

OHMVR Division Grants Program
CEQA Categorical Exemption Documentation
BLM Ridgecrest Field Office (FO) Ground Operations Grant Application G21-1-15-G01

Letter to File
February 1, 2022

The OHMVR Division received Grant Application G21-1-15-G01 from the BLM Ridgecrest Field Office (FO) for ongoing facility operations and maintenance activities in off-highway motor vehicle (OHV) recreation areas located throughout the BLM Ridgecrest FO unit. As California Environmental Quality Act (CEQA) lead agency, the OHMVR Division evaluated the proposed activities to determine whether the project qualifies as exempt.

This Letter to File further documents the CEQA analysis performed, considering the documented decline of Mojave desert tortoise (*Gopherus agassizii*) population densities within or near the proposed project area (see, e.g., Allison and McLuckie 2018). In light of the population data, the OHMVR Division is working with the U.S. Geological Survey (USGS) to design and implement a monitoring program that assesses desert tortoise populations and impacts to the species from OHV recreation in project areas receiving funding from the OHMVR Division. The results of this monitoring effort will be used to inform compliance with Grants Program regulations related to species and habitat management. The OHMVR Division anticipates this monitoring program to be implemented in the fall of 2022.

Given the additional biological considerations, the OHMVR Division developed this Letter to File to document the analysis of the project and rationale used to find the project exempt from CEQA. Upon reviewing the proposed Grant Application, National Environmental Policy Act (NEPA) documents, and incorporated avoidance and minimization measures, the OHMVR Division has determined that the proposed project qualifies as exempt from further CEQA analysis under CEQA Guidelines section 15301 Existing Facilities. No exceptions to these exemptions have been identified, as documented below.

Grant Activity Locations

BLM Ridgecrest FO has received Grants Program funding since 1997 in support of its ongoing management of OHV trails, roads, and open areas on BLM lands in Inyo, Kern, and San Bernardino counties. Per the Grant Application (p. 1):

The [Ridgecrest] FO has approximately 2,652 miles of available OHV routes within the management area, and 4 OHV open areas that total approximately 104,702 acres. These routes and open areas require monitoring and maintenance of the more high-use routes to keep them safe and enjoyable for all OHV enthusiasts to use year-round.

OHV recreation has a long history in the project area and has been subject to periodic federal management decisions and environmental evaluation, e.g., the Motorized-Vehicle Access Element of the California Desert Conservation Area Plan and Environmental Impact Statement (1980), Proposed Northern and Eastern Mojave Desert Management Plan EIS (2002), West Mojave Plan EIS (2005), Desert Renewable Energy and Conservation Plan Land Use Plan

Amendment (2016), and WMRNP EIS (2019). Although BLM collaborates with numerous agencies and jurisdictions, no other federal, state, or local agency has specific jurisdiction over OHV use on BLM lands (see Appendix J in BLM 2019a).

Grant activities described below may occur in any of these managed OHV routes and open areas. These routes and open areas are designated for OHV use as described in the BLM planning documents listed above. Attachment 1 provides an overview of BLM Ridgecrest FO areas potentially subject to proposed grant activities.

Description of Proposed Grant Activities

The ongoing Ground Operations grant activities are listed below as identified in the Grant Application (BLM Ridgecrest FO 2021a, pp. 2-3). These activities are consistent with maintenance and operations activities proposed and funded in prior Grants Program cycles. Ongoing maintenance includes maintenance of established trail surfaces, riding boundaries, and visitor serving facilities, and facility and resource monitoring within the designated OHV recreation areas. All activities would occur within existing OHV use areas.

1. Maintain 10-20 miles of designated OHV trails/road managed for multiple use through brushing, raking, heavy equipment trail work, trail hardening, rocking, and mixed-use road repair; maintain 5-10 miles of OHV trails used by smaller OHVs, primarily dirt bike single-tracks or narrow trails used by all-terrain vehicles (ATV) or small UTVs (aka side by side); provide erosion control including installing/replacing culverts, water bars, and rolling dips for flood control.
2. Groom/grade main access routes to and through open areas.
3. Trash removal along trails and in open areas.
4. Trailhead and campground facility maintenance including trash removal/dumpster emptying; quarterly water testing/treatment; cleaning, vault pumping, and improving/replacing parts of 16 restrooms (CXTs) in Jawbone, Dove Springs, Spangler Hills, Trona Pinnacles, Fossil Falls Campground, and the Desert Tortoise Research Natural Area (DTRNA); vandalism repair and graffiti removal.
5. Install, repair, and/or replace signage, including directional, route marking, hazard marking, sensitive species, restroom, OHV education and safety, vehicle type, and regulatory. Some of the signs would be made using recycled material.
6. Install 1-2 miles of fencing/barriers to define open trails/routes/areas. Fencing/barriers may be made using h-braces, t-posts, and smooth wire, or post-and-cable, or with boulders.
7. Environmental monitoring: Archaeological, soils, and Habitat Management Program monitoring, including special-status species and habitats on or near OHV routes.
8. Public Outreach: Create trail maps and brochures; provide education and distribute OHV related materials at events; visitor center services related to OHV recreation; kiosk replacement, repair, updates, and restocking; on-trail public contacts.

CEQA Exemption 15301 Existing Facilities

Projects resulting in a physical change to the environment are subject to review under CEQA (Pub. Resources Code § 21000 et seq.) and the CEQA Guidelines (14 CCR §15000 et seq.). CEQA

Guidelines section 15301 allows a categorical exemption for existing facilities¹ if there are no significant effects or exceptions as identified in CEQA Guidelines section 15300.2. Project eligibility for a categorical exemption under CEQA Guidelines section 15301 is discussed below.

Per CEQA Guidelines section 15301:

Class 1 consists of the operation, repair, maintenance permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The types of existing facilities itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of use. Examples include but are not limited to: ... (c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities...

[Project Consistency](#). As described above in Description of Proposed Grant Activities, the project activities involve ongoing maintenance and operations of existing facilities within an established recreation area. Project activities do not expand visitor use or facility operations, do not expand the footprint of disturbance, and do not modify or authorize the underlying use designations. These actions are consistent with the CEQA Guidelines 15301 Class 1 Categorical Exemption.

Exceptions to CEQA Categorical Exemption

CEQA Guidelines section 15300.2 lists the “exceptions” to CEQA exemptions, or situations in which a Categorical Exemption cannot be used for a project. These are:

- (a) Location. CEQA qualifies the use of Categorical Exemptions for several project types (Classes 3, 4, 5, 6, and 11) by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant.
- (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility the activity will have a significant effect on the environment due to unusual circumstances.
- (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources within a highway officially designated as a state scenic highway.
- (e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- (f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

¹ Similar to CEQA Guidelines section 15301(c), which includes existing highways, streets, and bicycle and pedestrian trails, the Grants Regulations define “facility” to include trails, roads, grounds, and parking facilities along with other structures and support systems (15 CCR §4970.01(r)).

[OHMVR Division Findings for Location, Scenic Highways, Hazardous Waste Sites, and Historical Resource Exceptions](#)

The proposed project falls under Class 1 of CEQA exempted projects involving existing facilities. The location exception for Categorical Exemptions does not apply to Class 1 exemptions. (14 CCR §15300.2(a)).

There are no nearby scenic highways (BLM Ridgecrest FO 2021a, p. 28).

Based on review of the Department of Toxic Substances Control database (EnviroStor; <https://www.envirostor.dtsc.ca.gov/public/>) and the Regional Water Quality Control Board database (GeoTracker; <https://geotracker.waterboards.ca.gov/map/>), the BLM Ridgecrest FO lands proposed for grant activities are not included on any list of known hazardous waste sites compiled pursuant to Government Code 65962.5 (Cortese List). The BLM Grant Application also stated the project area is not included on any lists compiled for Government Code 65962.5 (BLM Ridgecrest FO 2021a, p. 28).

All ground disturbance activity would occur within existing disturbed areas and have no potential to cause substantial adverse impacts to cultural or historical resources. Further, prior to carrying out surface disturbing activities, cultural resource staff are consulted to ensure that the staff conducting the work efforts are aware of the resources found within the area of potential effect. Staff and contractors are instructed of the standard protection measure avoiding impacts in the case of inadvertent discovery of cultural resources, which states, "In the event that cultural or paleontological resources are discovered during maintenance or restoration activities, operations in the vicinity of the discovered resources shall cease immediately and the operator will notify the BLM. The BLM will, as appropriate, evaluate the significance of the find and determine the need for mitigation. The operator shall not proceed with potentially disturbing activities until authorized." (BLM Ridgecrest FO 2021a; BLM 1997, see Item 3 of the Environmental Protection Measures in Attachment 2).

[OHMVR Division Finding for Cumulative Impact Exception](#)

These maintenance activities do not create a significant environmental effect and do not combine with successive projects of the same type in the same place to cause a cumulative impact. This exception is narrower than the definition of a cumulative impact defined and applied elsewhere in the CEQA Guidelines, which is generally defined as a change that results from the incremental impact of the project being evaluated when added to other closely related projects (14 CCR §15355(b)). In contrast, the cumulative impact exception to a categorical exemption must result from "successive projects of the same type in the same place" (14 CCR §15300.2(b); emphasis added).

The proposed grant project is limited to funding continued maintenance and operations activities within established OHV use areas. Each approval of funding supports BLM efforts to maintain the conditions of the existing recreation facilities in the project area at a consistent level. No other BLM maintenance, operations, or similar projects overlap the project area. Friends of Jawbone, a non-profit organization, also applied for ground operations funding in the same general vicinity as the BLM Ridgecrest FO project (Friends of Jawbone 2021). Similar to the BLM Ridgecrest FO project, the Friends of Jawbone project activities would be for ongoing maintenance and operations of existing facilities and follow all standard BLM resource

protection protocols (e.g., BLM 1997). Furthermore, coordination between the BLM Ridgecrest FO and Friends of Jawbone would ensure project activities do not overlap geographically (BLM Ridgecrest FO 2021a and Friends of Jawbone 2021).

BLM has also applied for funding in the general project area supporting habitat restoration within areas closed to OHVs to reduce trespass into these areas and improve habitat conditions (BLM Ridgecrest FO 2021(c)). These restoration activities would reduce adverse effects of unauthorized OHV recreation and would not cause adverse environmental effects in the maintenance and operations area. Proposed activities when combined with past and ongoing future maintenance and operations would thus not result in a substantial adverse change in the physical conditions of the project area.

[OHMVR Division Finding for Significant Effect Due to Unusual Circumstances Exception](#)

A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment *due to unusual circumstances* (CEQA Guidelines §15300.2[c]; emphasis added). Substantial evidence supporting a “fair argument” that an otherwise-exempt project may cause a significant adverse environmental impact does not, in and of itself, defeat an exemption. A potentially significant effect must be “due to unusual circumstances” for the exception to apply. This exception language requires either A. a two-pronged determination that 1) an unusual circumstance exists, and 2) that the existence of the unusual circumstance creates reasonable possibility of a significant effect, or B. a determination the project will have a significant effect on the environment, necessarily establishing that some circumstance of the project is unusual (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 C4th 1086).

When evaluating whether project activities could cause or will have a significant effect, it is essential to evaluate how project activities would affect existing conditions (i.e., the baseline). A change in physical conditions is a necessary predicate for a finding of an environmental impact (see, e.g., *San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School Dist.* (2006) 139 Cal.App.4th 1356). “Where a project involves ongoing operations or a continuation of past activity, the established levels of a particular use and the physical impacts thereof are considered to be part of the existing environmental baseline” (*North Coast Rivers Alliance v Westlands Water Dist.* (2014) 227 CA4th 832, citing numerous cases).

For the evaluation of unusual circumstances, the OHMVR Division has considered characteristics of the proposed project activities and existing environmental conditions. As presented below, the OHMVR Division determined that there are no unusual circumstances associated with the project activities themselves. There are, however, changes in the environmental conditions in which those activities would occur (decline in the desert tortoise population) that may be considered unusual. The OHMVR Division further evaluated these conditions and determined they do not result in the project activities causing a significant environmental effect. Therefore, OHMVR Division finds that the categorical exemption exception for significant effects due to unusual circumstances does not apply to this project.

Project Characteristics

OHMVR Division has reviewed the proposed grant activities listed above and associated BLM land use planning documents and materials. OHMVR Division finds that the project activities comprise routine activities that are typical for maintenance operations. There is nothing unusual about the project features, actions, or methods that requires special consideration. As such, the project characteristics do not create an unusual circumstance (prong 1 of approach A described above for determining unusual circumstances). Further, the proposed grant project comprises ongoing operations with no increase in scope, intensity, or associated effects. As such, the established levels of use and any associated physical impacts are considered part of the existing environmental baseline. The OHMVR Division thus determined the project “will not have” a significant effect on the environment, and thus did not establish that the project is unusual (approach B described above for determining unusual circumstances).

These determinations are based on the following:

1. The proposed grant activities identified above are routine activities and considered minor in scale and duration (e.g., 10-20 miles of trail surface maintenance in short segments in an area with over 2,600 miles of designated routes).
2. Project activity is limited in scope and intensity. Grant activity ground disturbance is confined to existing designated routes and adjacent visitor use areas subject to OHV use. Grant activity would not occur outside of the existing disturbance footprint of the designated OHV routes or use areas. Other facility operations activities included in the grant (e.g., restroom cleaning, signage, trash removal, monitoring of trail conditions) do not create physical changes to the environment or otherwise impact sensitive resource areas.
3. Continued maintenance and operations consistent with current practices would not substantially increase visitation to the area or generate new activities that would create an offsite impact.
4. Ground operations grant activities are proposed for the purpose of managing environmental effects of OHV use and contributing toward sustainability. The grant activities themselves would not cause significant impacts.
5. There are no actions or features associated with the grant project that are unusual or that distinguish the project from other projects qualifying for the same 15301 exemption class.
6. The OHMVR Division Grants Program has annually issued grants for this same activity on BLM Ridgecrest FO managed lands as well as other federal and local agency partners since 2006. The maintenance activities thus constitute a continuation of past activity, i.e., they are part of the project area baseline.
7. The grant activities are a continuation of ongoing maintenance and operation and do not change environmental baseline conditions. The project activity would not increase visitor use, expand visitor-serving capacity of the BLM facilities, authorize the underlying existing uses, or entitle new uses.
8. The proposed grant activities would follow standard operating practices identified in the Ridgecrest Resource Area-Wide Maintenance & Surface Restoration Environmental Assessment (EA; BLM 1997; see Attachment 2).

9. The BLM Ridgecrest FO has determined the grant project activity is consistent with applicable Land Use Plans (BLM Ridgecrest FO 2021b; Attachment 3) as required by the Departmental Manual for BLM management of the NEPA process (DOI 2020).
10. The BLM Ridgecrest FO determined the proposed grant project activities comprise continued implementation of previous activities on the same sites previously analyzed by the 1997 EA (BLM 1997) and subsequent analyses, with no significant change in circumstances, new significant information, or substantial changes to direct, indirect, or cumulative impacts (BLM Ridgecrest FO 2021b).

Environmental Conditions

The OHMVR Division reviewed the environmental conditions of the project site, including the status of desert tortoise populations. Specifically, the OHMVR Division considered 1) declining Mojave Desert tortoise population densities in the Western Mojave Recovery Unit; 2) a recent proposed change in status from threatened under the California Endangered Species Act to endangered; and 3) desert tortoise mortality due to vehicles.

The presence of desert tortoise habitat in the grant project area and the potential for desert tortoise to be present within grant activity work areas is neither an unusual circumstance nor a de facto exception to use of an exemption. BLM Ridgecrest FO (and BLM Barstow) managed lands occur almost entirely within the Western and Eastern Mojave Recovery Units for desert tortoise (see, e.g., WMRNP ROD Appendix A, Figure 2; BLM 2019c) and overlap with critical habitat units (see, e.g., WMRNP Fig 3.4-69 Desert Tortoise Locations; Attachment 4). A substantial amount of BLM Ridgecrest FO lands are identified as Desert Tortoise Predicted Occupied Habitat (see, e.g., Attachment 4), and almost one million acres of designated desert tortoise critical habitat occurs within the boundaries of the BLM Barstow FO and Ridgecrest FO (see Table 3.4-10, BLM 2019a). Of note, a project impact to designated critical habitat is specifically called out as an exception only to exemption classes 3, 4, 5, 6, and 11 (14 CCR §15300.2(a)).

Though in general the federal and state Endangered Species Act listing of the desert tortoise and population concerns are not new, recent data from the U.S. Fish and Wildlife Service (USFWS) Desert Tortoise Recovery Office (USFWS 2020) show a sharp decline in the adult desert tortoise densities within western Mojave Critical Habitat. The California Department of Fish and Wildlife is reviewing a petition to reclassify the desert tortoise from threatened to endangered under the California Endangered Species Act (CESA).

The decline of the desert tortoise population and possible contributing factors related to OHV recreation such as illegal route proliferation, habitat fragmentation, and vehicle strike impacts are noted concerns. As described above, the desert tortoise monitoring program being developed with USGS will allow the OHMVR Division to better evaluate project compliance with grant regulations. Although important from a regulatory and ecological standpoint, these broader issues are separate from this CEQA review's focus on a specific grant application proposal for continued maintenance and operations and its potential impacts.

In recognizing these changed environmental conditions, OHMVR Division's CEQA analysis of the proposed grant activity included a review to determine whether such changed conditions resulted in a significant effect due to unusual circumstances. Specific to the project, the Division considered whether project activities could effect environmental changes furthering desert

tortoise population decline. OHMVR Division has determined that the conditions described would not cause the proposed grant activity to have a significant environmental effect and that the CEQA Guidelines 15300.2(c) significant effect exemption to a categorical exemption due to unusual circumstances does not apply. This determination is based on the following:

1. Though the USFWS 2019 data present evidence of an adverse effect on desert tortoise from OHV activity, any such effect would not stem from the proposed grant project, which does not authorize or exacerbate continuation of OHV use or OHV impacts.
 - a. OHV use in designated areas would continue irrespective of state issuance of grant funding, but the BLM's ability to manage that use may be compromised without the funding.
 - b. BLM Ridgecrest FO has determined that the proposed grant activities are consistent with existing land use plans governing recreational uses on BLM managed lands (see Attachment 3).
 - c. OHV use is an existing recreational activity authorized by BLM on federal lands within its jurisdiction in accordance with multiple federal land use plans and regulations (Attachment 3).
 - d. The proposed grant is for ongoing facility maintenance and operations as described above in Project Characteristics. The grant activity is limited to activities that are considered part of the existing environmental baseline and does not modify or authorize OHV use established by governing federal land use plans.
 - e. As a state agency, OHMVR Division has no jurisdiction over federal land use management on federal lands. OHMVR Division approval of grant funding supporting ongoing maintenance and operations of OHV use areas does not entitle, direct, or otherwise control OHV activity on federal land.
2. The circumstance of a rapidly declining desert tortoise population in the project area does not alter the fact that the grant activities of ongoing facility maintenance and operations would not cause a new significant impact to desert tortoise.
 - a. No disturbance would occur outside of existing disturbed areas. As a result, grant activities do not alter desert tortoise habitat and would not result in new impacts. Environmental baseline conditions would remain unchanged.
 - b. Measures such as pre-activity surveys of the work area and monitoring are in place to specifically protect the tortoise should they be present in the grant activity work areas. BLM Standard Operating Procedures have been incorporated into the grant activities to minimize and avoid environmental impacts during project construction as listed in the BLM Ridgecrest Resource Area-Wide Maintenance & Surface Restoration EA (EA; BLM 1997). Specific measures addressing desert tortoise are listed in EA Appendix A (see Attachment 5).
 - c. No new information has been presented to the OHMVR Division specifically linking proposed grant activities to increased desert tortoise impacts.

References

Allison, L.J. and A.M. McLuckie. 2018. Population trends in Mojave Desert Tortoises (*Gopherus agassizii*). *Herpetological Conservation and Biology* 13(2):433-42.

- Bureau of Land Management (BLM). 1997. Ridgecrest Resource Area-Wide Maintenance & Surface Restoration Environmental Assessment. NEPA96-70. January 14, 1997.
- Bureau of Land Management (BLM). 2002. Record of Decision for Approved Northern & Eastern Mojave Desert Management Plan, an Amendment to the California Desert Conservation Area Plan. December 2002.
- Bureau of Land Management (BLM). 2019a. West Mojave (WEMO) Route Network Project (WMRNP) Final Supplemental Environmental Impact Statement. California Desert District. April 2019.
- Bureau of Land Management (BLM). 2019b. Director's Summary Protest Resolution Report. West Mojave Route Network Project Final Supplemental Environmental Impact Statement (WMRNP FSEIS). October 3, 2019.
- Bureau of Land Management (BLM). 2019c. Record of Decision. West Mojave Route Network Project Decision to Amend California Desert Conservation Area Plan and Implement Nine Travel Management Plans. October 3, 2019.
- Bureau of Land Management, Ridgecrest Field Office (BLM Ridgecrest FO). 2021a. Grants and Cooperative Agreements Program, Application: Ground Operations (Final). June 4, 2021.
- Bureau of Land Management, Ridgecrest Field Office (BLM Ridgecrest FO). 2021b. FY-2021 OHV Grant Application and Management of OHV Recreation Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA). DOI-BLM-CA-D050-2021-0022-DNA. June 4, 2021.
- Bureau of Land Management, Ridgecrest Field Office (BLM Ridgecrest FO). 2021c. Grants and Cooperative Agreements Program, Application: Restoration (Final). June 4, 2021.
- Defenders of Wildlife & Desert Tortoise Council. 2021. Letter to California Department of Parks and Recreation OHMVR Division, Re: Preliminary applications for 2021 OHMVR Division grant funding submitted by the Bureau of Land Management. May 4, 2021.
- Friends of Jawbone. 2021. Grants and Cooperative Agreements Program, Application: Ground Operations (Final). June 7, 2021.
- U.S. Department of the Interior (DOI). 2020. Departmental Manual (DM) Part 516. Chapter 11. Managing the NEPA Process – Bureau of Land Management. Effective date: June 2, 2020.
- U.S. Fish and Wildlife Service (USFWS). 2019. Biological Opinion for the West Mojave Route Network Project, San Bernardino, Inyo, Kern, Riverside, and Los Angeles Counties, California (6840(P) LLCAD00000). September 30, 2019.
- U.S. Fish and Wildlife Service (USFWS). 2020. Range-wide Monitoring of the Mojave Desert Tortoise (*Gopherus agassizii*): 2019 Annual Reporting DRAFT. Report by the Desert Tortoise Recovery Office, U.S. Fish and Wildlife Service, Reno, Nevada.

Attachments

Attachment 1: G21 Project Areas - Ridgecrest Field Office Overview

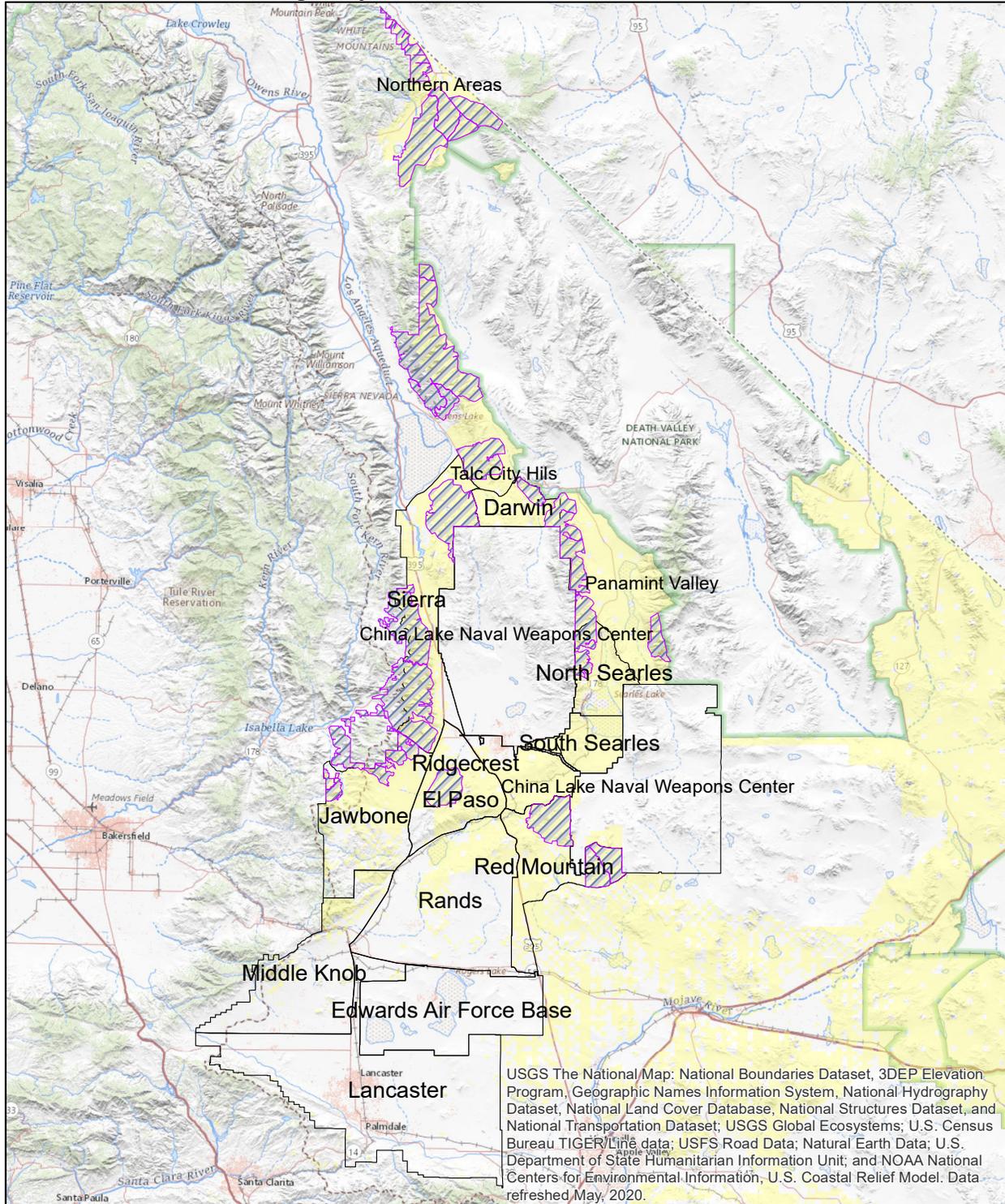
Attachment 2: Ridgecrest Resource Area-Wide Maintenance & Surface Restoration
Environmental Assessment Covered Actions and Environmental Protection
Measures

Attachment 3: BLM Ridgecrest FO 2021 Grant Application NEPA Documentation

Attachment 4: Desert Tortoise Locations Map: Figure 3.4-69 Western Mojave Route Network
Plan

Attachment 5: Desert Tortoise Protection Measures: BLM Ridgecrest Resource Area-Wide
Maintenance & Surface Restoration EA Appendix A.

G21 Project Areas - Ridgecrest Field Office Overview
 Routes outside of the primary project areas will be monitored,
 signs and kiosks repaired and stocked,
 and emergency route maintenance done as needed.

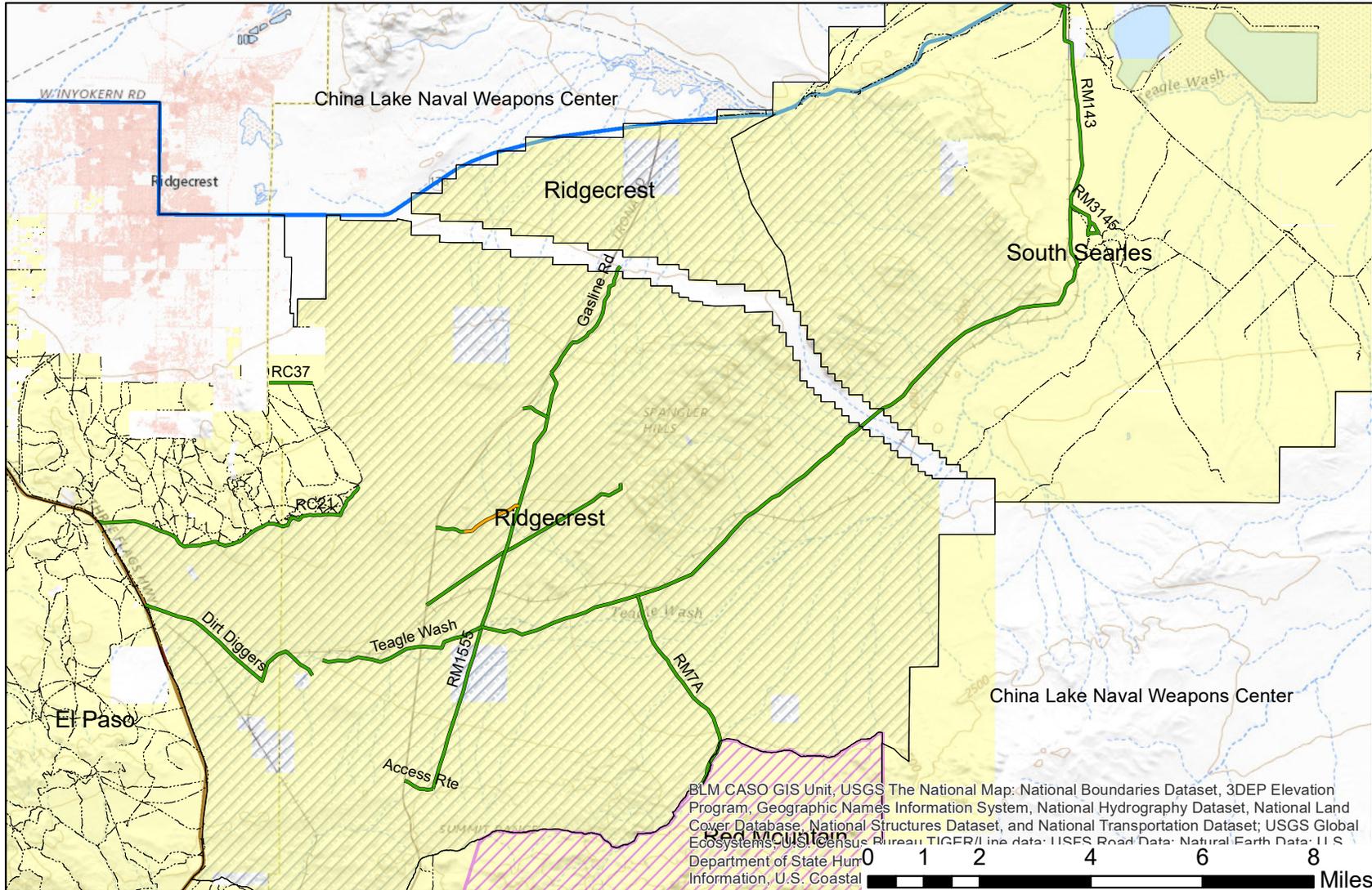


Legend
 Wilderness
 BLM Land

0 5 10 20 30 40
 Miles

G21 Project Areas - Ridgecrest and South Searles Subregions

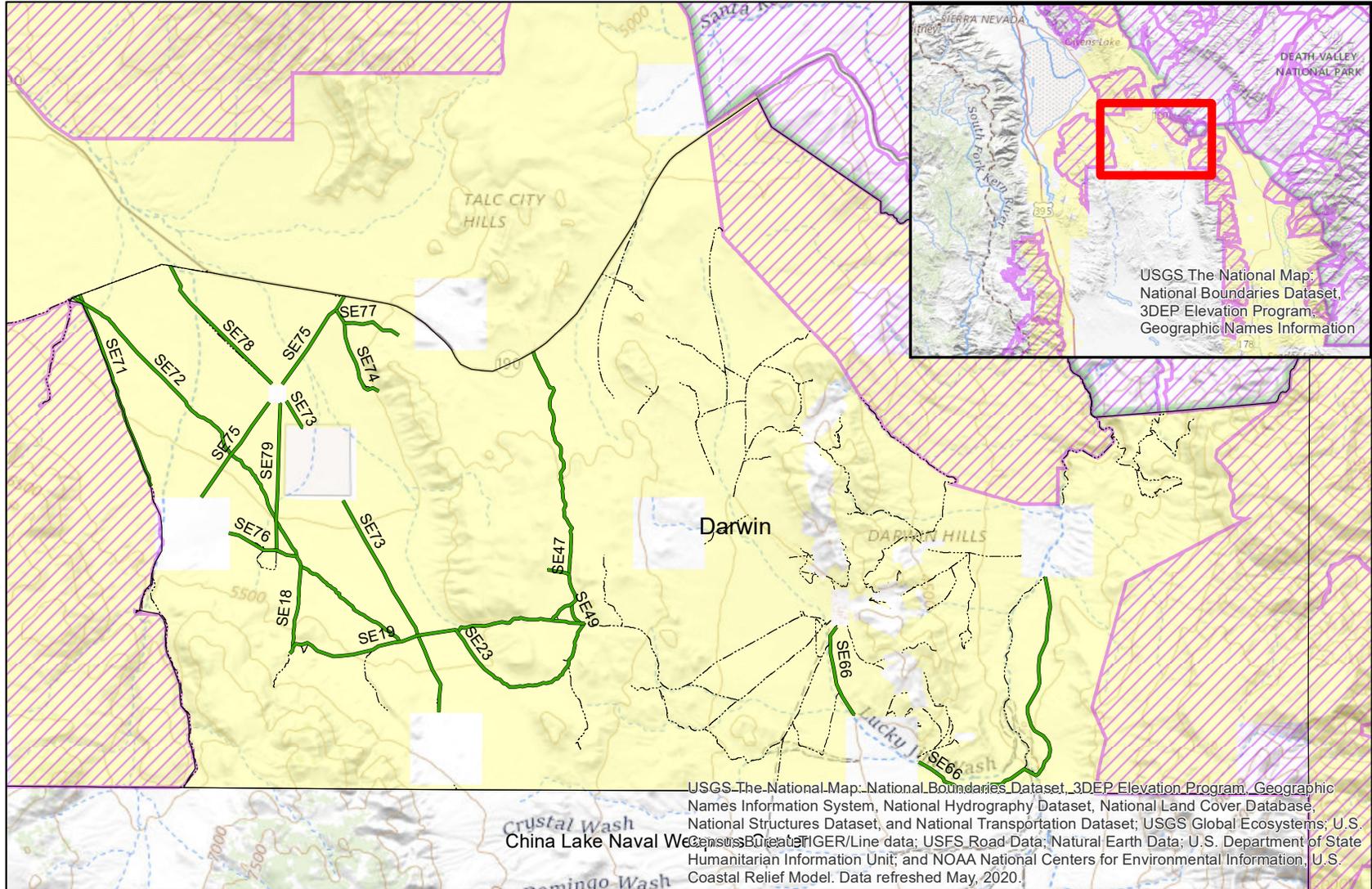
Routes will be monitored and maintenance done as needed



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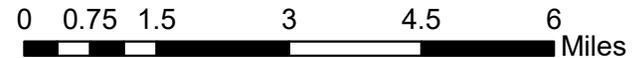
- | | | | |
|------------------------|---------------------------------|--|------------------------------|
| El Paso Subregion | South Searles Subregion | Acceptable route conditions. | Wilderness Boundary |
| Ridgecrest Subregion | China Lake Naval Weapons Center | Passable route conditions, needs maintenance in 1-2 seasons. | BLM Land |
| Red Mountain Subregion | | | Spangler Hills OHV Open Area |

Route Status - Darwin Subregion Ridgecrest BLM



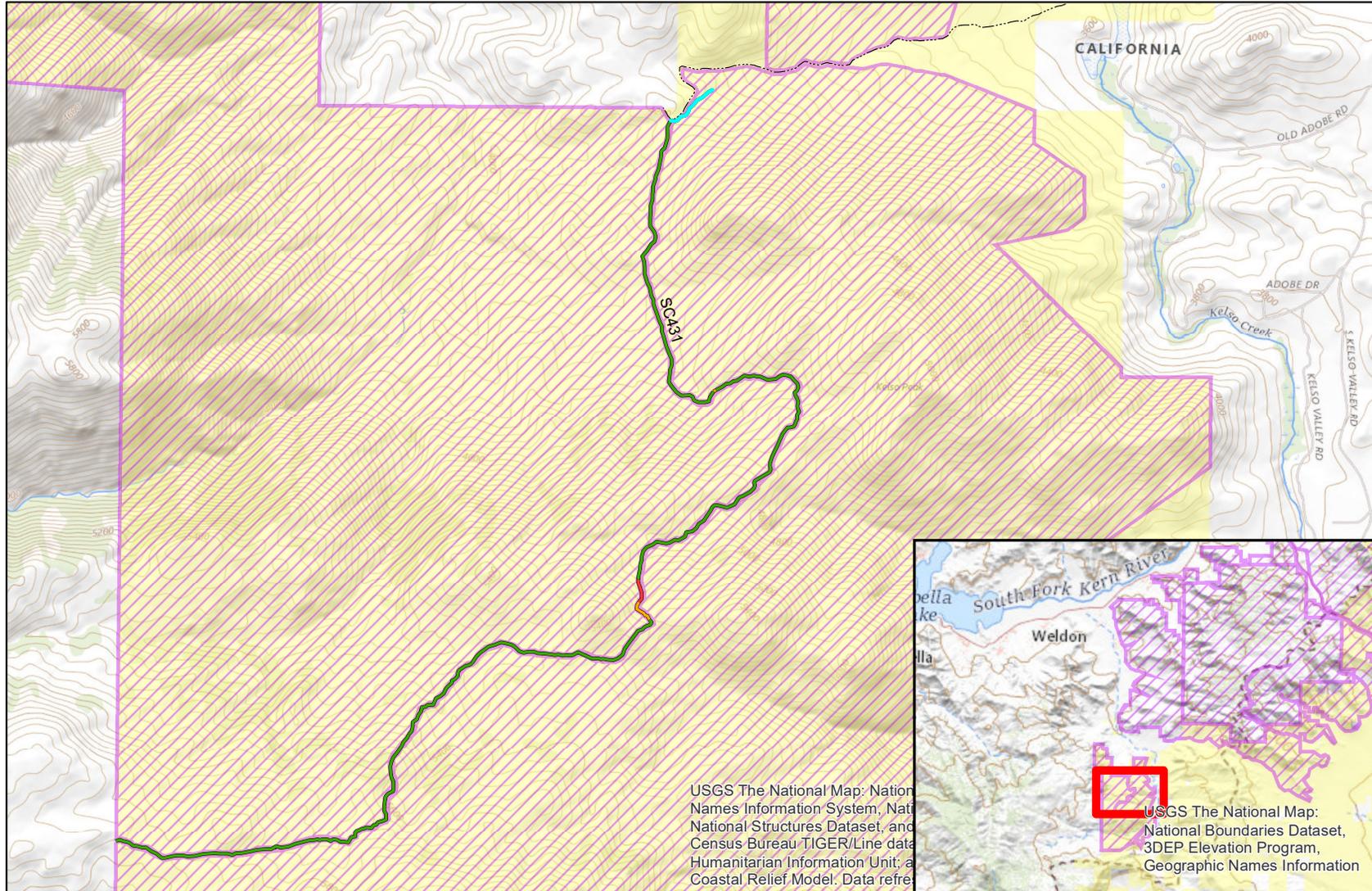
Legend

- Darwin Subregion
- China Lake Naval Weapons Center
- Acceptable route conditions.
- Route Status Not Recently Assessed
- Wilderness Boundary
- BLM Land



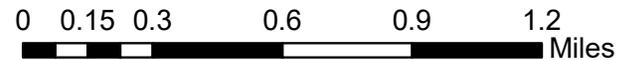
G21 Project Map - Bright Star Wilderness Corridor

UTMs of start of route: E: 0387994 N: 3932400



Legend

- Acceptable route conditions.
- Passable route conditions, needs maintenance in 1-2 seasons.
- Unacceptable route conditions, needs maintenance immediately.
- Wilderness Boundary
- BLM Land





**Ridgecrest Resource Area-Wide Maintenance & Surface Restoration
Environmental Assessment
NEPA96-70**

Jawbone-Butterbreidt ACEC Plan
Short Canyon ACEC Plan
Sand Canyon ACEC Plan
Christmas Canyon ACEC Plan
Squaw Spring ACEC Plan
White Mountain City ACEC Plan
Desert Tortoise Natural Area ACEC Plan
Fossil Falls ACEC Plan
Trona Pinnacles ACEC Plan
Great Falls Basin ACEC Plan
Surprise Canyon ACEC Plan
Saline Valley Marsh ACEC Plan
Steam Well ACEC Plan
Rose Spring ACEC Plan
Cerro Gordo ACEC Plan
El Paso Mountains ACEC Plan
CDCA Plan Amendments, 1982-1990
Pacific Crest National Scenic Trail RAMP, 1988
The Jawbone Canyon - Dove Spring OHV Grant Plan & EA, 1988

PROPOSED ACTION

INTRODUCTION:

This document will assess routine maintenance actions common in the Ridgecrest Resource Area within the scope of the Bureau's approved planning documents and pre-existing environmental reviews and land use decisions. The Bureau's Environmental Analysis Handbook (BLM California State Office, April 1993) lists a variety of routine maintenance actions that are of such a minor nature that they are categorically excluded from NEPA analysis. The handbook further states that routine government actions that are not surface disturbing do not need to be documented by a decision record (See pg. 9).

- A. The following list describes the maintenance actions to be covered under this programmatic environmental assessment.
1. Road and Trail Maintenance that is confined to the width of a designated or existing road or trail surface and may include activities such as grading and cleaning out culverts, rolling dips and outlopes.
 2. Area cleanups involving the collection and disposal of materials less than 50 years old.
 3. Eradication of illegal routes, hillclimbs and racetracks when done in compliance with the area's specific vehicle management designation and conducted within the confines of the existing disturbance.
 4. Removal of individual trees/bushes or groups of trees/bushes which constitute a safety hazard and where access for the removal requires no more than maintenance of existing roads (See 516 DM 6 - Appendix 5.4 C. Forestry, 1).



**Ridgecrest Resource Area-Wide Maintenance & Surface Restoration
Environmental Assessment
NEPA96-70**

5. Restoration activities such as seeding and seedling plantings, shading, tubing (browse protection), fertilization, fence construction around out-planting sites and collection of seeds and cones (See 516 DM 6-Appendix 5.4 C. Forestry, 2).
6. Installation of culverts, ditches, waterbars, gates, cattleguards or similar items on existing roads, trails or previous disturbances (See 516 DM 6-Appendix 5.4 G. Transportation, 2).
7. Placement of recreational, special designation or information signs, visitor registers, kiosks and portable sanitation devices (See 516 DM 6-Appendix 5.4 G. Transportation, 3).
8. Removal of structures and materials of nonhistorical value, such as abandoned automobiles, fences, and buildings, including those built in trespass, and reclamation of the site when little or no surface disturbance is involved (See 516 DM 6-Appendix 5.4 G. Other, 10).
9. Installation of minor devices to protect human life (e.g. grates across or fences around mines - when not in conflict with bat or raptor protection) (See 516 DM 6-Appendix 5.4 G. Other, 8).
10. Construction of small protective enclosures including those to protect springs and small study areas. (See 516 DM 6-Appendix 5.4 G. Other, 9).

B. Environmental Protection Measures of the Proposed Action:

This proposed action is further defined by the following Environmental Protection Measures that will serve as Operational Parameters. All maintenance actions covered by this programmatic environmental assessment will be performed in full compliance with these Operational Parameters and Assumptions.

If a project proponent anticipates that new surface disturbances are likely to result from a proposed maintenance project or that these operational parameters are likely to be exceeded, a stand alone NEPA compliance document will be prepared.

The following operational parameters will be incorporated into all on-the-ground maintenance and restoration activities covered by this programmatic environmental assessment:

1. All activities will be conducted in compliance with the Terms and Conditions outlined by the U.S. Fish & Wildlife Service in their Biological Opinion for Road Maintenance and Rehabilitation of Disturbed Areas in the Ridgecrest Resource Area, California (6840 California-065.25) (1-8-95-F-32), dated October 30, 1995. See Appendix.
2. All actions will be conducted outside the boundaries of designated wilderness and wilderness study areas.
3. In the event that cultural or paleontological resources are discovered during maintenance or restoration activities, operations in the vicinity of the discovered resources shall cease immediately and the operator will notify the BLM. The BLM will, as appropriate, evaluate the significance of the find and determine the need for mitigation. The operator shall not proceed with potentially disturbing activities until authorized.
4. Maintenance activities will only be conducted on lands administered by the BLM Ridgecrest Resource Area.
5. All maintenance actions will be conducted in compliance with all existing approved management plans.



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6. Those maintenance actions expected to produce new surface disturbances (ex. the construction of a new leadout or drainage ditch) that have not been analyzed in an existing environmental assessment will be addressed separately in a stand alone NEPA compliance document (CX,AD or EA).
7. The Grading of a Class III Road (routes that are minimal in nature - surface impacts are limited primarily to cross country tracks with undisturbed surface soils) will not occur unless it has been analyzed in a previous plan or EA.
8. The proposed removal of any materials or structures that may be of questionable age, (50 years or older) will be assessed for proper archeological clearances.
9. A cultural resources information sheet (See Appendix) will be distributed to volunteers involved in "Area Cleanups". The purpose of this information sheet will be to ensure that well meaning participants don't inadvertently clean up an archaeological site (e.g. can dumps).
10. The installation of any structure that may impact sensitive plant or animal species (ex. the placement of a grate across a mine shaft that would inhibit the ingress/egress of bats) when not assessed in a prior plan or EA will not occur.
11. Any action that permanently closes a legal open route of travel to motorized vehicle access will be implemented in accord with temporary or emergency closure procedures to protect life and property or through the route designation process outlined in 43 CFR.
12. Road maintenance, particularly grading, will be scheduled to coincide with periods of maximum soil moisture, to maximize compaction of disturbed soils and to minimize dust.
13. Grading will pull as much displaced soil as possible back onto the road surface. This will promote as little deepening of the road bed as possible, and avoid creating high side berms.
14. Road maintenance will optimize drainage from the roadway to minimize erosion.
15. Cattleguards will be cleared of debris and sand when encountered on roads being graded. Gates will be closed immediately after opening to prevent livestock drifting.
16. Extra care during the months of foaling season (March 1 - June 30) is required to reduce disturbances to wild horses or burros.
17. Any new road construction or existing road maintenance will use crowning, ditching, outsloping, insloping, borrow ditches, drainage dips, low- water crossings, culverts, or leadout ditches to control erosion and resource degradation. The crown, outslope or inslope shall have a grade of approximately 3 percent (2.5-inch crown on a 14 foot wide road).
18. Every drainage dip shall drain water into an adjacent leadout ditch. Drainage dip locations for grades over 2% shall be determined by the formula:

$$\text{spacing interval} = \frac{400}{\text{road slope \%}} + 100 \text{ feet}$$



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19. The spacing interval for turnout ditches shall be:
- 0-4% ---150 to 350 feet:
4-6%----125 to 250 feet:
6-8%----100 to 200 feet:
8-10%----75 to 150 feet:
20. All topsoil and excavated materials will be stockpiled or placed in a location that does not obstruct the natural flow of water in streambeds or washes.
21. Earthmoving equipment shall not be operated when wind speeds exceeds 25 mph.
22. All applicable state and federal guidelines for air quality management (i.e. reasonably available control measures (RACM) to control PM-10 emissions from unpaved roads, open storage piles and disturbed surface areas) will be implemented. These include the following:
- | <u>Source category</u> | <u>Control Measure</u> |
|--|--|
| Unpaved road | Improve road surface Control vehicular traffic speed Apply dust suppressants |
| Open storage piles (only if silt content is 5 or more percent) | Use wind screens Use enclosures around piles Apply dust suppressants |
| Disturbed surface area | Use fences/barriers Vegetate Apply dust suppressants Cover with gravel Compact surface |
23. Apply additional mitigation or modify operation if fugitive dust emissions exceed APCD standards (Such as GBUAPCD Rule 400, 401 and 402 or California Health and Safety Code Section 41700 and 41701).

ALTERNATIVES REJECTED FROM FURTHER ANALYSIS

A range of alternatives was initially considered by BLM for analysis in this document. Within this range, a reasonable number has been selected and determined, after consideration, not to conflict with applicable laws and regulations. These reasonable alternatives were limited to dealing with the issue of **How** road maintenance can be permitted rather than **whether or not** it should be permitted on public lands. The latter issue was addressed in FLPMA and the California Desert Conservation Plan (CDCA 1980 and amendments). Therefore, only the degree by which this type of activity can be permitted forms the framework from which viable alternatives are considered in this document.

Within these constraints, only the **No Action Alternative** and the **Proposed Action** (with additional mitigations, not included in project design) will be fully analyzed in this document. The remainder of the alternatives were eliminated from a detailed review (because they are constrained by laws and regulations and presented obvious negative economic, environmental and operational impacts) and **need not be further considered**.

Impacts will be addressed only for the proposed action and the no action alternative (present situation).



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Ridgecrest Field Office
300 S. Richmond Road
Ridgecrest, CA 93555



FY-2021 OHV Grant Application and Management of OHV Recreation

Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA)

FY-2021 Grant Request

Case File No.: Not Applicable

NEPA#: [DOI-BLM-CA-D050-2021-0022-DNA](#)

A. Describe the Proposed Action

The BLM: Ridgecrest Field Office proposes to provide for the continuation of recreational opportunities on the public lands managed within the Ridgecrest Resource Area. Management emphasis will be placed on the lands within the Red Mountain Subregion, Rand Mountain – Fremont Valley Management Area, along with other areas receiving concentrated OHV use such as the Jawbone-Butterbredt ACEC, El Paso Mountains, Rademacher Hills Viewshed, Middle Knob Subregion, Eastern Sierras, Spangler Hills Open Areas, Searles Valley, Panamint Valley, Saline Valley, and Fish Lake Valley. The proposed lands are located in the following counties: Kern, Inyo, Mono, Los Angeles, and San Bernardino. Management actions will be implemented as outlined in area management plans and according to land use classifications, providing for the protection of the area's natural and cultural resources along with environmental monitoring studies of soils, wildlife, habitats, and cultural resources.

This project will further implement these areas management plans by conducting such activities as law enforcement, visitor services, surface restoration, fence repair, sign installation, and designated route maintenance and management. Additionally, Jawbone Station will be operated and maintained. This facility is integral part of this project by being one of the first places for visitors to receive information on these special management areas and what regulations apply to recreational use within their respective boundaries.

EXEMPTION: State Heritage Protocol Agreement, May 2019, Appendix A, Exempt Undertakings, Class B Activities, Activity B-16: Issuance of special recreation permits where permitted use is consistent with planning decisions or OHV designations for which previous Section 106 consultation has been completed, and where there will be no new surface disturbance. The Exemption Undertaking is: CA-650-EX-2021-13.

B. Land Use Plan (LUP) Conformance

* List applicable LUPs (e.g., Resource Management Plans and activity, project, management, or program plans, or applicable amendments thereto)

California Desert Conservation Plan (1980), as amended – Recreation & Motorized Vehicle Element

Jawbone - Butterbrecht Area of Critical Environmental Concern Plan (1982)

Rand Mountains/Fremont Valley Management Plan (1993)

Spangler Hills Off-Highway Vehicle Area Management Plan (1992)

West Mojave Plan (2006)

Northern and Eastern Mojave Plan (2002)

Northern and Eastern Mojave Desert Routes of Travel Designation (2004)

Desert Renewable Energy Conservation Plan (2016)

West Mojave Route Network Project (2019)

___ The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

California Desert Conservation Plan (1980), as amended – Recreation & Motorized Vehicle Element

Jawbone - Butterbrecht Area of Critical Environmental Concern Plan (1982)

Rand Mountains/Fremont Valley Management Plan (1993)

Spangler Hills Off-Highway Vehicle Area Management Plan (1992)

West Mojave Plan (2006)

Desert Renewable Energy Conservation Plan (2016)

Northern and Eastern Mojave Desert Routes of Travel Designation (2004)

West Mojave Route Network Project (2019)

Minimum impact activities are in conformance with the guidelines and objectives outlined in the California Desert Conservation Area Plan for lands that are managed under the classifications of “I” (Intensive Use), “M” (Moderate Use) or “L” (Limited Use).

___ The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions):

C. Identify applicable NEPA documents and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action.

- California Desert Conservation Plan (1980), as amended – Recreation & Motorized Vehicle Element

- Jawbone - Butterbrecht Area of Critical Environmental Concern Plan (1982)
- Last Chance Canyon Area of Critical Environmental Concern Plan (1982)
- Rand Mountains/Fremont Valley Management Plan (1993)
- Spangler Hills Off-Highway Vehicle Area Management Plan (1992)
- West Mojave Plan (2006)
- Desert Renewable Environmental Plan (2016)
- John D. Dingell, Jr. Conservation, Management, and Recreation Act (2019)
- Ridgecrest Resource Area Wide Maintenance & Surface Restoration Environmental Assessment NEPA 96-70
- Wilderness Restoration Programmatic Environmental Assessment – EA CA065-99-73
- Jawbone – Butterbrecht ACEC Closed Trail Restoration Environmental Assessment – EA CA-650-2004-19
- Rand Mountains/Fremont Valley Closed Trail Restoration Environmental Assessment – EA CA-650-2004-2
- Red Mountain Subregion Closed Trail Restoration Environmental Assessment- EA DOI – BLM – CA – D05000 – 2014 -032

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

Biological Opinion for the California Desert Conservation Area Plan Amendment [Desert Renewable Energy Conservation Plan]

Biological Opinion for the California Desert Conservation Area Plan [West Mojave Plan] (6840(P) CA-063.50) (1-8-03-F-58)

Biological Opinion for Road Maintenance and Rehabilitation of Disturbed Areas in the Ridgecrest Resource Area (6840 California 065.25) (1-8-95-F-32)

Biological Opinion for the Rand Mountains-Fremont Valley Management Plan (1-6-90-F-54R)

Biological Opinion on the Spangler Hills Off Highway Vehicle Area Management Plan (1-6-92-F-4)

Sikes Act Management Plan for Jawbone – Butterbrecht ACEC and the Sierra-Mojave Tehachapi Ecotone Wildlife Management Area (CA-06-WHA-20) September 1982.

Sikes Act Management Plan PL-93-452 for Rand Mountains-Fremont Valley Area November 1993.

D. NEPA Adequacy Criteria

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed? Is the current proposed action located at a site specifically analyzed in an existing document?

Documentation of answer and explanation: Yes, the currently proposed action is the continued implementation of the activities described in the existing NEPA documents and

is in the same sites that were analyzed previously.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, and resource values?

Documentation of answer and explanation: There has been no significant change in circumstances or significant information germane to the proposed action or the alternatives analyzed in the previous documents.

3. Is the existing analysis valid in light of any new information or circumstances?

Documentation of answer and explanation: There has been no significant change in circumstances or significant information germane to the proposed action.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

Documentation of answer and explanation: The methodology and analytical approach used in the existing NEPA documents continues to be appropriate for the proposed action.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document analyze site-specific impacts related to the current proposed action?

Documentation of answer and explanation: The direct and indirect impacts of the proposed action are substantially unchanged from those identified in the existing NEPA documents. The existing NEPA documents analyzed site-specific impacts related to the proposed action in the Jawbone-Butterbret ACEC, Rand Mountain-Fremont Valley, El Paso Management, Spangler Hills Open Area and the Rademacher Hills areas, as well as the surrounding areas on plant and animal species habitat, soils, and cultural resources.

6. Are the cumulative impacts that would result from implementation of the current proposed action substantially unchanged from those analyzed in the existing NEPA document(s)?

Documentation of answer and explanation: The cumulative impacts were analyzed in the existing NEPA documents and it was determined that cumulative impacts to soils, vegetation, wildlife, cultural resources, and visual resources were not considered significant.

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Documentation of answer and explanation: Public involvement and interagency review associated with the existing NEPA documents were adequate for the proposed action.

Interdisciplinary Analysis: Identify those team members conducting or participating in the NEPA analysis and preparation of this worksheet.

| <u>Title</u> | <u>Name</u> |
|---------------------------------------|-------------------|
| Wildlife Biologist: | Clinton Helms |
| Archaeologist: | Donald Storm |
| Realty Specialist | Paul Rodriguez |
| Law Enforcement Ranger: | James Watson |
| Outdoor Recreation Planner | Katy Meyer |
| Recreation & Wilderness Branch Chief: | Craig Beck |
| Geologist | Randy Porter |
| Associate Field Manager | Thomas Bickauskas |

Conclusion for DOI-BLM-CA-D050-2021-0022-DNA

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action, and constitutes BLM's compliance with the requirements of the NEPA.

Based on the review above, I conclude that the previously prepared NEPA documents do not adequately describe the environmental consequences of this proposal. A new environmental assessment should be prepared meeting the requirements of the NEPA.

Carl Symons, Field Manager

Date

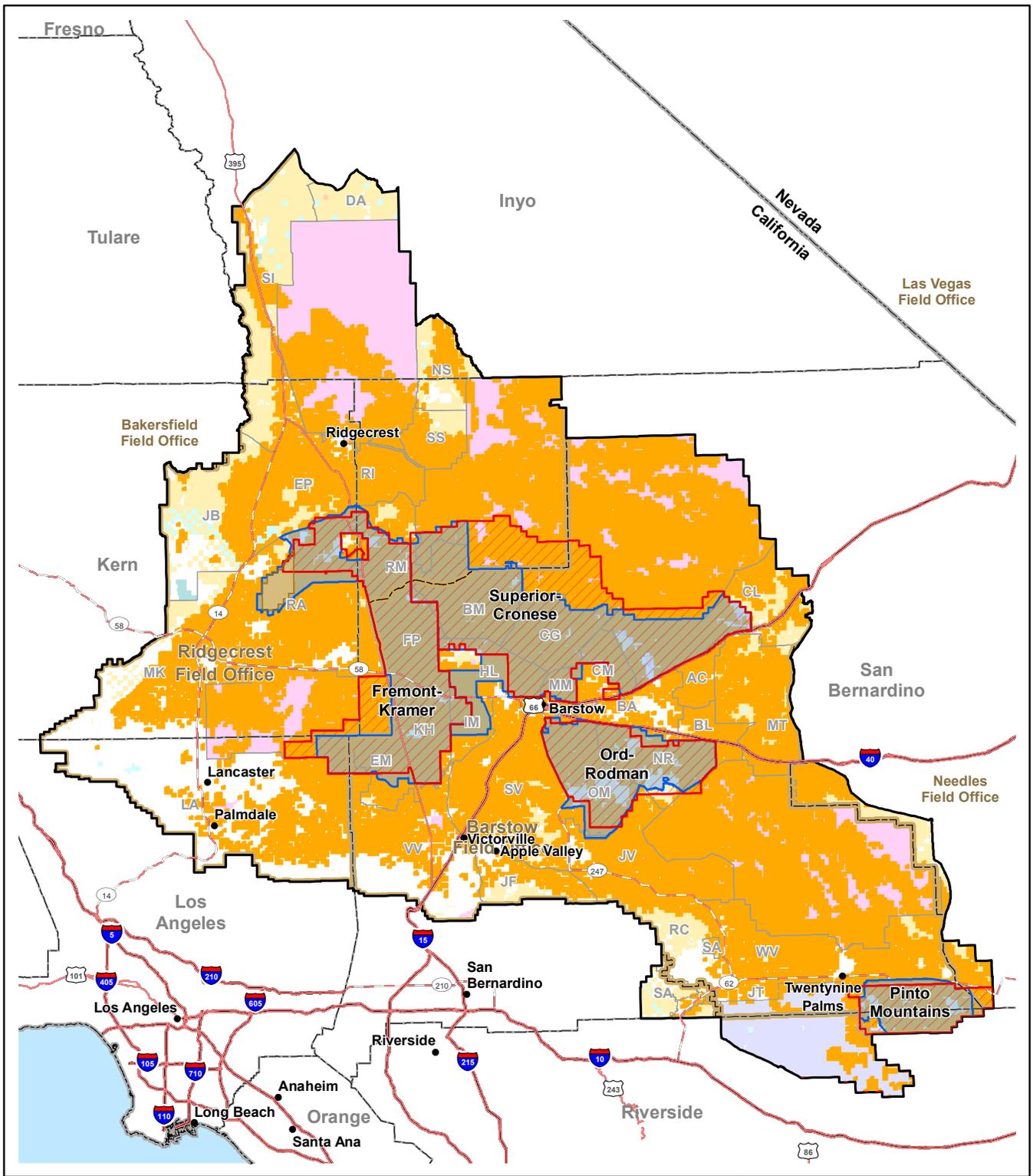
Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

Staff Comments:

| Resource | No Impact | May Impact | Comment | Name & Date |
|---------------------------|-----------|------------|--|-----------------------------|
| Air Quality | X | | As addressed in the EA's | T. Bickauskas; 6/3/2021 |
| Cultural Resources | X | | Exempt Undertaking # CA-650-EX-2021-13 | Donald J Storm; 6/2/2021 |
| Invasive, Nonnative Weeds | X | | As addressed in the EA's | T. Bickauskas; 6/3/2021 |
| Lands & Realty | X | | All recreation activities must stay within the designated areas. Right-of-ways are nonexclusive in open areas. | P. Rodriguez; 6/3/2021 |
| Minerals | X | | No impact to minerals projects. | R. Porter; 6/4/2021 |
| Range/ Livestock | X | | The rangeland may be affected if activities are not kept on designated routes, degrading the rangeland health and grazing abilities. If occurring during the grazing season, operators will need to be notified. | T. Bickauskas; 6/3/2021 |
| Soils | X | | Activities are the same as previously analyzed. Continued implementation will have the same effects as previously analyzed. Implementation would improve soil conditions over time. | T. Bickauskas; 6/3/2021 |
| Vegetation | X | | As addressed in EA | CHelms; 6/2/2021 |
| Recreation & Open Spaces | X | | Coordination between various forms of | K. Meyer; 6/2/2021 |

| | | | | |
|----------------------------|---|--|--|----------------------------|
| | | | recreation needs to continue for harmonious coexistence. | |
| Water Quality | X | | As addressed in EA | C. Helms; 6/2/2021 |
| Waste/ Hazardous Materials | X | | Restoration activities reduce impacts of wastes on public lands. | R. Porter; 6/4/2021 |
| Wilderness/WSAs | X | | Restoration activities will improve wilderness character. | M. Dickes; 6/3/2021 |
| Wildlife | X | | As addressed in EA | C. Helms; 6/2/2021 |
| Wild Horse and Burro | X | | As addressed in the EA's | T. Bickauskas; 6/3/2021 |

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1/17/2018



| | |
|---|---------------------------|
| Desert Tortoise Critical Habitat | BLM Field Office Boundary |
| Desert Wildlife Management Area | WEMO Subregion |
| Desert Tortoise Predicted Occupied Habitat (DRECP Species Distribution Model) | Land Ownership |
| Area of Critical Environmental Concern | Bureau of Indian Affairs |
| WEMO Planning Area | Bureau of Land Management |
| | Department of Defense |
| | Forest Service |
| | Local Government |
| | National Park Service |
| | State |

Western Mojave Supplemental EIS

**Figure 3.4-69
Desert Tortoise
Locations within the
WEMO Planning Area**

0 5 10 15 20 40 Miles

0 5 10 15 20 40 Kilometers

1:1,750,000



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APPENDIX A

Operating Standards to Protect Desert Tortoises

1. The Ridgecrest resource area biologist and chief of resources shall determine when areas scheduled for surface reclamation actions need to be surveyed for desert tortoises. For example, surveys may need to be conducted early in the planning process if the action is extensive in nature. Alternatively, desert tortoise survey work could be performed by on-site monitors if the action is limited in extent, such as the blading of an access road.
2. All desert tortoise surveys shall be done by a qualified biologist.
3. The project inspector or other Bureau employee in direct supervision of any project shall be responsible for enforcing these stipulations and for required reporting (see stipulation #10).
4. Any person who will be working in desert tortoise habitat, whether BLM employee, volunteer, or contractor, shall be advised of the potential impact to desert tortoises of their activities. They will be briefed on required stipulations (Appendix I) and USFWS terms and conditions (Appendix III), and given copies of the appropriate instructions (Appendix II).
5. Only Bureau employees, volunteers registered by the Bureau, and contracted personnel registered by the Bureau, who are implementing actions contained in this document, are authorized to handle desert tortoises. All persons authorized to handle desert tortoises shall be familiar with the species and its burrows, and shall follow the protocol for handling (Appendix II).
6. Operators of heavy equipment (such as for road grading) shall be accompanied by an on-site monitor when working in desert tortoise habitat during the tortoise's active period (March 1 to October 31). The monitor must be qualified as under stipulation #5. The monitor shall walk in front of the equipment during its operation, and shall have the responsibility and authority to halt all project activity should danger to a desert tortoise arise. Work shall proceed only after hazards to the desert tortoise are removed, the desert tortoise is no longer at risk, or the desert tortoise has been moved from harm's way.
7. During the tortoise's inactive period (November 1 to February 29), an on-site monitor is not required, provided that the equipment operator is qualified as under stipulation #5. Otherwise he must be accompanied by a qualified monitor. The operator shall watch for tortoises while using the equipment, and shall have the responsibility for preventing harm to desert tortoises, as described under stipulation #6.
8. Operators of light equipment used for trail maintenance, and project leaders for surface reclamation actions, shall watch for desert tortoises during all project activities. They shall have the responsibility for preventing harm to desert tortoises, as described under stipulation #6. They must be qualified as under stipulation #5.
9. Should any tortoises be injured or killed, all activities shall be halted, and the Bureau biologist immediately contacted. The Bureau biologist shall have the responsibility for determining whether the animal should be transported to a veterinarian for care. Upon locating dead, injured, or sick desert tortoises, initial notification must be made to the Service's Division of Law Enforcement at (310) 297-0062 within three working days of its finding. The Services Ventura Field Office at (805) 644-1766 shall also be notified. Written notification must be made within five calendar days and include the date, time, and location of the carcass, a photograph, cause of death, if known



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and any other pertinent information. Care must be taken in handling sick or injured animals to ensure effective treatment and care, and in handling dead specimens to preserve biological material in the best possible state. The Bureau shall endeavor to place the remains of intact desert tortoises with educational or research institutions holding the appropriate State and Federal permits per their instructions. If such institutions are not available or the shell has been damaged, the information noted above shall be obtained and the carcass left in place. The Bureau should consider marking the carcass in a manner that would not be toxic to other wildlife to ensure that it would not be recorded in the future. (USFWS Consultation - Disposition of Dead, Injured, or Sick Tortoises).

10. The project inspector, equipment operator and/or on-site monitor shall keep a tally of all tortoises seen, moved and injured/killed during the project. The project inspector shall report this tally to the Bureau biologist at the termination of the project. The Bureau biologist shall make an annual report to the USFWS of this information for all actions covered under this document.
11. The project inspector or on-site monitor shall inspect water ditches for tortoise burrows before moving/shoveling any soil. If a tortoise burrow is present, the water ditch shall be left undisturbed if possible. The person doing the inspection must be able to recognize tortoise burrows.
12. If a burrow is occupied by a tortoise, and it appears unavoidable and necessary to collapse or bury the burrow for road maintenance or reclamation activities, the Bureau biologist will make the final determination. Only the Bureau biologist may excavate the tortoise, following protocols established by the USFWS.
13. The operator should minimize lowering of the road bed while grading, to avoid building up tall berms that may inhibit tortoise movement. Berms higher than 12 inches and/or with a slope greater than 30 degrees will inhibit tortoise movements, and should be pulled back into the road bed.
14. The equipment operator should watch for tortoises on the road whenever driving, transporting or operating equipment. Driving speeds should not exceed 30 mph, and operating speeds should not exceed 5 mph, to allow for adequate visibility.
15. The operator shall inspect underneath any parked equipment or vehicle immediately prior to moving it while in desert tortoise habitat. If a desert tortoise is beneath the vehicle, the operator may move the tortoise, following the protocol for handling tortoises. Alternatively, the vehicle shall not be moved until the desert tortoise has left of its own accord.
16. All trash and food items generated by project activities shall be promptly contained and regularly removed from the project sites to reduce the attractiveness of the area to common ravens and other desert tortoise predators. Portable outhouses shall be provided on-site, if appropriate.
17. The Bureau shall reduce the speed limit on dirt roads to 20 mph while operating in desert tortoise habitat. (USFWS Term & Condition 1a.).
18. The Bureau shall insure that all employees, registered volunteers, and contract personnel who will handle desert tortoises are trained in the proper handling of the species. The Bureau wildlife biologist shall be responsible for ensuring that training is provided to all appropriate individuals. (USFWS Term & Condition 1b.).
19. The Bureau shall ensure that all workers are aware of the specific areas in which road and trail maintenance and habitat restoration are to occur. Straying vehicles from work areas into undisturbed habitat shall be prohibited. Where necessary and practicable, the Bureau shall mark the boundaries of work areas with flagging or fencing. (USFWS Term & Condition 2).



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20. The procedures outlined in *Guidelines for Handling Desert Tortoises During Construction Projects* (Desert Tortoise Council 1994), shall be used in excavating individuals from burrows, and in handling, and moving desert tortoises.

Tortoises encountering human activity are subject to stress. A stressed tortoise may empty its bladder as a defense mechanism. Tortoises which lose the water stored in their bladder have difficulty replacing this water and are subject to increased mortality. To reduce the stress on tortoises, the following procedures must be followed:

- (1) Tortoises are to be moved or handled only when absolutely necessary, i.e. when they are in the path of or immediately adjacent to moving equipment. If at all possible, shut down activities and allow the tortoise to move away under its own power. Continue to monitor its activity from a distance. If the tortoise remains "frozen" in place, in a sunny spot, for more than 5-10 minutes, it is in danger of overheating, and should be moved.
- (2) Tortoises are to be moved the minimum distance necessary to provide safety. Generally this is less than 100 ft., and may not exceed 200 ft.
- (3) Tortoises are to be handled only by individuals wearing disposable plastic gloves. (This is to ensure that diseases are not transmitted between tortoises.) Use gloves once only and throw away.
- (4) Tortoises must be carried upright, no more than 2 ft. above the ground (generally knee-height), at a slow walk. (This is to minimize frightening the tortoise.)
- (5) The relocated tortoise must be moved in the same direction it faced when first encountered. It must be set down in the shade of a shrub, facing the same direction as when first encountered. (This is to prevent the tortoise from returning to the area it was moved from.)

Desert tortoises excavated from their burrows or handled during work activities may be marked using acrylic paint/epoxy covering technique. If the Bureau elects to mark desert tortoises, marking shall be done by a biologist with experience with this technique. Marking the shell by notching is not authorized. (USFWS Term & Condition 3).

21. See Also the *Biological Opinion for Road Maintenance and Rehabilitation of Disturbed Areas in the Ridgecrest Resource Area, California (6840 California-065.25)(1-8-95-F-32)* in Appendix III.



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APPENDIX A-1

Information Sheets for Bureau Employees and Volunteers

MOVING A DESERT TORTOISE
Instructions for Bureau Employees

Tortoises encountering human activity are subject to stress. A stressed tortoise may empty its bladder as a defense mechanism. Tortoises which lose the water stored in their bladder have difficulty replacing this water and are subject to increased mortality. To reduce the stress on tortoises, the following procedures must be followed:

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