan, dated March 10, 1993, USFWS informed the State Director of BLM that tortoise declines in the Fremont Valley study plot could not be halted unless the disease was brought under control:

> "Declines in the desert tortoise population at the Fremont Valley study plot have been dramatic in the last decade. Data from the study plots in the DTNA and Kramer Hills, and recent transects (Berry 1990, Berry pers. Comm. 1992) indicate these declines are probably regional and occurring throughout the management area. Declines are attributable to human-caused mortality and URTD (Berry, 1990). ***Even if all human activities which contribute to habitat degradation and loss of desert tortoises cease immediately, further declines in the population are likely to occur as URTD continues to run its course.***"[1]

[1] USFWS Biological Opinion for the Rand Mountains-Fremont Valley Management Plan (1-6-90-F-54R), at p. 10. (*Emphasis added.*) A copy of this document is attached hereto as Exhibit 5.

Tragically, it appears that BLM did not heed the advice set forth in this Biological Opinion for the Rand-Fremont Plan. Rather than address the disease issue, BLM has elected to continue "recovering" the tortoise by controlling human recreational activities. This policy has not worked in the past and it will not work in the future, primarily because it does not address the real problem facing the tortoise in this part of its range – *i.e.*, disease.

9. Afton Canyon Natural Area. Alternative A would implement the following changes to the CDCA Plan as a means of complying with the 1989 Afton Canyon Management Plan:

- Expand the boundary of the ACEC by 3,840 acres and delete 480 acres, making the ACEC a total of 8,160 acres
- Change the MUC designation from M to L on certain lands within the expanded ACEC
- Adopt the network of vehicle access routes identified by the ACEC plan as a component of the CDCA Plan's motorized vehicle access network

Again, these changes raise questions as to (a) biological justification and (b) impacts on recreation. What data demonstrate that the existing ACEC must be expanded or that the current use desingation (M) is not adequate to protect the tortoise or other listed species? What "vehicle access network" is the EIS referring to? How will adoption of this network effect public access and OHV recreation? How many trails will be eliminated or reduced in length? The EIS must answer these question, but does not.

10. Species Conservation Measures. The EIS indicates that the desert tortoise and MGS are "umbrella" species – *i.e.,* species which, when protected, safeguard the habitat for a wide variety of other desert species. However, the EIS fails to (a) identify the criteria used to determine whether a given animal can function as a protective "umbrella" for other species, or (b) explain why the desert tortoise and the MGS meet these criteria. It is equally unclear whether habitat protected by the desert tortoise "umbrella" in any way overlaps the habitat protected by the MGS "umbrella."

11. Restrictions on Dual Sport Races in Habitat Conservation Area. At page 2-52, the EIS indicates "no vehicle speed events would be allowed in the portion of the HCA that lies within the DWMAs and the MGS Conservation Area." Later, the EIS clarifies this policy by stating that Dual Sport events that take place *inside* the MGS Conservation Area but *outside* the DWMAs will be allowed, but only from September through February. (EIS, at p. 2-53.) We are unconvinced that any of these restrictions on "vehicle speed events" is warranted. The data indicate that these events have little to no impact on desert tortoises or other listed species – even on a local level. This policy simply wastes management funds on an issue that has high "marquee" value for the anti-access camp but has little practical impact – positive or negative – on the tortoise. We recommend that BLM read in detail the comments submitted by the United Four Wheel Drive Associations on this point.

12. Proactive Tortoise Management Programs. At pages 2-62 through 2-70, the EIS describes a number of proactive management programs for the benefit of the desert tortoise. One of these is a disease control program, which is long overdue. Unfortunately, it will not take effect until all other tortoise management programs have been funded and implemented. In other words, the disease management program has been once again placed at the bottom of the priority list. This kind of meaningless lip service to the disease problem is unacceptable. While BLM implements its other programs (and spends the available money), the disease problem will remain unchecked and unfunded.

13. Fencing, Culverts, and Disease Transmission. The EIS states that "[w]ithin DWMAs, when roads are fenced to preclude entry by desert tortoises, culverts of appropriate design and spacing to allow desert tortoises to pass under the road would be installed to avoid habitat fragmentation and to allow continued gene transfer from one side of the road to the other." (EIS, at pg. 2-64.) In most environmental contexts, this would be a good idea. However, in light of the URTD epidemic, installing conduits between subpopulations is extremely problematic. The EIS fails to assess whether the culverts contemplated by the plan will increase disease transmission among tortoises. If it will, as we suspect it might, the trade off for increased genetic variability is probably not worth it. This issue needs to be studied and discussed in the Final EIS; and the Final Plan may need to be modified to ensure that efforts to reconnect fragmented habitat do not become counter-productive and lead to increased tortoise mortality. (Note: this same issue arises with respect to closing OHV trails, which sometimes operate as barriers to disease transmission among tortoises.)

14. Landfills. Under Alternative A, no landfills would be constructed within DWMAs or within five miles of them. This is generally a good policy. However, BLM should confirm that ravens, which tend to congregate at landfills, will not fly the necessary five miles to wreak havoc in the DWMAs. It would be poor management to set up a raven "staging area" – *i.e.,* a landfill – within striking distance of a tortoise preserve. The number of juvenile tortoises lost to raven predation will certainly increase.

15. Raven Control Measures. At pages 2-66 through 2-69, the EIS lists a variety of raven control measures. We applaud BLM for taking these first steps towards controlling this predator. We would recommend, however, that BLM not rely solely on lethal removal of the birds, but instead integrate both lethal and non-lethal measures. In his Raven Predation Study (1999), Dr. Boarman discussed a raven removal experiment in 1989 where only lethal force was used against the birds. After a sharp decrease in ravens, the birds came back in even greater numbers, primarily because there was no preventative, non-lethal strategies built into the program.

16. Take Avoidance of MGS. The EIS states that the take avoidance measures that apply in the DWMAs would also apply in the MGS Conservation Area. However, because the threats to the tortoise are different from the threats to the MGS, we question the value of this policy. The EIS should identify the specific threats to the MGS and then explain which "take avoidance" measures are appropriate to address those threats.

17. Bats and Washes. On pages 2-73, the EIS indicates that under Alternative A, BLM would prohibit or restrict motorized vehicle use of desert washes within 3 miles of bat roosts if such use is shown to damage wash vegetation. However, the EIS does not explain (a) how many such washes exist in the WEMO, (b) whether vehicle use of those washes is prevalent or extensive, or (c) to what extent bats rely wash vegetation. The EIS suggests that bats forage in the wash, but this is by no means clear. And without knowing why protecting the wash vegetation is necessary for the survival of the bats, the closures of washes to OHV use seems arbitrary.

18. Measures to Protect the Prairie Falcon. On pages 2-79 and 2-80, the EIS indicates that BLM will close certain areas to vehicle use to protect prairie falcons during their nesting season. However, the EIS fails to state where these nesting areas are located and how many OHV trails may be affected. It also provides no data showing that, historically, human activities in the WEMO have disturbed nesting falcons.

19. Mojave Fringe-Toed Lizard. According to the EIS, under Alternative A BLM would establish a new conservation area for the Mojave fringe-toed lizard (MFTL) where the use class would be changed from U to L. Three other areas would also be managed for "compatibility" with the MFTL – Alvord Mountain, and the Manix Lake and Cronese Lake ACECs. However, the EIS does not indicate why a new conservation area is needed for the MFTL. Nor does it (a) explain why the use class must be changed from U to L, or (b) analyze the type and extent of recreation impacts to be expected from this change. The EIS also states that all habitat occupied by the MFTL will be closed to vehicles. What data support this dramatic reduction in public use?

20. Barstow Woolly Sunflower. The EIS states that reducing the existing road network within the Fremont-Kramer DWMA would benefit this species. However, the EIS does not explain why this is so or provide evidence that the current road network is causing damage to the plant. Alternative A also suggests that BLM create a core reserve of more than 36,000 acres to protect the sunflower. Again, though, the EIS does not explain why such a large core reserve is necessary or how it would affect public recreation.

21. Parish's Phacelia. The Plan, as proposed, would create a conservation area for this plant. And according to the EIS, vehicle traffic would be prohibited in the playas (*i.e.*, dry lakes) to protect the species. Again, the EIS provides no data indicating that such a prohibition is required. Nor does the document assess the effect of the playa closures on public recreation.

22. White-Margined Beardtongue. The EIS states that an ACEC will be established for this plant, and that vehicle use within the ACEC would be strictly controlled. Specifically, certain routes would be closed and the MUC changed from M to L. What data demonstrate the need for this particular "conservation measure"? The EIS refers to no studies

showing that vehicle use in the WEMO has contributed to any declines of the White-Margined beardtongue. Therefore, the trail closures appear arbitrary.

23. Public Land Motorized Vehicle Access Network. On pages 2-124 through 2-148, the EIS summarizes the March 2003 EA for the WEMO Vehicle Route Designation Project. We submitted comments on that EA earlier this year. To eliminate repitition, we have simply incorporated those comments and attached them to this letter as Exhibit A.

24. Problems with Distance Sampling for Tortoises. We are glad to see that BLM recognizes the limits of distance sampling for tortoises. Local population trends simply cannot be determined through this survey method. BLM staff, working with other scientists, must develop a sampling approach that will reveal local population trends and measure the success of management actions on the ground.

25. Threats to the Tortoise in Designated Study Plots. On pages 2-161 through 2-163, the EIS identifies the primary threats to tortoises living within the WEMO's five study plots – Kramer, Lucerne, the Desert Tortoise Natural Area (DTNA), Fremont Valley, and Fremont Peak. In each case, the EIS fails to list disease as a threat, even though technical data developed over the last 14 years shows that URTD and shell disease have contributed to significant tortoise die-offs in each of these plots. The EIS must be amended to correct this misleading information.

26. Region-Specific Disease Monitoring. On page 2-165, the EIS admits that currently there is no coordinated effort to monitor disease among tortoises in the WEMO. The admission is refreshing in its candor and startling in its ramifications. Despite 14 years of scientific study demonstrating the catastrophic effects of URTD and shell disease on Mojave desert tortoises, BLM has not so much as developed a coordinated, region-wide monitoring program for disease. It is no wonder that the species has not met it recovery goals. The proposed WEMO Plan must establish such a monitoring plan and implement it as soon as possible.

27. Alternative F: No DWMA – Aggressive Disease and Raven Management. It is exceptionally disappointing that the EIS dedicates less than two pages to this all-important alternative. More than any other alternative, including Alternative A, this one has the promise of dramatically improving the status of the tortoise and re-setting it on the path to recovery. That BLM has largely dismissed Alternative F without analysis shows a disregard for the scientific data. It also constitutes a violation of NEPA. We strongly encourage BLM to reconsider this alternative.

C. Chapter Three – The Affected Environment

1. Desert Tortoise Home Range. Over the last 20 years, BLM and USFWS have identified habitat types that are important to tortoise management, conservation, and

recovery. However, these are very general concepts; and neither BLM nor USFWS has determined the extent of the tortoises' home range. This information is critical for developing management policies that are sensitive enough to protect the tortoise without overly restricting public access to the desert.

2. Tortoise Populations, Study Plots, and Survey Results. The EIS extensively discusses past survey efforts to determine tortoise population trends. These efforts have not been entirely successful. Distance sampling, study plot surveys, and sign counts all provide useful, but not determinative, data on the population status of the tortoise. Neither method tells the full story, and the data developed by one method cannot be easily integrated with data developed by the other two. Ensuring that the results are repeatable and verifiable is also difficult. With these limitations in mind, however, a few basic conclusions can be drawn from the available evidence. First, within certain regions of the WEMO, tortoises have experienced substantial die-offs. For example, Dr. Kristin Berry has documented tortoise declines ranging from 72% at the Fremont Valley Study Plot to 93% at the Fremont Peak Study Plot. Second, these die-offs have not been associated with any direct disturbance by human beings. That is, there is no evidence that OHVs, say, have crushed a tremendous number of tortoises or tortoise burrows in the affected study areas. Third, tortoises in these study plots (and elsewhere in the WEMO) have shown, and continue to show, both clinical and subclinical signs of disease – especially URTD. At page 3-108, the EIS states that "[a]lthough evidence indicates a correlation between high rates of mortality and incidence of URTD within populations (Berry 1997), there is little evidence that URTD is the cause of the high rates of loss." We would respond by saying that at this point in time, neither BLM nor anyone else has shown that URTD is ***not*** the cause of the sharp declines. No other cause has been identified as the culprit. Further, no one has actually studied whether URTD has caused the declines. The majority of dead tortoises are not recovered, so they cannot be necropsied.[2] And even those that *are* recovered may not show evidence of URTD, as the bacterium which causes the disease – *Mycoplasma agassizii* – does not live long in a dead host.[3]

The point is, URTD and other diseases are the most likely causes of the die-offs observed in certain regions of the WEMO. Although the evidence is not conclusive, it is strong enough to warrant action on the ground. Additional study is certainly encouraged, but the priority – from both a management and fiscal perspective – must be direct disease control. Time is of the essence, as demonstrated by the recent die-offs at Superior-Cronese DWMA, where the EIS indicates the tortoise population may become extinct within 20 years. (EIS, at p. 3-113.)

3. The EIS Overstates OHV Impacts On the Desert Tortoise. Throughout its discussion of the desert tortoise issue, the EIS portrays OHV as a major threat to the species.

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[2] See, Krzysik Report, Appendix K to EIS.

[3] In addition, the work of Dr. Jacobson and others has established that tortoises afflicted with *Mycoplasma agassizii* do not always exhibit outward symptoms of URTD. These are sometimes supressed, only to flare up at a later time. For this reason, disease monitors should not rely on clinical signs alone when trying to determine whether a given tortoise has been infected with *M. agassizii*.

However, it provides little evidence to support this portrayal. As the EIS admits at page 3-117, only 2.9% of the planning area has been directly disturbed by OHVs, which means that more than 93% of the WEMO ***has not*** been directly disturbed by OHVs. Left unanswered is whether OHV impacts in that 2.9% of the planning area have reduced desert tortoise populations throughout the WEMO. The answer is most likely no, given the enormous size of the WEMO and the large amount of high quality desert tortoise habitat it continues to provide.

The EIS also claims that tortoise densities in some heavily-used portions of the WEMO (Rand Mountains, Fremont Valley) have dropped between 72% and 93% since the 1980s. (EIS, at 3-118.) But the EIS does not provide data to support the implied causal link between OHV use and tortoise declines. This is likely because no such data exist. The best available research shows that such declines were actually caused by URTD and raven predation, not OHV impacts. The EIS attempts to sidestep this evidence by reverting to bureaucratic doublespeak:

> "Data indicate that declines have occurred through much of the northeastern portions of the West Mojave Plan's proposed Fremont-Kramer DWMA. URTD has been implicated but sign count data reveal that it is also a region of very heavy vehicle impacts and persistent sheep grazing is known to occur." EIS, at p. 3-118.[4]

What BLM is actually saying in this passage is: URTD has killed most of the tortoises in the proposed Fremont-Kramer DWMA, but we will instead blame these losses on OHV use and grazing. This kind of analysis is intellectually dishonest and leads to poor policy decisions.

Ultimately, however, the EIS is forced to acknowledge that BLM has little evidence on which to claim that OHVs have contributed to desert tortoise declines. Indeed, the EIS admits that BLM lacks the baseline data necessary to even track tortoise population trends in the WEMO:

> "One may interpret these data to indicate that OHV impacts have eliminated tortoises between California City and Fremont Valley, *or conversely that OHV impacts are negligible in open areas, as evidenced by persisting regions of higher tortoise densities* . . . . Both arguments are weakened by the lack of baseline data from the 1950s for example, to which current population levels can be compared. Recent sign count data provide a static look at relative tortoise densities and distribution. *Except where numerous freshly dead carcasses have been found, or declines have been documented on BLM study plots and other places, the current distribution suggests nothing about population trends.*"
> EIS, at 3-120. (*Emphasis added.*)

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[4] This quoted passage contains the only reference to URTD in the EIS's entire discussion of the desert tortoise.

When broken down, this passage contains two stunning admissions. First, it concedes that the data are, at best, equivocal and could support an interpretation that OHVs have had a ***"negligible"*** impact on desert tortoises in the WEMO. Second, it concedes that despite spending more than $100 million on desert tortoise monitoring and recovery, BLM and USFWS still have no way to determine tortoise population trends. Given these two admissions, there appears to be little scientific support for the proposed road closures, MUC redesignations, and use restrictions.

4. The EIS Provides Incomplete, Misleading Data Regarding Vehicle Strikes On Tortoises and Their Burrows

On page 3-120, the EIS claims that OHVs crush tortoises and also damage the burrows in which they live. However, the evidence used to support this claim is thin and deceptive. For example, the EIS states that "sign count data indicate that vehicles crushed 28 (27%) of the 104 carcasses *where the cause of death could be ascertained.*" (EIS, at 3-120.) (*Emphasis added.*) However, the EIS fails to disclose the *total* number of carcasses found. This is *the* critical number. Without it, the 27% "kill rate" attributed to vehicle crushing is meaningless. For example, if 2800 carcasses were found, but cause of death could only be determined for 104 of them, the 28 "vehicle kills" would account for only 1% of the total, not 27%. Other questions also arise with respect to the "sign count" surveys and alleged vehicle strikes against tortoises. These include the following:

- When were the "sign count" surveys conducted? Over what period of time?
- Where were the "sign count" surveys conducted?
- What attemps were made to determine Each tortoise's cause of death?
- Was each dead tortoise subjected to a necropsy?
- Were the crushed tortoises located near paved roads or OHV trails?
- Were the crushed tortoises equally dispersed or were they found at a small number of locations?
- Where is the actual field data regarding the crushed tortoises?
- Why were the data not attached to the EIS as an exhibit?
- Are these data maintained by BLM or any other federal agency? If so, please consider this a request under the Federal Freedom of Information Act (FOIA) for those data.

The EIS also claims that in the proposed Fremont-Kramer and Superior-Cronese DWMAs, "vehicle crushing accounted for 32% (14 of 44) of all observed carcasses *where cause of death was given.*" (EIS, at 21.) Again, this statistic is misleading and largely useless. The EIS must disclose how many *total* carcasses were found, not just the number of carcasses where cause of death could be determined. Further, there is no indication that the allegedly crushed tortoises were killed on OHV trails or paved roads. These are critical pieces of information that must be provided to the public and the decision-makers. As with the "sign survey" data discussed above, the tortoise mortality data from Fremont-Kramer and Superior-Cronese should

be attached to the EIS as technical appendices, so that the public can review those data and verify their accuracy.

Note that the scientist hired to review the tortoise sign surveys, Dr. Anthony J. Krzysik, strongly cautioned against "over-interpreting" the carcass data with respect to vehicle strikes. Under the subheading "Limitations Interpreting Carcass Data," Dr. Krzysik wrote:

> "One must be very careful interpreting and reporting these data for the following reasons. Primarily, the cause of death was not given for 1,636 carcasses, or about 92% of the 1,797 carcasses found. It is important that identified mortality factors are only relative to a small proportion of the carcasses observed during each survey effort."[5]

Dr. Krzysik also stated that the carcass data may result in over-estimates of *current* vehicle impacts, since crushed carcasses can persist in the environment for up to 20 years. That is, the crushed carcasses encountered by surveyors have likely been accumulating over two decades.

However, even if one assumes that all of the crushed carcasses were recent, the total number of tortoise deaths attributed to vehicle crushing comes to only 42, which is negligible in terms of the overall tortoise population in the WEMO. This is especially true when one considers that in 1988 URTD killed hundreds of tortoises in the Kern DTNA alone.[6] Perhaps recognizing that the number of crushed tortoises is very small in relation to (1) the total tortoise population, and (2) the number of tortoises lost to disease and predation, the EIS includes the following "cop-out" statement:

> "Unlike catastrophic die-offs, where the cause of death is unknown, and mammalian predation, which is widespread and may not be controllable, vehicle impacts can be controlled." (EIS, at 3-121.)

In this one short sentence, the EIS betrays the true motivation behind the proposed OHV closure program. BLM is not willing to tackle URTD and the other diseases causing massive tortoise die-offs. Instead, it has elected to "control vehicle impacts" as its primary means of recovering the tortoise, even though this long-standing policy has proved to be a complete – and unbelievably expensive – failure. This is tragic. If BLM were to change its attitude with respect to disease, the tortoise would begin the long road back to recovery. But BLM has no interest in doing this; and until it develops such an interest, all the OHV use restrictions in the world will not reverse the tortoise's steep slide towards extinction.

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[5] Appendix to *Statistical Analysis of BLM Desert Tortoise Surveys in Support of West Movjave Management Plan, Report II: Statistical Comparison of DWMAs (1999 & 2001)*, 19 June 2002.

[6] "Chronic Upper Respiratory Tract Disease . . .", at p. 296, attached hereto as Exhibit 8.

2. The EIS Overstates OHV Impacts on Tortoises in Washes

On pages 3-122 and 3-123, the EIS argues that OHVs negatively affect tortoises that forage in or travel along washes in the WEMO. Again, however, the evidence in support of this argument is extremely weak. Rather that cite to data showing that OHVs have actually struck tortoises in washes or damaged burrows in or near washes, the EIS engages in speculation. For example, the EIS, citing the work of Jennings in the DTNA, claims that desert tortoises prefer to forage along the margins of small washes, which are also favored OHV use areas. *Id.* From these two factual assumptions, the EIS then deduces that OHV use of washes kills and disorients tortoises and also displaces them, possibly forcing them to eat less nutritious foods. *Id.* This is a dramatic leap in logic; and one that is not supported by technical evidence.

4. The EIS Overstates OHV Impacts on Desert Tortoise Habitat

On pages 3-122 and 3-123, the EIS attempts to show that OHVs damage desert tortoise habitat. There is no question that an OHV trail or any other human mark upon the land will cause *local* disturbance of the pre-existing habitat. Therefore, it is not surprising that the Goodlett and Goodlett study (1991) cited in the EIS found that "impacts in the Rand Mountain area were highest close to open routes." (EIS, at 3-122 – 123.) But the issue is not whether a given OHV trail disturbs vegetation, but whether the network of OHV trails in the WEMO disturbs vegetation on such a grand scale as to cause significant negative impacts on the desert tortoise. None of the scientific studies cited in the EIS address this question. No data set forth in the EIS show that vegetative and soil disturbance by OHVs actually results in declines in desert tortoise populations. Given that more than 93% of the WEMO is ***free*** of OHV disturbance (EIS, at 3-117), it is fair to assume that the existing OHV route network has little effect on tortoise habitat and forage.

Ultimately, the EIS is forced to concede that OHV impacts on the desert tortoise are uncertain and may be negligible, and that the proposed route closures may not benefit the tortoise. In light of this uncertainty, the proposed route closures are premature and unnecessary. They are also a waste resources that would be better spent on disease control and predator management.

5. The EIS Overstates OHV Impacts on the Mojave Ground Squirrel. Although the Mojave Ground Squirrel ("MGS") is not listed as threatened or endangered, the EIS nevertheless proposes to close OHV routes to protect the species. As with the desert tortoise, the EIS provides little data in support of this proposal. At page 3-158, the EIS states that OHVs "may pose a threat to the MGS by crushing individuals or burrows or degrading habitat." Again, however, the EIS does not provide any scientific evidence showing that these impacts actually occur. The best data the EIS can summon is "anecdotal evidence that the MGS may be killed on both paved and dirt roads . . ." (EIS, at 3-158.) The EIS then admits that the MGS may be too quick afoot to be run over by a vehicle. (EIS, at 3-158.) In the final analysis,

the EIS can cite to no verified instance where an MGS has been struck an killed by an OHV. Therefore, there is no support for the claim that the proposed road closures are necessary to protect the MGS.

6. The EIS Misrepresents OHV Impacts on Cultural Resources

The EIS's "cultural resources" discussion once again demonstrates BLM's willingness to make major policy decisions without the benefit of adequate baseline data. According to the EIS, BLM has proposed the WEMO route closures, in part, to protect cultural resource sites in the planning area. However, only 1% of the WEMO has been evaluated for cultural significance. (EIS, at 3-273.) This is not a statistically valid sample size, so whatever conclusions are drawn from these data are suspect from the beginning.

Ironically, BLM's attempt to inflate the number and significance of cultural sites in the WEMO is largely undermined by statements made by the eight Native American Indian Tribes that were consulted during preparation of the EIS. BLM interviewed representatives from the Lone Pine Paiute Shoshone, Timbisha Shoshone, San Manuel Band, Morongo Band, 29 Palms Band, Fort Mojave Tribe, Chemehuevi Tribe, and Colorado Indian Tribes. However, none of these tribes or bands "identified religious or cultural significance to historic properties within the planning area." (EIS, at 3-286.)

Given the position of the Native American tribes and bands, it is difficult to see why the existing OHV trail network must be cut in half to preserve "significant" cultural resources. The fact is, very few significant cultural resource sites have been identified in the WEMO, and no Native American Indian tribe has indicated that such sites require special protection. Therefore, the proposed route closures cannot be justified on grounds of preserving cultural resources.

D. Chapter 4 – the Impacts of the Plan

1. The EIS Fails to Adequately Assess and Mitigate Plan's Direct Impacts on Public Recreation. The EIS acknowledges that public demand for recreation access and services in the WEMO will likely increase as the population of Southern California continues to grow. Yet the proposed Plan would reduce by 66% the number of trail-miles open to OHV use and also changes the use classification of many areas to L. This combination of increased demand and contracting supply creates a significant impact on public recreation – an impact that the EIS fails to adequately disclose, analyze or mitigate. As indicated in the comments submitted by United Four-Wheel Drive Associations, many of the trails slated for closure are not redundant but instead provide unique access to otherwise unreachable areas of the WEMO. For the recreating public (especially children, the disabled, and the aged), losing these trails is tantamount to losing the opportunity to visit these portions of the planning area. This is a significant and unacceptable impact. It must be identified as such and mitigated.

The reduction/elimination of competitive OHV courses is also a significant impact on recreation. Worse, the reduction of competitive courses is not necessary to protect or recover the desert tortoise. Racing events can be (and have been) staged in such fashion as to avoid adverse effects on the tortoise. And to reiterate the theme of this comment letter, disease and raven predation are the overwhelming threats to the tortoise. The impacts, if any, of the occasional motorcycle race are negligible by comparison and will not effect tortoise recovery one way or the other.

2. The EIS Fails to Adequate Disclose, Assess, and Mitigate the Plan's Cumulative Impact on Public Recreation. Another major flaw in the EIS is its failure to address ***cumulative*** impacts on recreation. The proposed closures in the WEMO, when combined with proposed and implemented closures elsewhere in the CDCA, will substantially reduce the amount of riding areas open to the public. In fact, hundreds and hundreds of miles of OHV trails have been eliminated as a result of recent route closures in the CDCA. The WEMO closures simply add to this total. These cumulative impacts are not discussed, analyzed or mitigated in the EIS, resulting in a NEPA violation.

3. The EIS Fails to Disclose that Trail Closures May Encourage Disease Transmission. As stated above, URTD and other diseases have reached epidemic proportions throughout the range of the desert tortoise. Indeed, the WEMO is ground zero for URTD. Fortunately, there are some tortoise subpopulations within the planning area that are still free of the disease. Natural and man-made barriers have insulated these subpopulations and kept them segregated from sick tortoises. The proposed route closures, however, may remove some of these barriers, leaving "naïve" subpopulations vulnerable to infection and death. This potentially devastating impact is not addressed anywhere in the EIS. As a result, the EIS is defective under NEPA. Moreover, by knowingly removing such barriers and allowing sick tortoises to mingle with healthy ones, BLM and USFWS may be creating a "takings" situation, in violation of Section 9 of the Endangered Species Act.

III. CONCLUSION

For the reasons set forth above, the EIS for the proposed WEMO Plan is deficient under NEPA. Not only does it fail to disclose and analyze the project's significant impacts, it grossly misrepresents the current status of the desert tortoise. As a result, the EIS deceives the public into believing that additional OHV route closures are necessary to protect the desert tortoise and advance it towards recovery. However, a hard look at the scientific evidence shows that this is false, and that the road closures create little or no benefit for the tortoise and may actually accelerate the spread of URTD and other disease currently plaguing the species. The entire WEMO Plan must be reevaluated in light of the recent data regarding the true causes of desert tortoise declines. The needless expenditure of taxpayer money, and the equally needless closure of public lands, must stop. All available resources must be redirected to disease control and prevention, and to predator management. Only in this way will BLM and USFWS have any hope of actually recovering the tortoise, as is their charge under the Endangered Species Act.

Thank you for this opportunity to comment on this important matter.

Very truly yours,

David P. Hubbard

Enclosures

Cc: Hon. Richard Pombo, United States Congress
Gale Norton, Secretary of the Interior
Craig Manson, Assistant Secretary of the Interior
Steve Thompson, USFWS
Mike Pool, BLM
Kathleen Clarke, Director, BLM
Michelle Casella, CORVA and AMA District 37
Roy Denner, ORBA

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September 12, 2003

VIA E-MAIL AND FEDERAL EXPRESS

Bill Haigh
Project Lead
WEST MOJAVE PLAN
22835 Calle San Juan De Los Lagos
Moreno Valley, California 92553

Re: West Mojave Plan --
Comments on the West Mojave Plan Amendment/Habitat Conservation Plan

Dear Mr. Haigh:

On behalf of our client, Vulcan Materials Company ("Vulcan"), we are submitting the following comments on the Draft West Mojave Plan and Draft EIS/EIR ("West Mojave Plan"). Vulcan owns a number of properties located within the boundary of the West Mojave Plan that may be affected, including an existing aggregate quarry known as the Big Rock Creek Project ("Project"), located in the Antelope Valley approximately 20 miles east of the City of Palmdale and one mile north of Highway 138 (Pearblossom Highway) in an unincorporated portion of Los Angeles County ("Project Site").

As discussed in detail below, Vulcan believes that the West Mojave Plan, as currently written, inadequately addresses the effects of the Proposed Action and alternatives on mineral development and more specifically, construction aggregates, in the region. The following summarizes Vulcan's main comments:

(1) The West Mojave Plan should clarify that Areas of Critical Environmental Concern ("ACECs") only apply to public lands;

(2) The West Mojave Plan fails to find that there are significant impacts on construction aggregates and other mineral resources that would occur as a result of the Plan even though the impacts meet the significance thresholds identified in the document;

(3) The West Mojave Plan improperly calls for a ban on sand and gravel mining in the Big Rock Creek Conservation Area, which could constitute a takings of various property interests in the area;

(4) The West Mojave Plan conflicts with the State of California's statutory scheme to protect valuable mineral resources in the State, including the County of Los Angeles' General Plan provisions providing for protection of mineral resources within the County;

(5) The West Mojave Plan conflicts with the State's implementation of this statutory scheme through the designation of mineral lands containing construction aggregates in the Big Rock Creek area as being of regional significance in supplying construction aggregates to the fast-depleting markets throughout the Los Angeles Basin;

(6) The West Mojave Plan should clarify that existing, valid, non-conforming uses, including vested mining operations, are exempt from mitigation fees under the plan;

(7) The one percent disturbance provision in the plan does not comport with mineral resource needs in the County of Los Angeles; and

(8) The environmental analysis of the plan's impacts on species, the basis for the underlying habitat conservation measures in the plan (and the resulting impacts to other interests, particularly mining interests), is inadequate because it is based on conclusions rather than substantive information.

Vulcan is supportive of the goals of the West Mojave Plan, but believes that the plan must be revised so as to avoid the impacts to mineral resources and existing mining operations discussed in detail below.

1. The West Mojave Plan Should Remove ACEC Designations on Any Private Lands Encompassed in the Plan's Boundaries

The West Mojave Plan is both a BLM land use plan amendment and a habitat conservation plan. However, the West Mojave Plan is unclear in distinguishing the respective jurisdictions of the BLM and of the various state and local agencies involved. As currently written, the West Mojave Plan appears to exercise federal jurisdiction over private lands by including such private lands within the identified "areas of critical environmental concern" ("ACECs"). However, the statutory definition of ACECs clearly limits the application of ACECs to public lands, and not private lands. Mining operations on private lands are simply not eligible for inclusion in ACECs.[1] See 43 USC 1702. Accordingly, Vulcan respectfully requests

[1] An ACEC is defined as follows: "The term "areas of critical environmental concern" means areas within the public lands where special management attention is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, (continued...)

that the West Mojave Plan be revised to remove any discussion or suggestion that ACECs will apply to private lands within the boundaries of the West Mojave Plan.

2. The West Mojave Plan Fails to Address Adequately the Impacts the Plan Will Have on Mineral Development

One of the principal deficiencies in the West Mojave Plan is its discussion of impacts to mineral development. The West Mojave Plan essentially brushes over the issue, without giving serious consideration to the importance of mineral development on lands within the boundaries of the plan, not only on a local but a regional scale. A critical deficiency in the West Mojave Plan's impact analysis is its failure to account for actual impacts on mineral development on lands within the plan's boundaries, particularly the development of sand and gravel resources in the Big Rock Creek area. Identified aggregate resources are rapidly being depleted in the region. Of particular concern to Vulcan is the West Mojave Plan's apparent intent to prohibit sand and gravel mining in the Big Rock Creek Conservation Area, which would affect a number of Vulcan's property interests.

The descriptions of the environmental parameters that preservation will affect are not adequately described or discussed. For example, Section 3.4.3.3 discusses aggregate resources within the West Mojave area. However, like information in the rest of the document, the discussion is very generalized. There is no mention of the State's designated Mineral Resource Zones for aggregates. There is a brief discussion of reserve areas. No maps are provided. There is no analysis as to how much of the developable aggregate reserves that can supply the southern California market are within the area's boundaries. If these resources cannot be developed, there is no identification of alternative sources.

The impact section 4.2.3.4 recognizes that these resources are limited, existing permitted areas are rapidly being depleted, and there is a need for new facilities to supply the market. However, this section does not conclude that this is a significant impact even though it meets the significance criteria, as discussed below.

Another problem is some of the assumptions in the document are not correct. For example, Section 4.4.3.2 discusses impacts of an alternative on mineral development. This section implies that a reason to restrict aggregate mining is that the potential for restoration of sand and gravel pits in the desert is low and takes a long time to become successful. This unsupported assertion is incorrect. For example, Vulcan, as well as its predecessor CalMat, has successfully undertaken such efforts, including one in the vicinity of Big Rock Creek. In 2003, Vulcan was awarded The Hardrock Mineral Environmental Award from BLM for its restoration of a desert site as part of its reclamation activities for the Morango Project, located near

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fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards." 42 U.S.C. § 1702(a).

Beaumont. [**A copy of a letter from the National Mining Association to Vulcan regarding this award, date September 9, 2003 is attached hereto as Exhibit 1.**]

The impact assessment section is also inadequate because it does not adequately describe the indirect and cumulative impacts associated with using alternative sources for aggregate materials or even if such alternative sources are available. Other available sources may also be lost due to development or impacts to sensitive species or their utilization may cause additional traffic and air quality impacts associated with their transportation. Such issues need to be addressed.

a. The West Mojave Plan Improperly Concludes that Banning Sand and Gravel Mining in the Big Rock Creek Area Will Not be a Significant Impact

The proposed action in the West Mojave Plan identifies a "network of ecosystem conservation areas" in the plan's boundaries that would be established to purportedly "protect viable populations of native plant and animal species and their habitats." (West Mojave Plan, p. 2-11.) These areas are collectively referred to as the Habitat Conservation Area ("HCA"). One area of concern for Vulcan is the Big Rock Creek Conservation Area, which appears to be coextensive with proposed changes to the Significant Ecological Areas ("SEA") in the County of Los Angeles, namely the proposed creation of the Antelope Valley SEA.[2] Vulcan has already submitted comments on the proposed Antelope Valley SEA to the County of Los Angeles, and incorporates by reference these comments on the Antelope Valley SEA to the extent the West Mojave Plan relies on this SEA. [**A copy of Vulcan's April 30, 2001 comment letter to the County of Los Angeles regarding the Antelope Valley SEA is attached hereto as Exhibit 2.**]

For the Big Rock Creek Conservation Area, the West Mojave Plan states that:

> "[a]bout 2,400 acres of **private land** having high potential for sand and gravel (SMARA MRZ-2) are within the Big Rock Creek Conservation Area in Los Angeles County. This portion of the deposit **would likely be placed off limits to sand and gravel extraction** because the conservation goal is to conserve the wash in 'its natural state.'"

(West Mojave Plan, p. 4-107) (Emphasis added). The language quoted above demonstrates an intent to prohibit sand and gravel extraction in the Big Rock Creek Conservation Area, even though in this same section, the importance of this area in supplying the region's aggregate needs is discussed and that a few pages later, it is stated that the conservation measures for the Big

[2] The Antelope Valley SEA is a proposed amalgamation of several existing SEAs in Los Angeles County that would cover a total of 222,325 acres.

Rock Creek Conservation Area "...should be **compatible with existing land uses** in the SEA..." (West Mojave Plan, Table 2-3, p. 2-14) (Emphasis added.). Existing land uses in the SEA include sand and gravel operations.

The West Mojave Plan, therefore, purports to ban sand and gravel mining in the Big Rock Creek Conservation Area without articulating any basis or jurisdiction to do so, and in contradiction to other goals and objectives in the West Mojave Plan. Vulcan is further concerned that the West Mojave Plan, either intentionally or not, could be construed to ban not only future sand and gravel mining operations in the Big Rock Creek Conservation Area, but also ban existing sand and gravel mining operations, including Vulcan's Big Rock Creek Project. In addition, the West Mojave Plan's reference and reliance on the proposed Antelope Valley SEA is of concern to Vulcan, because the interaction of the West Mojave Plan and the Antelope Valley SEA could result in an outright prohibition on mining in the Big Rock Creek area without there ever being any form of impact analysis of this combined effect.

Such a ban would amount to a takings of Vulcan's property interests in violation of the Fifth and Fourteenth Amendments to the U.S. Constitution, and in violation of Article I, Section 19 of the California Constitution. Given this, Vulcan respectfully requests that the West Mojave Plan be reviewed and revised to clarify that sand and gravel mining on private lands in the Big Rock Creek Conservation Area, including Vulcan's Big Rock Creek Project, will not be prohibited under the West Mojave Plan.

b. The West Mojave Plan Should Account for Impacts in the Context of the Rapidly Depleting Supply of Sand and Gravel Resources in the Region

The West Mojave Plan acknowledges the importance of mineral development in the Southern California region, and specifically states that "[h]igh quality sand and gravel deposits...are surprisingly few in number and becoming more difficult to develop because of zoning and environmental restrictions." (See West Mojave Plan, pp. 3-213, 3-219). Despite this clear expression of the difficulties in developing new sources of sand and gravel materials, as well as acknowledging the importance of local sources of aggregate to keeping construction costs reasonable[3], the West Mojave Plan could add significantly to such difficulties without adequately analyzing this impact and, therefore, the document presents an understatement of potential impacts of this impact on sand and gravel resources.

Perhaps the most pressing concern in the region relating to mining is the pending depletion of available sources of sand and gravel. Clear evidence prepared by the California Department of Conservation, Division of Mines and Geology[4] ("DMG") indicates that the

[3] West Mojave Plan, p. 3-219.

[4] The DMG publishes a report approximately every ten years which analyzes aggregate supplies and needs for a given region. These reports constitute the only comprehensive source of information for the County to determine its overall supply, need, and annual consumption of aggregate. The latest report for the County was published in 1994, (continued...)

County of Los Angeles will experience depletion of its aggregate reserves within thirteen years unless new aggregate mines are permitted. In the DMG Report, it is concluded that: (i) the estimated reserve base of aggregate material in the County as of 1994 was approximately 750 million tons; (ii) the estimated annual average consumption of aggregate in the County as of 1994 was approximately 28 million tons; and (iii) the estimated County-wide permitted aggregate reserve depletion date was year 2016, absent permitting of new reserves. The DMG further estimated in the Report that permitted reserves in the San Fernando Valley P-C Region would be depleted by 2001.

Thus, depletion of sand and gravel resources in Los Angeles County, as well as the region as a whole, is a critical issue. Nonetheless, the West Mojave Plan inadequately addresses its potential impacts on these resources. In the discussion of significance thresholds for assessing impacts to mineral development, the West Mojave Plan identifies the significance threshold, in part as the "[u]navailability to exploration and development of any deposits" in "[a]reas of ...moderate [mineral] potential for regionally...significant commodities..." or the "[p]reclusion of known mineral deposits" including "[p]remature closure of a mineral operation...due to increased costs associated with restrictions or fees." (West Mojave Plan, Table 4-2, p. 4-4). In addressing the impacts on mineral development in the Big Rock Creek Conservation Area associated with the Proposed Action, the West Mojave Plan states that:

> "This would represent a resource loss estimated to be 1.2 billion tons including the main portion of the fan with sand and gravel that could be mined to a depth of 50 to 55 feet...This loss would probably not be noticed within the 30 year life of the West Mojave Plan because the forecasted depletion date for the nearby Little Rock Wash fan is not until 2046."

(West Mojave Plan, p. 4-107).

Given the clear statements contained in the DMG Report concerning depletion dates in the County of Los Angeles, as well as the specific significance thresholds discussed above, and the lack of analysis as to the percentage of reserves this 1.2 billion tons represents, Vulcan believes that the West Mojave Plan's conclusions regarding impacts on mineral resources in the Big Rock Creek Conservation Area are inaccurate.

In particular, the paragraph quoted above fails to take into account the fact that the resources in the Big Rock Creek area are designated as being <u>regionally</u> (not locally) significant, that is, they are needed to supply markets where there is rapid depletion of existing sources of

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as part of DMG Open File Report 94-14, entitled Update of Mineral Land Classification of Portland Cement Concrete Aggregate in Ventura, Los Angeles, and Orange Counties, California ("DMG Report"). **[A copy of the DMG Report is attached hereto as Exhibit 3.**

construction sand and gravel, most notably in the Los Angeles Basin and other areas of the County, rather than just the nearby Little Rock Wash fan. In fact, the conclusions in the West Mojave Plan appear to ignore the very significance thresholds set forth in Table 4-2 and discussed above, because as described, the West Mojave Plan would make the minerals in the Big Rock Creek Conservation Area unavailable for development, and would also lead to the premature closure of existing operations, including Vulcan's Big Rock Creek Project.

In addition to failing to address the impacts based on mineral depletion, the West Mojave Plan fails to identify additional environmental impacts that would arise if the construction sand and gravel resources in the Big Rock Creek area were unavailable for mining. Specifically, to meet the strong demand for construction sand and gravel, material would have to be transported to the market from more distant mining locations, resulting in increased impacts relating to transportation, namely increased traffic impacts and air quality impacts associated with trucking the materials over greater distances. The West Mojave Plan is silent on these impacts, and should be revised to address them.

Coupled with the evident disregard for the conclusions in the DMG Report, the West Mojave Plan's discussion of impacts to mineral development in the Big Rock Creek Conservation Area is inadequate, and should be revised to state a significant impact on mineral development in the Big Rock Creek Conservation Area and possibly for the entire West Mojave Planning Area.

3. The West Mojave Plan Conflicts with the State of California's Program for Classification and Designation of Mineral Resource Zones Under the Surface Mining and Reclamation Act ("SMARA")

While the protection of biological resources are important, the State has previously recognized the protection of aggregate resources is critically important. The West Mojave Plan's ban on sand and gravel mining in the Big Rock Creek Conservation Area would directly conflict with the mandate from the California State Legislature, as manifested in SMARA, to preserve and protect important sources of minerals within the state. SMARA states that "the extraction of minerals is essential to the continued economic well-being of the state and the needs of society[,]" and SMARA mandates the production and conservation of minerals. Pub. Res. Code §§ 2711, 2712(b). As discussed below, Vulcan believes this apparent ban is without basis and contrary to SMARA, and should be removed from the West Mojave Plan.

a. The West Mojave Plan's Apparent Ban on Sand and Gravel in the Big Rock Creek Conservation Area Conflicts with SMARA's System of Mineral Resource Classification

The apparent ban on sand and gravel mining in the Big Rock Creek Conservation Area conflicts with the mineral classification of resources in that area (including the Big Rock Creek Project), as well as express provisions in the County of Los Angeles General Plan designed to

protect these resources as required by SMARA. The Project Site is classified as a Mineral Resource Zone 2 ("MRZ-2"), indicating the existence of a deposit that meets criteria for value and marketability. Based on this classification, the County of Los Angeles (as "lead agency") incorporated "Mineral Resource Management Policies" ("MRM Policies") into its General Plan. Public Resources Code § 2762(a).[5]

The County of Los Angeles General Plan includes policies to protect and conserve important mineral resource areas, including the following:

- The General Plan defines "mineral resource areas" as areas "identified or to be identified as containing significant mineral resources by the State Mining and Geology Board." (Land Use Element, Appendix A, Conditions and Standards No. 16, p. LU-A20.)[6]
- The General Plan provides that "known mineral resource reserves" are to be protected from the "encroachment of incompatible uses." (Land Use Element, Section D, Goals and Policies, LU-4, Policy 11.)
- "Within identified mineral resource areas . . . proposed development shall be designed so that it does not inhibit the future development of extractive surface mining or energy production facilities and shall make provisions to buffer the proposed use from existing of future mineral resource activities." (Land Use Element, Appendix A, Conditions and Standards No. 16, p. LU-A20.)
- "Protect and conserve existing mineral resources, evaluate the extent and value of additional deposits, and require future reclamation of depleted sites." (Conservation, Open Space and Recreation Element, p. OS-10.)
- "Sand and gravel reserves have declined in the past due to the encroachment of incompatible development. These resources need to be protected and conserved." (Conservation, Open Space and Recreation Element, p. OS-4.)

These policies express a clear mandate to preserve and protect classified mineral resources within Los Angeles County. However, as currently written, the West Mojave Plan would undermine these policies, and in turn, would undermine the program mandated by SMARA, by banning sand and gravel mining in areas classified by the state under SMARA. The West Mojave Plan would thus create a direct conflict between its planning and resource goals and those expressed in SMARA. Additionally, it would create a direct conflict for the County of Los

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[5] These MRM Policies also must be adopted when an area is designated as being statewide or regionally significant, as is the case with the Project Site. See Pub. Res. Code § 2762(a). SMARA requires MRM Policies to contain a variety of provisions relating to preserving mineral resources. Additionally, the SMARA regulations have additional requirements. See Cal. Code Regs., tit. XIV, § 3676 (1994). It is only through the incorporation of this information that a local jurisdiction can have before it the necessary information to evaluate the impact of potentially incompatible uses on known mineral resources.

[6] The Big Rock Creek Project is a "mineral resource area" under the General Plan.

Angeles, a collaborator in the preparation of the West Mojave Plan, because its own General Plan policies would be directly contravened by this ban. For these reasons, Vulcan urges that the West Mojave Plan be revised to make it consistent with the State of California's classification of mineral resources in the Big Rock Creek area, as well as the County of Los Angeles General Plan policies relating to these mineral resources.

b. The West Mojave Plan Fails to Address Mineral Resource Areas Designated as Being "Regionally Significant" Under SMARA That Would be Located Within the Plan's Boundaries

In addition to conflicting with the State classification and County of Los Angeles General Plan provisions relating to mineral resources, the West Mojave Plan ignores the California Department of Conservation, State Mining and Geology Board's ("SMGB") designation of the lands in the area, including the Big Rock Creek Project and other lands owned by Vulcan, as a "Regionally Significant Construction Aggregate Resource Area" pursuant to the provisions of SMARA.[7] [**A copy of the SMGB's "Designation of Regionally Significant Construction Aggregate Resource Areas in the Saugus-Newhall and Palmdale Production-Consumption Regions" ("SMGB Designation Report") is attached hereto as Exhibit 4**.] The designation covers areas in the Big Rock Wash, with the boundaries defined as the "aqueduct on the south, North 165th Street on the east, Palmdale Boulevard on the north, and 116th Street on the West." (SMGB Designation Report, p. 9). This designation was "codified" into the California Code of Regulations, at Title 14, Section 3550.9. The designation process included substantial environmental review, including the certification of an EIR, and the participation of Federal, State and local agencies, including the County.

Because the area around Big Rock Creek area is designated as being a "Regionally Significant Construction Aggregate Resource Area", even greater protections apply to its resources. An area so designated is defined by statute as one:

> "known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in a particular region of the state within which the minerals are located and which, if prematurely developed for alternate land uses, could result in the permanent loss of minerals that are of more than local significance."

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[7] Under SMARA, when an area is classified, the State Geologist transmits the same classification report to the SMGB as it does to the lead agency. After receiving this classification information, the SMGB may "designate" specific geographic areas of the State as having "statewide or regional significance" for their mineral resources. Pub. Res. Code § 2790. In designating an area, the SMGB takes into account "the adverse effects that might result from premature development of incompatible land uses, the advantages that might be achieved from extraction of minerals of the area, and the specific goals and policies to protect against the premature incompatible development of the area." Pub. Res. Code § 2790.

Pub. Res. Code § 2726 (Emphasis added.) The intent of the Legislature was clearly to protect these resources from loss through alternative uses.

For these designated areas, SMARA imposes the following duties on the County of Los Angeles:

- Before permitting an incompatible use that would threaten the potential to extract minerals in the area, the County must prepare a statement specifying its reasons for permitting such proposed use.
- Land use decisions involving designated areas must be made in accordance with the County's "mineral resource management policies".
- Land use decisions involving designated areas must balance "mineral values against alternative land uses", taking into consideration "the importance of these minerals to their market region as a whole and not just their importance to the lead agency's area of jurisdiction".

Pub. Res. Code § 2763(a). Accordingly, there is a strong policy under SMARA for the County of Los Angeles to weigh carefully any restrictions on the availability of the designated resources. because the Project site has been designated by the SMGB as an area of regional significance, the County is required, by statute, to carefully consider the value of its mineral deposits before permitting any competing uses. Pub. Res. Code § 2763(a). The County of Los Angeles is well-aware of these requirements. In fact, a April 29, 1996 letter from the County Counsel's Office to Supervisor Michael Antonovich stated that "[i]n these areas of [regional] significance, the County is required to carefully consider the value of mineral deposits before permitting any competing plans for development." [**A copy of the Los Angeles County Counsel's April 29, 1996 letter is attached hereto as Exhibit 5.**]

The West Mojave Plan expressly contravenes this by calling for the prohibition of sand and gravel mining in the Big Rock Creek Conservation Area. However, Vulcan believes, and the SMGB Designation Report affirms, that the aggregate resources in the Big Rock Creek area are vital to the region. For this reason, Vulcan requests that the West Mojave Plan be revised to allow for sand and gravel mining of the designated resources in the Big Rock Creek area.

4. The West Mojave Plan Should Clarify that Valid Nonconforming Uses, Included Operations Conducted Pursuant to Vested Rights, are Exempt from the Mitigation Fees Described in the Plan.

The West Mojave Plan should be revised to clarify that projects such as Vulcan's Big Rock Creek Project would not be required to pay mitigation fees because this project is a valid, nonconforming use exempt from these fees. Under the Federal Endangered Species Act ("FESA") HCPs are required to detail the funding that will be made available implement the proposed mitigation program. See 17 C.F.R. § 32(b)(1)(iii)(C). The "applicant" for the HCP must ensure that such adequate funding is available for the HCP and any procedures to deal with

unforeseen circumstances. 17 C.F.R. § 32(b)(1)(iii)(C). The West Mojave Plan states that "[l]ocal jurisdictions adopting the West Mojave Plan would need to adopt a fee ordinance in order to implement the mitigation fee described in Chapter 2." (West Mojave Plan, p. 1-15.) This approach is spelled out later in the document, where it is written that "[o]n private lands, the mitigation fee would apply to all new land disturbing development subject to a grading and/or building permit and would be collected by the local jurisdiction at the time or permit issuance." (West Mojave Plan, p. 2-32.)

According to Table 2-8, existing projects for which discretionary or ministerial approval have been granted by the local jurisdiction prior to the date of enactment of any free ordinance as provided for by the West Mojave Plan would be exempt from the mitigation fees. (West Mojave Plan, Table 2-8, p. 2-35). Vulcan respectfully requests that it be clarified that this exception apply to existing projects operating pursuant to valid nonconforming uses, which have the functional equivalent of a discretionary approval from a lead agency. Specifically, Vulcan wants to ensure that its existing Big Rock Creek Project, operating as a vested right to conduct sand and gravel mining operations, is exempted from any mitigation fee requirements.

5. The West Mojave Plan Should be Clarified to Provide that the One Percent Disturbance Limit Does not Apply to Existing Projects

According to the West Mojave Plan, the HCA would establish a "one percent" threshold for new ground disturbance, called the allowable ground disturbance ("AGD"), within the HCA's bounds, applicable for the 30-year life of the West Mojave Plan. (West Mojave Plan, p. 2-28). New ground disturbance is defined under the provisions to include "any clearing, excavating, grading or other manipulation of the terrain occurring after adoption of the West Mojave Plan whether or not a permanent use is proposed for the site." (West Mojave Plan, p. 2-28). According to the West Mojave Plan, each agency or local government participating in the West Mojave Plan would have a separate calculation of the one percent AGD. Once this one percent level is exceeded, private land applicants seeking permits from the jurisdiction must obtain individual ITPs from the Service and CDFG, and could not qualify for the streamlined program established under the West Mojave Plan. (West Mojave Plan, pp. 2-29 to 2-30.) Under Table 2-6 of the West Mojave Plan, Los Angeles County is identified as having an AGD of 100 acres.

This AGD is unworkable for Los Angeles County. There are a number of existing, proposed and contemplated mining projects within Los Angeles County that would face this 100 acre maximum. Vulcan believes that such a limitation would impose a serious burden on continued mining in the county, and thus the maximum acreage should be greatly increased.

6. Though the West Mojave Plan Purports to Protect a Wide Range of Species, Its Assessment of Environmental Impacts to Various Species is Inadequate

Environmental Impact Statements are to adequately describe the environmental baseline and then assess the direct, indirect, and cumulative impacts to that environment using that

baseline. While biological resources, especially the sensitive species, are important elements of the environmental baseline, they are not the only elements, especially since the goal of the project is to protect these biological resources. Rather, there also must be adequate discussion on the effect of preserving the habitat for these species upon other environmental parameters.

However, the focus of the document is on biological resources. However, even for this subject matter, the document, except for information regarding tortoise and possibly the Mojave ground squirrel, is so general that it is difficult to understand the size and number of the affected population or the impact the conservation measures will have on that species. More detailed baseline information and analysis are needed to determine if the goals can be met.

This general concern regarding the depth of the information and analysis provided is especially true for other environmental factors. It is difficult, for example, to understand how water resource issues can be described and the impacts assessed in one or two pages when this element is possibly the most important limiting factor in the desert environment.

The following provides examples of problems with the document:

- Most of the descriptions of the life histories of the species of interest are very brief. Total population estimates as well as population estimates within the West Mojave Planning effort are not provided. Therefore, it is impossible to ascertain if the protection recommended will actually maintain the species. In addition, citations documenting information sources are not provided.
- Since preserving habitat is an important goal of the project, the distribution of native plant communities is an important element to understand. While there are tables describing the types and amounts of plant communities now in the planning area and with the proposed project, there are no accompanying maps. Maps of the vegetative communities should be included in both the baseline and assessment sections of the document to aid in understanding what is present and what is being conserved. Distinctive landforms such as those described in Section 3.3.1 should also be shown on the maps.
- Mapping of the distribution of the sensitive species is also not provided. Coded maps showing species distributions would be helpful in understanding the relationship between the proposed conservation areas and species distribution. The only distribution map provided is for the desert tortoise.

Sufficient information also needs to be provided to understand if the biological goals for each of the sensitive species are being adequately addressed. Currently the discussions on whether the goal or goals can be met is inadequate. For example, one biological goal for the Mojave fringed-toed lizard is the protection of wind transport areas to maintain its habitat. While this statement is made in the opening chapters, the document fails to discuss studies documenting the sources and quantities needed to maintain this species' habitat in the affected

environment section. In fact, in describing the soil baseline, the document states soil blowing is not an asset, but rather as a major hazard.

The environmental assessment section, nevertheless, asserts benefits of the proposed habitat conservation measures for maintaining habitat for this species. The statements, therefore, can only be considered conclusionary because they are not supported by any substantive information. Most of the other species discussions show similar problems with level of detail in the baseline information and environmental assessment. Conclusions should be supported by facts.

Vulcan appreciates the opportunity to comment on the West Mojave Plan, and again, is supportive of the plan's goals relating to species and habitat concerns. Vulcan believes that its comments expressed above are important factors that must be considered and used as a basis to revise the plan so as to avoid impacting recognized, important mineral resources in the region.

Very truly yours,

KERRY SHAPIRO, for
Jeffer, Mangels, Butler & Marmaro LLP

KS4:amh
Attachments

Comments to WMP

From: Freddie Iturriria
Address: 2631 21st Street
Bakersfield, Ca 93301
Date: 9/11/03

Chapter 4 4-101

4.2.3.3.6 Sheep Grazing In MGS and Mojave Monkeyflower Conservation Areas

Under Alternative A., ephemeral sheep grazing would cease in the MGS Conservation Area when ephemeral forage is no longer available and sheep make a dietary change to perennial shrubs.

Comment: Who will make a determination as to when the dietary habit of the sheep has changed? This statement allows individuals looking to remove grazing in the desert ammunition to get sheep out.

This restriction should be completely eliminated. Who will control the exact location of the boundary? Since the MGS boundary extends slightly to the west of HWY 395 and slightly to the north of HWY 58, why not leave 395 and 58 as the limits? There is only a minimal amount of sheep grazing land remaining and additional restrictions will only tighten the noose on the sheepmen.

The sheepmen have given up over 80% of the grazing land in the desert and have done there part in preserving the environment, now it's time to leave them alone!!

Chapter 4 4-102

4.2.3.3.7 Sheep Grazing in DWMAs

Under Alternative A, there would be a potentially detrimental impact to grazing operations on the Buckhorn Canyon, Gravel Hills, Superior Valley, Goldstone, Lava Mountain, and a portion of the Cantil Common allotments.

Comment: Regardless of whether these allotments have been utilized or not, they should not be discontinued from sheep grazing. If there is not a reason to remove grazing, why give it up? Why hasn't an alternative been proposed that would increase sheep grazing?

August 31, 2003

Attn: West Mojave Plan

The West Mojave Plan has done considerable studies on the Desert Tortoise and the Mojave Ground Squirrel, and has a great amount of concern for their welfare. This study has not addressed the impact on the human family though!
Yes, the Motorized Recreational Community is a family affaire! In this age of electronic communication, the value of quality family time, of community, I believe, has to be given equal consideration.

No definitive decisions should be made, September 12, 2003! I believe further studies should be done to truly see the sociological impact this will have on the family.
Growing up as a member of a Motorized Recreational Community I have only fond memories of family rides, and quality time around the campfire. I have been fortunate to be able to do the same with my family today. This opportunity would be lost to the next generation.
The majority of families who will be affected reside in Los Angeles, Riverside, San Diego and Orange Counties. We did not even have the opportunity to attend a public hearing or meeting!
To not have the opportunity to be educated on what your plans were is totally unacceptable!

The preservation of our environment and the protection of the Desert Tortoise, and the Mojave Ground Squirrel are all important, and they seem to be your priority...have you truly looked at the human impact? The BLM already has 1.15 million acres for tortoise recovery...it has designated 6.4 million acres as "critical habitat".

The establishment of one large Desert Wildlife Management Area, as proposed by ALT. E of the WEMO Plan, should be adopted until further studies are completed in the following areas...

1. The sociological affect on the family unit.
2. Implementation of a BLM Head Start Program for captive breeding to replenish the desert tortoise.

3. The impact on the Desert Tortoise by Ravens...the main predator of the young Desert Tortoise! Ravens are NOT indigenous to the said area!
4. Education! The inclusion of the Motorized Recreational Community, with any concerns, or possible plans you may be addressing that would impact our community. This information could be included with vehicle registration!
5. A complete study of the economic impact should be done! The DEIR/S recommendation of fencing, at a cost of 1 4 million dollars per DWMA, sounds ridiculous! The California State economy does not support expenditure like this; the fence's value is truly questionable! I ask you, to what end, except for providing a designated food site and perch for the many ravens! A greater value would be derived by educating the public and expanding the Tortoise Head Start Program!
6. D-37 Dual Sport has compiled 1.4 million miles of travel without the loss of a single Desert Tortoise! Here you have documented successful cohabitation!

All decisions should be made only after a complete study of the above 6 items. Example: of the 23 sub-regions only 11 were fully surveyed! The others relied on a 1985-1987 survey, which contained no single-track trails.

Language should be inserted to allow for:

1. The Johnson to Parker, and Johnson to Stoddard Race Corridors Continued use.
2. Barstow to Vegas Corridors placed back into the Route Inventory.
3. Re-open the "C" Routes at the Spangler Open Area.
4. All duplicate or parallel routes that were closed in Route designation should be returned to open status!

Please include my name to your BLM mailing list.

Thank You,

Shane Allen
13101 Morrison St.
Sherman Oaks, CA. 91423

Shane D. Allen

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Bureau of Land Management
West Mojave Plan
22835 Calle San Juan De Los Lagos
Moreno Valley, Ca 92553
September 12, 2003
Fax 909-697-5299

Re: Comments on the West Mojave Plan

Chapter 2 obj. B 6

By their vary nature, stock ponds cannot meet State and Federal water quality standards.

Page 2-112 (LG-1)

Grazing utilization not to exceed 40% when dormant and 25% when growing is to low. Research and good grazing practices show that for good plant health, utilization should be over 60% every few years.

Page 2-115

Maintain present criteria for public land health. The range of the Rudnick Common Allotment is in far better health than it was in the 1930's. I have photographs to prove it.

LG-5

Carcasses of Cattle and Sheep should be removed from waters, corrals, roads, and other high visibility areas. It would be impractical and unnatural to remove carcasses from remote areas.

Page 2-116
(LG-11)

Temporary Non Renewable grazing must continue in the Rudnick Common Allotment. Active preference was cut 75% by the Allotment Management Plan with the inactive portion available on a temporary basis. The range health has improved dramatically. Why change something that works?

Chapter 3 3.3.8.8

Kelso Creek Monkey Flower
Check with Jim Shevock, he told me that grazing has no adverse affect on the Kelso Creek Monkey Flower.

Chapter 4

Elimination of grazing allotments will not solve anything!
The range has improved since the 1930's –Taylor Grazing Act!
People and vehicles are the problem, not livestock!

GRAZING KEEPS PLANTS FRESH AND HEALTHY AND HELPS WILDLIFE!

Sincerely,

Richard Rudnick
Onyx Mountain Cattle Co.

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Subject: DEIR/S

I have been enjoying the California Desert for as long as I can remember with my family and friends. To just plain close down these areas without just cause just seems morally and legally wrong. I would really like to see some more current data taken of these areas including an environmental impact study before decisions for closure are made. The DEIR/S fails to provide analysis or date to support the proposal in Alt. A thru E to reduce open routes in ACEC's and in higher density tortoise population areas. . There is no documentation provided in the administrative record indicating the methodology or analysis used to determine which routes would be closed, showing location or identification of routes to be closed and no scientific justification for closure. Please reconsider this plan, as it will have a very big effect on our already slow economy in this state, as well as locking out millions of acres in land that the taxpayers will not get to enjoy.

Anthony Delmage
4580 W. 135th St.
Hawthorne, CA 90250