

OHMVR Division Grants Program  
CEQA Categorical Exemption Documentation  
BLM Barstow Field Office (FO) Ground Operations Grant Application G21-1-04-G01

Letter to File  
February 1, 2022

The OHMVR Division received Grant Application G21-1-04-G01 from the BLM Barstow Field Office (FO) for ongoing facility operations and maintenance activities in off-highway motor vehicle (OHV) recreation areas located throughout the BLM Barstow 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 Barstow 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 San Bernardino County. Per the Grant Application (p. 1):

The Field Office offers OHV recreation opportunities at five congressionally designated (PL 116-9) OHV open areas: Razor Road, Johnson Valley, El Mirage, Stoddard Valley and Dumont Dunes.

...

The Barstow Field Office (3.1 million acres total) “limited use” area (2.9 million acres) is crisscrossed with 6,486 (5,679 [West Mojave] WEMO, 807 [Northeastern Mojave] NEMO) miles of designated open routes providing for a variety of riding opportunities.

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 facilities are designated for OHV use as described in the BLM planning documents listed above. Attachment 1 provides an overview of the BLM Barstow FO boundaries, Western Mojave Route Network OHV route detail, and maps of open areas identified below.

### Description of Proposed Grant Activities

The ongoing Ground Operations grant activities are listed below as identified in the Grant Application (BLM Barstow FO 2021a, pp. 3-4). 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.

The proposed project supports ongoing ground operations within 181,300 acres of four open OHV Areas – Johnson, Stoddard, Rasor, and Dumont OHV Recreation Areas – and the approximately 2-million-acre WEMO and 1-million-acre NEMO Planning Areas. Project activities would include the following:

1. Track/Road Maintenance: Maintain up to 10 miles of access road in Johnson Valley and 5 miles of access road in Stoddard Valley open to OHV vehicles utilizing a grader, water truck, and skid steer, as well as non-mechanized tools. Activities would consist of road grading, surface compaction; culvert cleaning, repair, and replacement; grade reversals; rolling dips/water bars (for water quality control); and rock armoring to prevent erosion and harden road surfaces.
2. Open Area Maintenance: Maintain staging area and campgrounds, trash removal, upkeep of kiosks (recycled material for maps), daily safety inspections, facility cleaning, stocking, repairs, picking up trash and cleaning fire rings, and vault toilet cleaning and pumping.
3. Signing: Monitor and maintain installed route signage, provide route classification for future maintenance; install open route signage through limited use areas.
4. Fencing/Barriers: Maintain fencing to delineate open area boundaries; maintain vehicle barriers, post and cable fence, and signing at main entrance locations.
5. Public Outreach: Distribute general route and open area information and maps, educate riders on safe riding practices, provide visitor service and duties associated with ensuring the safety of riders and protection of natural resources.
6. Environmental Requirements: Soil conservation monitoring including photo point monitoring, data collection, and compliance reporting; HMP preparation.

## 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 facilities<sup>1</sup> 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.

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<sup>1</sup> 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)).

- (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.

[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 Barstow FO 2021b, p. 2).

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 Barstow 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 Barstow FO 2021b, p. 2).

None of the actions included in the project would impact historical or cultural resources. All the maintenance actions would occur on roads or trails that have been previously surveyed or have been cleared for the occurrence of historical resources. The project includes standard stipulations to protect any unknown historic and cultural resources discovered during project activities (BLM Barstow FO 2019; see Exhibit A 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. BLM has 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. 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., 15 miles of trail surface maintenance in short segments in an area with over 6,486 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 Barstow 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 OHV Recreation Area Maintenance, FY 2019-2024 Categorical Exclusion (BLM Barstow FO 2019; see Attachment 2).
9. The BLM Barstow FO has determined the grant project activity is consistent with applicable Land Use Plans (BLM Barstow FO 2019; see Attachment 2).
10. BLM Barstow FO has determined these activities are minor in nature and categorically excluded from further documentation under the National Environmental Policy Act (NEPA; 43 CFR § 46.210[f] and [j]), conform to BLM Categorical Exclusions pursuant to 516 DM11.9 Transportation G(2) and G(4), and no extraordinary circumstances described in 43 CFR § 46.215 potentially having effects that may significantly affect the environment apply (BLM Barstow FO 2019; see Attachment 2).

### **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 Barstow FO (and BLM Ridgecrest FO) managed lands occur within the Western Mojave Recovery Unit for desert tortoise (see WMRNP ROD Figure 2, p. 15; BLM 2019c) and overlap with critical habitat units. Almost all Barstow FO lands are identified as Desert Tortoise Predicted Occupied Habitat (see WMRNP Fig 3.4-69 Desert Tortoise Locations; Attachment 3), 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 Barstow FO has determined that the proposed grant activities are consistent with existing land use plans governing recreational uses on BLM managed lands (see Attachment 2).

- 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 2).
  - 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 OHV Recreation Area Maintenance FY2019-2024 Categorical Exclusion (BLM Barstow FO 2019; see Attachment 2. Specific measures addressing desert tortoise are listed in Categorical Exclusion, Exhibit B (see Attachment 2).
  - c. No new information has been presented to the OHMVR Division specifically linking proposed grant activities to increased desert tortoise impacts.

## References

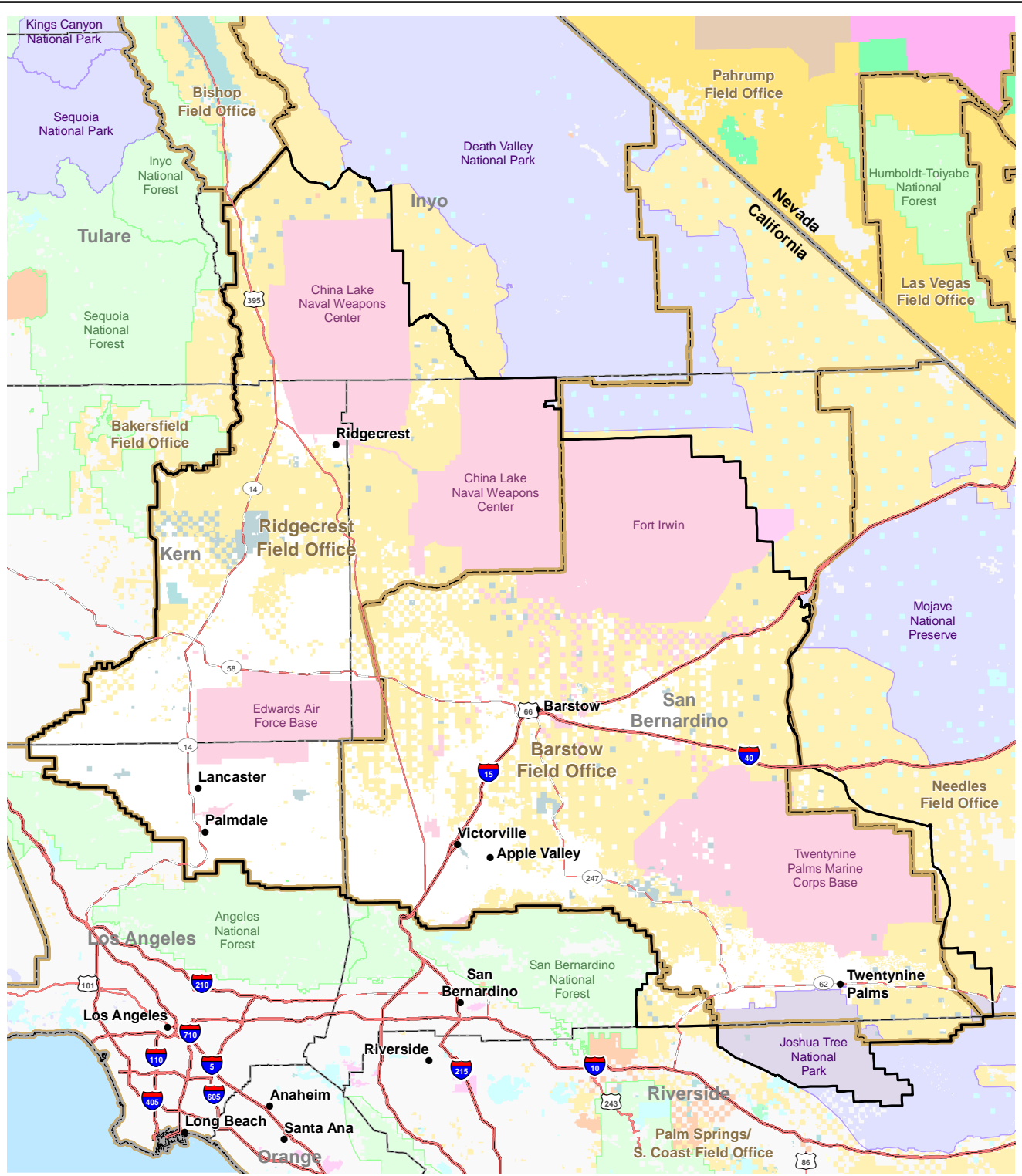
- Allison, L.J. and A.M. McLuckie. 2018. Population trends in Mojave Desert Tortoises (*Gopherus agassizii*). *Herpetological Conservation and Biology* 13(2):433-42.
- Bureau of Land Management (BLM). 2002. Record of Decision for Approved Northern & Eastern Mojave Desert Management Plan, an Amendment 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, Barstow Field Office (BLM Barstow FO). 2019. Categorical Exclusion Not Established by Statute. DOI-BLM-CA-D080-2019-0013-CX. OHV Recreation Area Maintenance, FY 2019-2024. February 20, 2019.
- Bureau of Land Management, Barstow Field Office (BLM Barstow FO). 2021a. Grants and Cooperative Agreements Program, Application: Ground Operations (Final). June 4, 2021.
- Bureau of Land Management, Barstow Field Office (BLM Barstow FO). 2021b. Memorandum to Sixto J. Fernandez, Grant Manager, Off-Highway Motor Vehicle Recreation Division, Subject: Additional data for project numbers G21-01-04-G01 and G21-01-04-R01, ERDS and HMP for the BLM Barstow Field Office. July 22, 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.
- 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: Western Mohave General Location, BLM RFO Ground Operations Grant Project Area Map: Figure 2.2-8 Alternative 5 - 2019 Western Mojave Route Network Selected Alternative, and Project Open Areas
- Attachment 2: BLM Barstow FO OHV Recreation Area Maintenance, FY 2019-2024 Categorical Exclusion
- Attachment 3: Desert Tortoise Locations Map: Figure 3.4-69 Western Mojave Route Network Plan

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>● City or Town</li> <li>— Interstate Highway</li> <li>— U.S. Highway</li> <li>— State Highway</li> <li>▭ WEMO Planning Area</li> <li>▭ BLM Field Office Boundary</li> <li>▭ State Boundary</li> <li>▭ County Boundary</li> </ul> | <p><b>Land Ownership</b></p> <ul style="list-style-type: none"> <li>■ Bureau of Indian Affairs</li> <li>■ Bureau of Land Management</li> <li>■ Bureau of Reclamation</li> <li>■ Department of Defense</li> <li>■ Fish and Wildlife Service</li> <li>■ Forest Service</li> <li>■ Local Government</li> <li>■ National Park Service</li> <li>■ State</li> <li>■ Private</li> </ul> |
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**Western Mojave Supplemental EIS**

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**Figure 1.1-1**

**Western Mojave General Location**

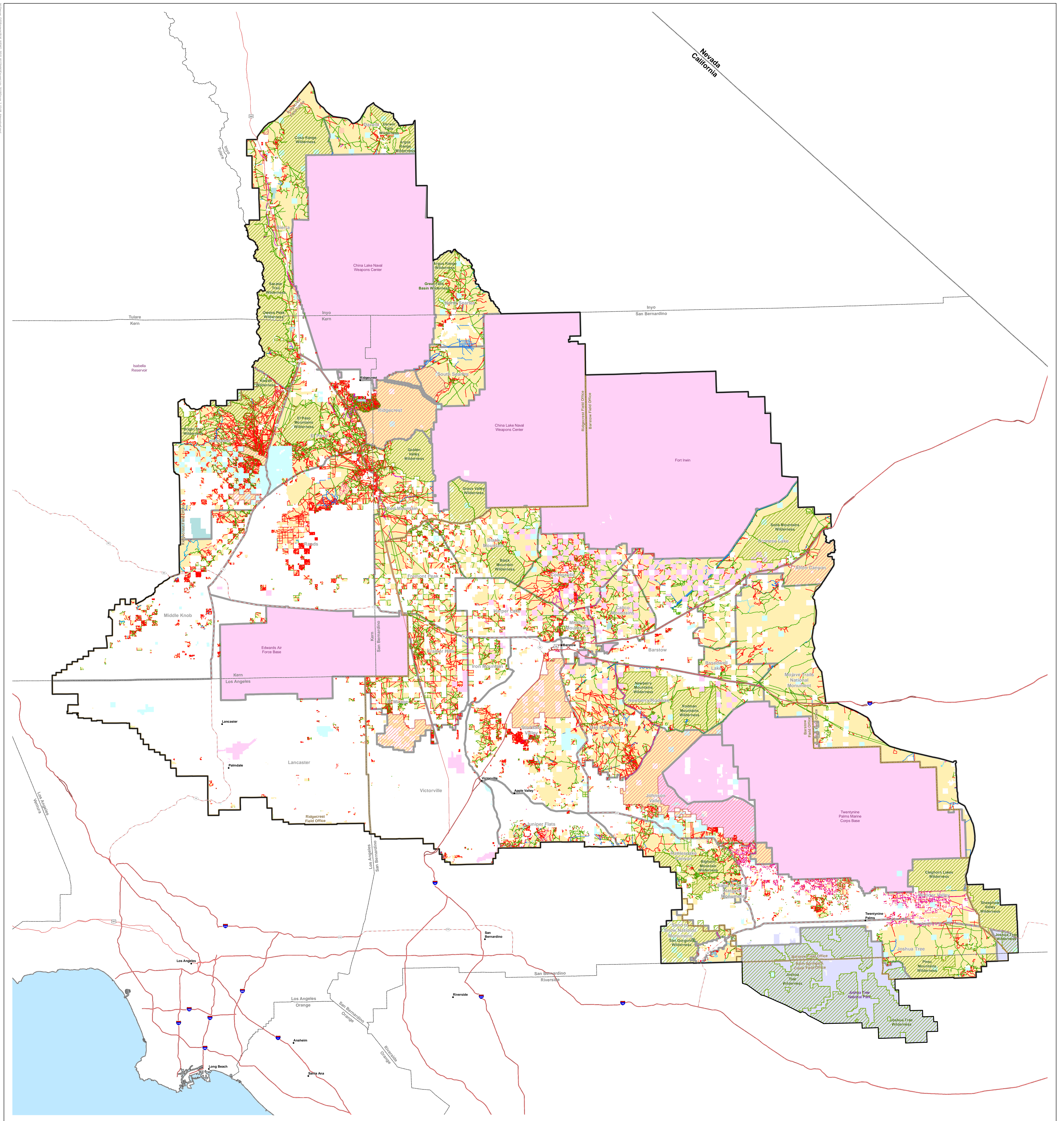
0 5 10 15 20 40 Miles  
0 5 10 15 20 40 Kilometers

1:1,750,000

1/02/2018



Western Mojave Supplemental EIS  
 Figure 2.2-8 Alternative 5 - 2019 West Mojave Route Network  
 Selected Alternative



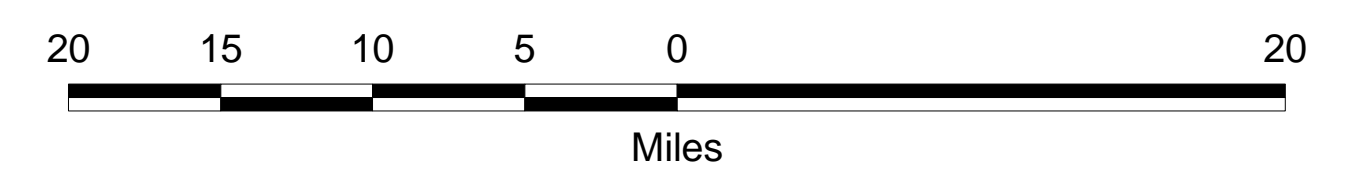
**Route Designations**

- Motorized, ATV/UTV
- Motorized, Administrative
- Motorized, Authorized/Permitted
- Motorized, Competitive C
- Motorized, Motorcycle
- Motorized, No Subdesignation
- Motorized, Seasonal
- Motorized, Street Legal
- Non-Mechanized, Hiking
- Non-Mechanized, No Subdesignation
- Non-Motorized, Bicycle
- Non-Motorized, No Subdesignation
- Transportation Linear Disturbance

- WEMO Planning Area
- WEMO Subregion
- BLM Field Office Boundary
- Wilderness Area
- OHV Open Areas and Off-Highway Vehicle Recreation Areas

**Land Ownership**

- Department of Defense
- Bureau of Indian Affairs
- Bureau of Land Management
- Forest Service
- County/Local Government
- National Park Service
- State

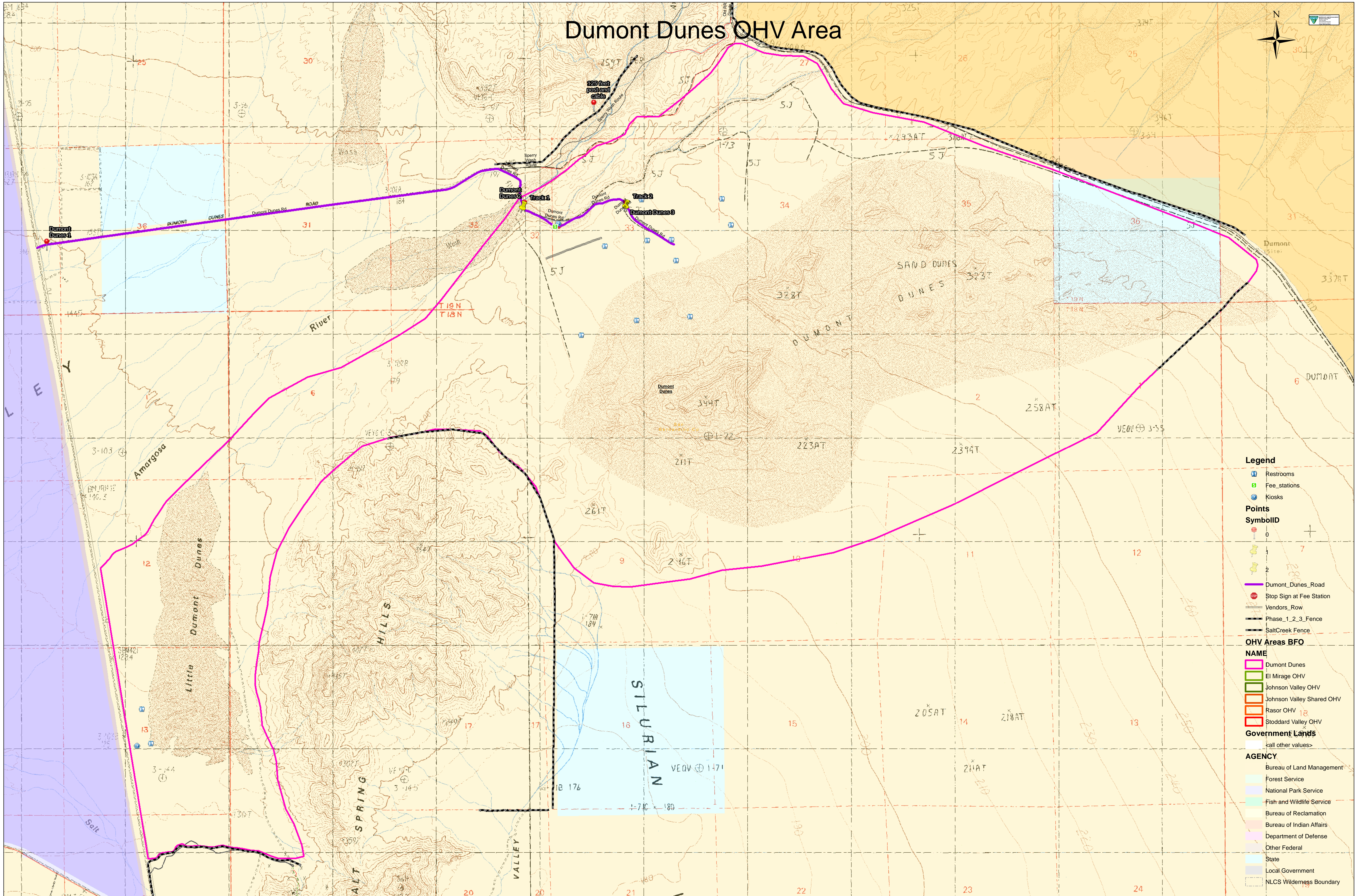
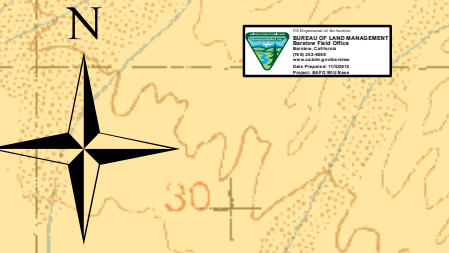


1:400,000





# Dumont Dunes OHV Area



**Legend**

- Restrooms
- Fee stations
- Kiosks

**Points**

**SymbolID**

- 0
- 7
- 2
- Dumont Dunes Road
- Stop Sign at Fee Station
- Vendors Row
- Phase 1\_2\_3 Fence
- SaltCreek Fence

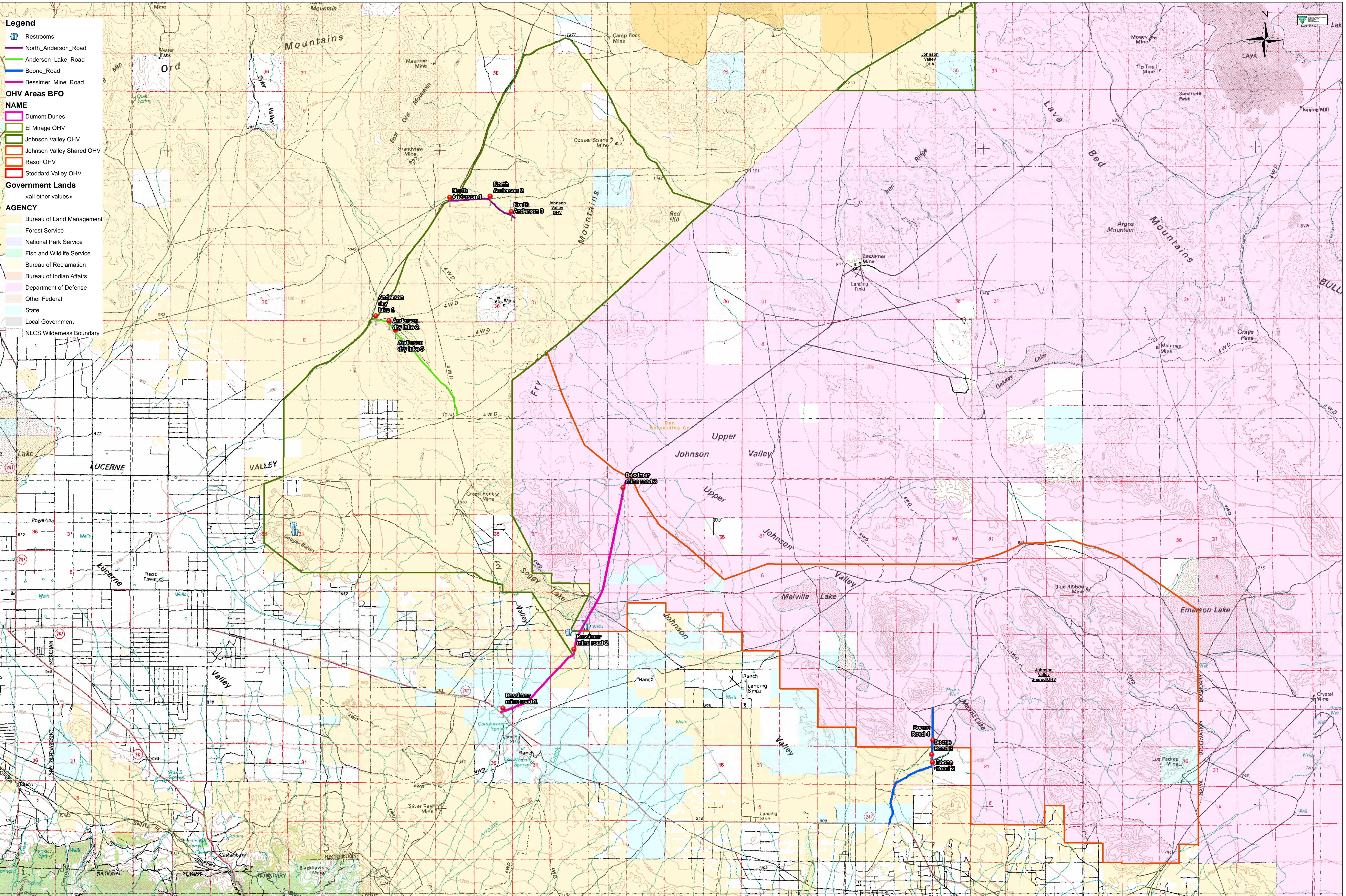
**OHV Areas BFO**

- Dumont Dunes
- EI Mirage OHV
- Johnson Valley OHV
- Johnson Valley Shared OHV
- Razor OHV 18
- Stoddard Valley OHV
- Government Lands
- <all other values>

**AGENCY**

- Bureau of Land Management
- Forest Service
- National Park Service
- Fish and Wildlife Service
- Bureau of Reclamation
- Bureau of Indian Affairs
- Department of Defense
- Other Federal
- State
- Local Government
- NLCS Wilderness Boundary





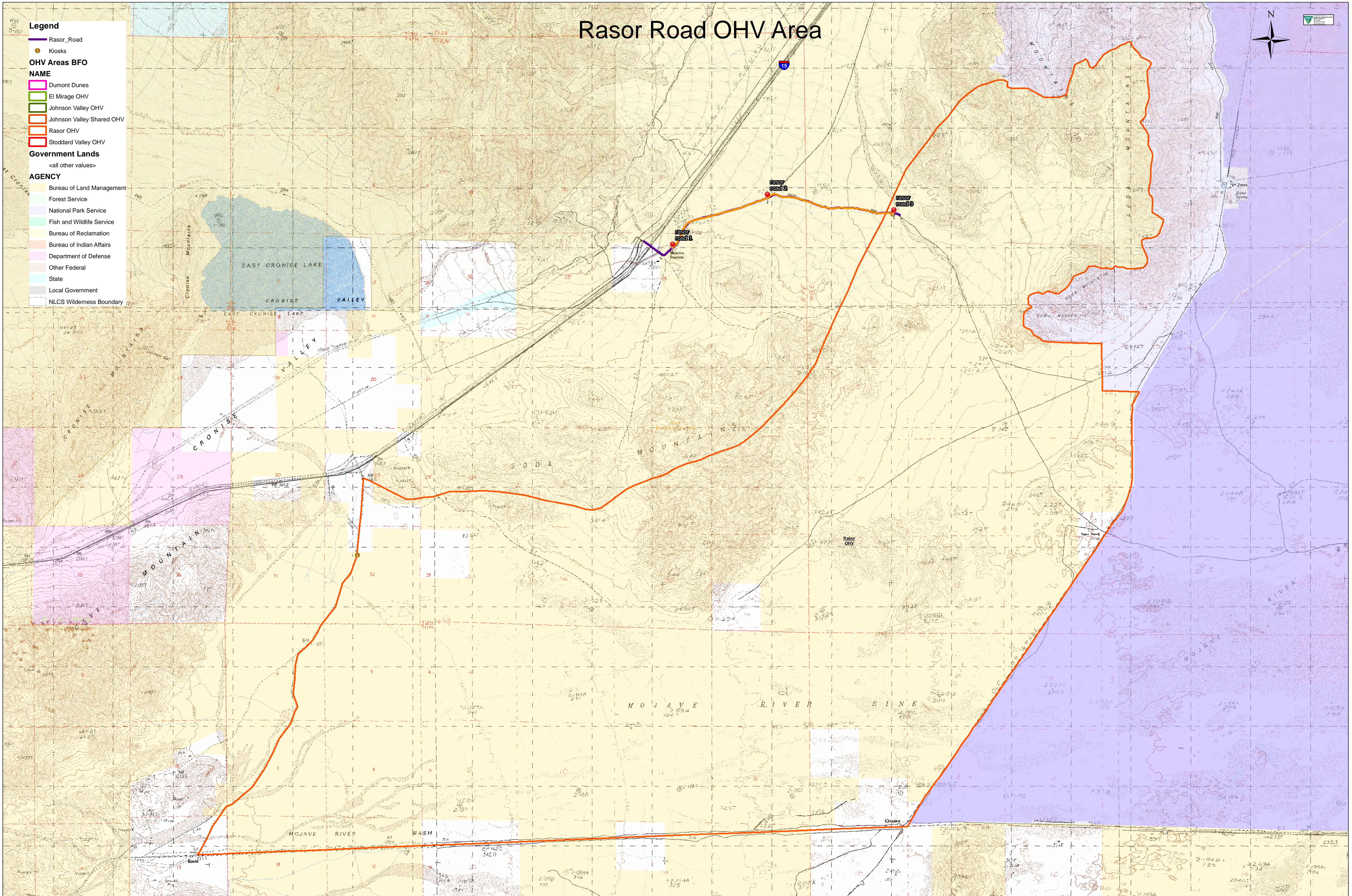


# Razor Road OHV Area



### Legend

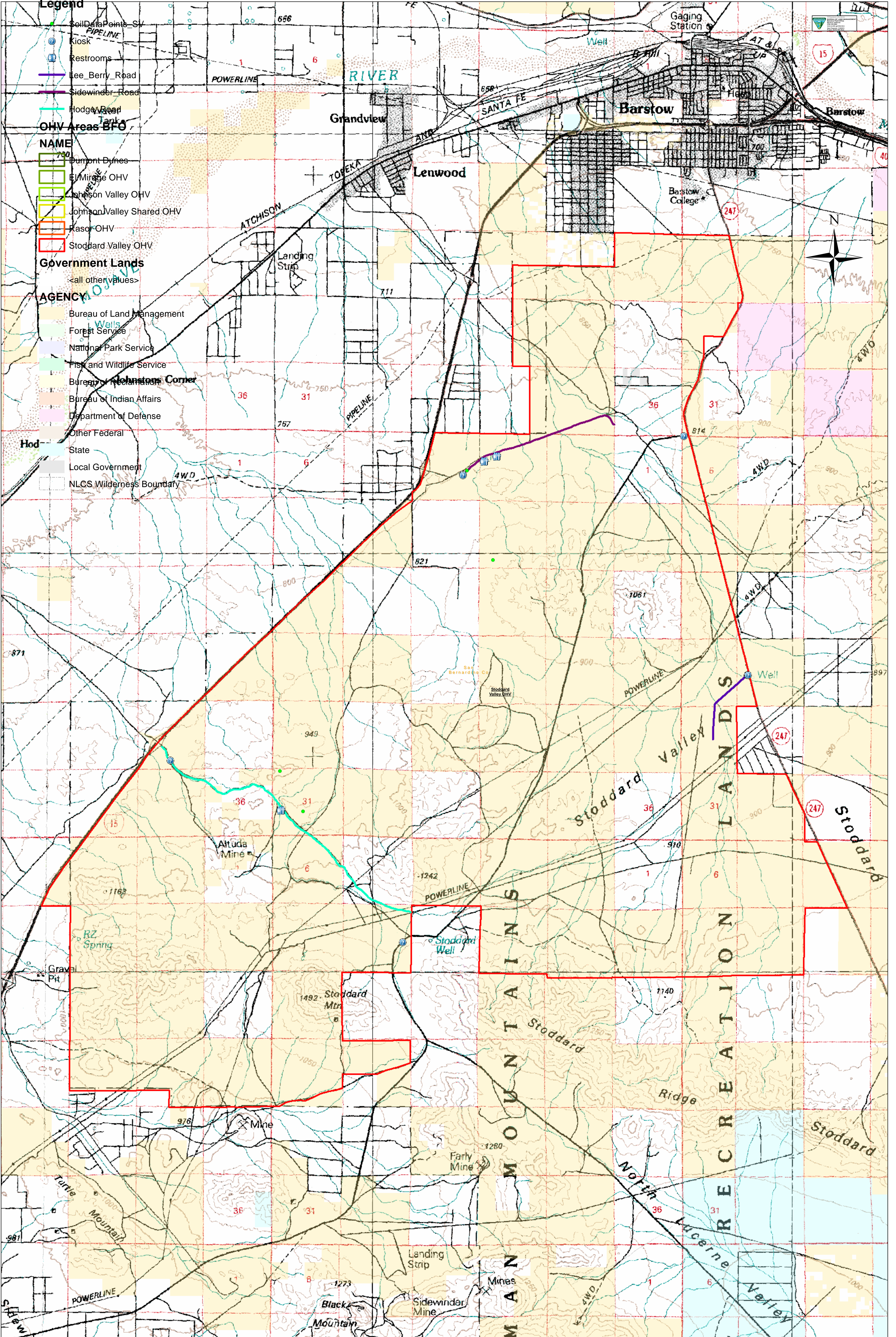
- Razor\_Road
- Kiosks
- OHV Areas BFO**
- NAME**
- Dumont Dunes
- El Mirage OHV
- Johnson Valley OHV
- Johnson Valley Shared OHV
- Razor OHV
- Stoddard Valley OHV
- Government Lands**
- <all other values>
- AGENCY**
- Bureau of Land Management
- Forest Service
- National Park Service
- Fish and Wildlife Service
- Bureau of Reclamation
- Bureau of Indian Affairs
- Department of Defense
- Other Federal
- State
- Local Government
- NLCS Wilderness Boundary





### Legend

- Soil Data Points - SV
- Kiosk
- Restrooms
- Lee Berry Road
- Sidewinder Road
- Hodges Road
- OHV Areas BFO**
- NAME**
- Bumpert Dunes
- El Mirage OHV
- Johnson Valley OHV
- Johnson Valley Shared OHV
- Raso OHV
- Stoddard Valley OHV
- Government Lands**
- <all other values>
- AGENCY**
- Bureau of Land Management
- Forest Service
- National Park Service
- Fish and Wildlife Service
- Bureau of Reclamation
- Bureau of Indian Affairs
- Department of Defense
- Other Federal
- State
- Local Government
- NLCS Wilderness Boundary





**United States Department of the Interior  
Bureau of Land Management**

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**Categorical Exclusion Not Established By Statute  
DOI-BLM-CA-D080-2019-0013-CX**

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**2/20/2019**

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**OHV Recreation Area Maintenance, FY 2019-2024**

***Location:*** San Bernardino County, California  
***Applicant/Address:*** 2601 Barstow Rd., Barstow, California 92311

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Barstow Field Office  
2601 Barstow Road  
Barstow, CA 92311  
(760) 252-6000

**CATEGORICAL EXCLUSION DOCUMENTATION FORMAT WHEN USING  
CATEGORICAL EXCLUSIONS NOT ESTABLISHED BY STATUTE**





**A. Background**

BLM Office: Barstow Field Office, California Desert District

Proposed Action Title/Type: OHV Recreation Area Maintenance, FY 2019-2024

Location of Proposed Action: Barstow Field Office

**B. Proposed Action/Project Description:**

The proposed project involves the routine field work and continuing government business for operating and maintaining the Barstow Field Office OHV program. This includes supervision, administration, operations, maintenance and replacement activities having limited context and intensity; e.g., limited size and magnitude or short-term effects. Also included are routine field patrols, planning, visitor contacts, law enforcement, emergency services, delivering safety and environmental education programs.

Work in the proposed action includes the installation, monitoring and maintenance of routine signs, markers, culverts, ditches, waterbars, gates, vault toilets, fire pits, shade ramadas and protective barriers. Annual facility upkeep includes road maintenance and structures on/or adjacent to the road, the pumping of vault toilets, water well testing, plus the regular painting, cleaning and repairing of equipment, vehicles, buildings and structures. In addition, work includes the placement and upkeep of route markers; recreational, special designation, boundary, direction and information signs; visitor registers, kiosks and portable sanitation devices.

The proposed action includes on-going resource management actions contained in the management plans for each of the OHV recreation areas. In the case of Rasor where an approved implementation plan is not complete, the proposed actions in the draft plan serves as a guideline. This scope of work includes all the annual monitoring and reporting requirements for conformance with the Barstow Field Office OHV Habitat Management Plan (HMP) the Barstow and El Mirage Soil Conservation Plans, the protection of cultural resources and conformance with the Barstow OHV Best Management Practices (see attachments).

**C. Land Use Plan Conformance**

Land Use Plan Name: The proposed action is in conformance with (43 Code of Federal Regulations (CFR) 1601.5-3, BLM 1601.08) the California Desert Conservation Area Plan (CDCA 1980), as amended by the West Mojave Plan (WEMO 2006) and the Desert Renewable Energy Conservation Plan (DRECP 2016). The proposed action complies with these plans. The proposed action is also in conformance with other applicable laws, regulations, policies, and the following activity plans and supporting environmental assessment.

The following DRECP Conservation Measure Actions (CMAs) were reviewed and deemed applicable: Transmission, Compensation, Wildlife, Special Recreation Management Area (SRMA), Expanded Recreation Management Areas (ERMA), Development Focus Areas (DFAs), Variance Process Lands (VPLs), and General Public Lands (GPL).

Under DRECP, the applicable maintenance occurs within the Land Use Planning Area (LUPA wide) and all other land-use allocations contained therein. The proposed action is in conformance with the following management plans:

1. Dumont Dunes Management Plan (1990).
2. Management Plan for El Mirage Cooperative Management Area (1990).
3. Stoddard Valley OHV Area Management Plan (1993).
4. Johnson Valley OHV Area Management Plan (1992).
5. Draft Razor OHV Area Management Plan (work in progress).

Date Approved/Amended: CDCA Plan 1980, amended by the WEMO Plan 2006 and the DRECP 2016.

#### D. Exceptions to Categorical Exclusion Documentation

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.210(f) and (j) apply. **The proposed project would:**

| Extraordinary Circumstances                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                  |                                                                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Have significant impacts on public health or safety.                                                                                                                                                                                                                                                                                                                                                                                                             |                                                  |                                                                                                                                             |
| <b>Yes</b><br><input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>No</b><br><input checked="" type="checkbox"/> | <b>Rationale:</b> Routine field work to maintain and operate the OHV program does not have a significant impact on public health or safety. |
| 2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas. |                                                  |                                                                                                                                             |
| <b>Yes</b><br><input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>No</b><br><input checked="" type="checkbox"/> | <b>Historic or Cultural Resources Rationale:</b> Exempt. See attached finding. No significant impacts to historic or cultural resources.    |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                            | <input checked="" type="checkbox"/>              | <b>Park, Recreation or Refuge Lands:</b> No significant impacts to these lands.                                                             |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                            | <input checked="" type="checkbox"/>              | <b>Wilderness areas:</b> No significant impacts to wilderness or WSAs.                                                                      |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                            | <input checked="" type="checkbox"/>              | <b>Wild or Scenic rivers:</b> No significant impacts to a designated wild or scenic waterway.                                               |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                            | <input checked="" type="checkbox"/>              | <b>National Natural landmarks:</b> No significant impacts to National Natural landmarks.                                                    |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                            | <input checked="" type="checkbox"/>              | <b>Sole or principal drinking water aquifers:</b> No significant impacts to sole or principal drinking water aquifers.                      |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                            | <input checked="" type="checkbox"/>              | <b>Prime Farmlands:</b> No significant impacts to prime farmlands.                                                                          |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                            | <input checked="" type="checkbox"/>              | <b>Wetlands (Executive Order 11990):</b> No significant impacts to known wetlands.                                                          |

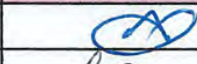
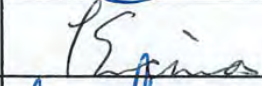



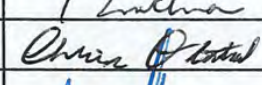

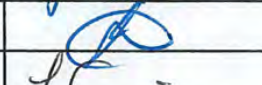
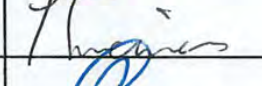

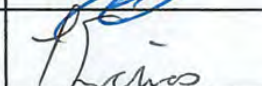
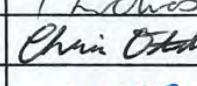


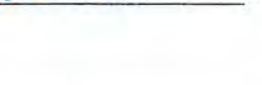



| Extraordinary Circumstances                                                                                                                                                                             |                                                  |                                                                                                                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/>                                                                                                                                                                                | <input checked="" type="checkbox"/>              | Floodplains (Executive Order 11988): No significant impacts to floodplains.                                                                                       |
| <input type="checkbox"/>                                                                                                                                                                                | <input checked="" type="checkbox"/>              | National monuments: No significant impacts to national monuments.                                                                                                 |
| <input type="checkbox"/>                                                                                                                                                                                | <input checked="" type="checkbox"/>              | Migratory birds: No significant impacts to migratory birds.                                                                                                       |
| <input type="checkbox"/>                                                                                                                                                                                | <input checked="" type="checkbox"/>              | Other ecologically significant or critical areas: No effect to other ecologically significant or critical areas                                                   |
| 3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].                                       |                                                  |                                                                                                                                                                   |
| <b>Yes</b><br><input type="checkbox"/>                                                                                                                                                                  | <b>No</b><br><input checked="" type="checkbox"/> | <b>Rationale:</b> No highly controversial environmental effects or involve unique or unresolved conflicts are expected.                                           |
| 4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.                                                                            |                                                  |                                                                                                                                                                   |
| <b>Yes</b><br><input type="checkbox"/>                                                                                                                                                                  | <b>No</b><br><input checked="" type="checkbox"/> | <b>Rationale:</b> The operation will not have highly uncertain or potentially significant environmental effects or involve unique or unknown environmental risks. |
| 5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.                                                |                                                  |                                                                                                                                                                   |
| <b>Yes</b><br><input type="checkbox"/>                                                                                                                                                                  | <b>No</b><br><input checked="" type="checkbox"/> | <b>Rationale:</b> Proposed action would not establish precedent for future actions with potentially significant environmental effects.                            |
| 6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.                                                                      |                                                  |                                                                                                                                                                   |
| <b>Yes</b><br><input type="checkbox"/>                                                                                                                                                                  | <b>No</b><br><input checked="" type="checkbox"/> | <b>Rationale:</b> No direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.                     |
| 7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.                                                     |                                                  |                                                                                                                                                                   |
| <b>Yes</b><br><input type="checkbox"/>                                                                                                                                                                  | <b>No</b><br><input checked="" type="checkbox"/> | <b>Rationale:</b> Exempt. See attached finding. No significant impacts to listed or eligible properties.                                                          |
| 8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species. |                                                  |                                                                                                                                                                   |

| Extraordinary Circumstances                                                                                                                                                                                                                                                                                 |                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Yes</b><br><input type="checkbox"/>                                                                                                                                                                                                                                                                      | <b>No</b><br><input checked="" type="checkbox"/> | <b>Rationale:</b> The Barstow Field office contains multiple critical habitats and sensitive species, which are not significantly impacted by the proposed action. Applicable Biological Opinion protective measures will be required to avoid or prevent take. The proposed action is consistent with protection of biological values, including habitat quality, populations of sensitive species, and landscape connectivity while providing for compatible public uses. |
| 9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.                                                                                                                                                                                     |                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Yes</b><br><input type="checkbox"/>                                                                                                                                                                                                                                                                      | <b>No</b><br><input checked="" type="checkbox"/> | <b>Rationale:</b> The applicant's operation is subject to conformance with applicable federal and state laws and county conditional use requirements. The action is consistent with tribal, county, State and Federal laws and regulations.                                                                                                                                                                                                                                 |
| 10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).                                                                                                                                                                                        |                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Yes</b><br><input type="checkbox"/>                                                                                                                                                                                                                                                                      | <b>No</b><br><input checked="" type="checkbox"/> | <b>Rationale:</b> This project would not result in adverse effects on low income or minority populations.                                                                                                                                                                                                                                                                                                                                                                   |
| 11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).                                                                                     |                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Yes</b><br><input type="checkbox"/>                                                                                                                                                                                                                                                                      | <b>No</b><br><input checked="" type="checkbox"/> | <b>Rationale:</b> No adverse effects to known access or ceremonial use of Indian sacred sites. Exemption applies see attached finding.                                                                                                                                                                                                                                                                                                                                      |
| 12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112). |                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Yes</b><br><input type="checkbox"/>                                                                                                                                                                                                                                                                      | <b>No</b><br><input checked="" type="checkbox"/> | <b>Rationale:</b> No adverse effect. The proposed action should not result in the introduction of new invasive non-native weeds or spread existing weeds. The operation will contain stipulations that require the BLM to be responsible for weed control on the disturbed areas within the limits of the site.                                                                                                                                                             |



## E. Categorical Exclusion Review Record

| Resource                                         | Yes/No*                                                             | Assigned Specialist<br>Signature                                                     | Date     |
|--------------------------------------------------|---------------------------------------------------------------------|--------------------------------------------------------------------------------------|----------|
| Air Quality –                                    | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |    | 3/11     |
| Areas of Critical Environmental Concern –        | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |    | 2/22/19  |
| Cultural Resources –                             | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |    | 2/21/19  |
| Environmental Justice –                          | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |    | 3/11     |
| Floodplains –                                    | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |    | 3/11     |
| Invasive Species/Noxious Weeds –                 | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |    | 3/11     |
| Migratory Birds –                                | Yes <input type="checkbox"/> No <input type="checkbox"/>            |    | 2/22/19  |
| National Monuments –                             | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |    | 02-25-19 |
| Native American Religious Concerns –             | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |   | 2/21/19  |
| Public Health and Safety –                       | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |  | 3/11     |
| Threatened, Endangered, or Candidate Species –   | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |  | 2/22/19  |
| Wastes (hazardous or solid) –                    | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |  | 3/11     |
| Water Quality (drinking or ground)               | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |  | 3/11     |
| Wetlands / Riparian Zones / Prime Farmland –     | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |  | 2/22/19  |
| Wild and Scenic Rivers –                         | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |  | 02-25-19 |
| Wilderness/Lands with Wilderness Characteristics | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |  | 3/11     |

\*Extraordinary Circumstances apply.

**F: Environmental Coordinator review**  Date: 3/22/19

Exhibit A – Cultural Determination Finding

Exhibit B – Project Area/ Field Office Area

### G. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 43 CFR 46.210(f) and (j):

(f): Routine and continuing government business, including such things as supervision, administration, operations, maintenance, renovations, and replacement activities having limited context and intensity (e.g., limited size and magnitude or short-term effects); and



(f): Routine and continuing government business, including such things as supervision, administration, operations, maintenance, renovations, and replacement activities having limited context and intensity (e.g., limited size and magnitude or short-term effects); and

(j): Activities which are educational, informational, advisory, or consultative to other agencies, public and private entities, visitors, individuals, or the general public;

The proposed action also conforms to 516 DM 11.9 Transportation G(2) and G(4):

G(2): Installation of routine signs, markers, culverts, ditches, water-bars, gates, or cattleguards on/or adjacent to existing roads identified in any land use or transportation plan, or eligible for incorporation in such plan.

G(4): Placement of recreational, special designation, or information signs, visitor registers, kiosks, and portable sanitation devices.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR Part 46.215 applies.

I have considered this proposal compatible with the existing management plans and other multiple use authorizations.

**F: Signature**

Authorizing Official:

  
Katrina Symons, Barstow Field Manager

Date:

3/22/19

**Contact Person**

For additional information concerning this CX review, contact Jeffery Childers, Associate Field Manager, 2601 Barstow Road, Barstow, CA 92311 (951) 807-6737 or by email at [jchilders@blm.gov](mailto:jchilders@blm.gov).

**Administrative Remedies:**

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4, Notices of Appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the Notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs must also be served upon the Solicitors Office, U.S. Dept. of Interior, 2800 Cottage Way, Suite W-1834, Sacramento, CA, 95825.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4.



If an appeal is taken, your notice of appeal must be filed in this office Barstow Field Office, 2601 Barstow Road, Barstow, CA 92311 within 30 days. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR Part 4 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

**Exhibit A**

**Stipulations for Annual OHV Recreation Area Maintenance**

1. Actions shall be subject to the provisions of the Archaeological Resources Protection Act of 1979, as amended, and the Federal Land Policy and Management Act of 1976. These statutes protect cultural resources for the benefit of all Americans. As property of the United States, no person may, without authorization, excavate, remove, damage, or otherwise alter or deface any historic or prehistoric site, artifact or object of antiquity located on public lands.
2. Any cultural (historic/prehistoric site or object) and /or paleontological resource (fossil remains of plants or animals) discovered during the proposed action shall immediately be reported to the Field Office Manager. All operations in the immediate area of the discovery shall be suspended.
3. No rocks or borrow material will be collected from within the immediate drainage of a known cultural and/or paleontological resource. Only sites determined to be free of potential cultural and/or paleontological resources will be selected.
4. Employ all protective measures outlined in each applicable management plan and associated Biological Opinions.
5. The application of water and/or other palliatives for dust abatement in construction areas and during project operations and maintenance shall be done with the minimum amount of water necessary to meet safety and air quality standards and in a manner that prevents the formation of puddles, which could attract wildlife and wildlife predators.
6. Vehicular traffic will not exceed 25 miles per hour within the areas not cleared by protocol level surveys where desert tortoise may be impacted.
7. Workers will immediately bring to the attention of the Barstow Field Manager (or the designated representative) any cultural resources (prehistoric/historic sites or objects) and/or paleontological resources (fossils) encountered during permitted operations and maintain the integrity of such resources pending subsequent investigation.
8. Any cultural and/or paleontological resource (historic/prehistoric site or object) discovered by workers, or any person working on their behalf, on public or Federal land shall immediately be reported to the authorized officer. Workers shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values.
9. **Protocol -Discovery of Human Remains in California**  
All discovered human remains shall be treated with respect and dignity. California state law (California Health & Safety Code 7050.5) and federal law and regulations

([Archaeological Resources Protection Act (ARPA) 16 USC 470 & 43 CFR 7], [Native American Graves Protection & Repatriation Act (NAGPRA) 25 USC 3001 & 43 CFR 10] and [Public Lands, Interior 43 CFR 8365.1-7]) require a defined protocol if human remains are discovered in the state of California regardless if the remains are modern or archaeological.

Upon discovery of human remains, all work within a minimum of 200 feet of the remains must cease immediately, nothing disturbed and the area is to be secured. The County Coroner's Office of the county where the remains were located must be called. The Coroner has two working days to examine the remains after notification. The appropriate land manager/owner or the site shall also be called and informed of the discovery. If the remains are located on federal lands, federal land managers/federal law enforcement/federal archaeologist are to be informed as well because of complementary jurisdiction issues. It is very important that the suspected remains and the area around them remain undisturbed and the proper authorities called to the scene as soon as possible as it could be a crime scene. Disturbing human remains is against federal and state laws and there are criminal/civil penalties including fines and/or time in jail up to several years. In addition, all vehicles and equipment used in the commission of the crime may be forfeited. The Coroner will determine if the bones are historic/archaeological or a modern legal case.

#### **Modern Remains**

If the Coroner's Office determines the remains are of modern origin, the appropriate law enforcement officials will be called by the Coroner and conduct the required procedures. Work will not resume until law enforcement has released the area.

#### **Archaeological Remains**

If the remains are determined to be archaeological in origin and there is no legal question, the protocol changes depending on whether the discovery site is located on federally or non-federally owned/managed lands.

##### *Remains discovered on federally owned/managed lands*

After the Coroner has determined the remains are archaeological or historic and there is no legal question, the appropriate Field Office Archaeologist must be called. The archaeologist will initiate the proper procedures under ARPA and/or NAGPRA. If the remains can be determined to be Native American, the steps as outlined in NAGPRA, 43 CFR 10.6 Inadvertent discoveries, must be followed.

##### *Remains discovered on non-Federally owned/managed lands*

After the Coroner has determined the remains on non-federally owned/managed lands are archaeological and there is no legal question, the Coroner will make recommendations concerning the treatment and disposition of the remains to the person responsible for the excavation, or to his or her authorized representative. If the Coroner believes the remains to be those of a Native American he/she shall contact by telephone within 24 hours, the California Native American Heritage Commission (NAHC). The NAHC will immediately notify the person it believes to be the most likely descendent of the remains. The most

likely descendent has 48 hours to make recommendations to the land owner for treatment or disposition of the human remains. If the descendent does not make recommendations within 48 hours, the land owner shall reinter the remains in an area of the property secure from further disturbance. If the land owner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the NAHC.

**Resumption of activity.** The activity that resulted in the discovery of human remains may resume at any time that a written, binding agreement is executed between the BLM, lineal descendants, and/or the federally recognized affiliated Indian Tribe(s) that adopts a recovery plan for the excavation or removal of the human remains, funerary objects, sacred objects, or objects of cultural patrimony following 43 CFR §10.3 (b)(1) of these regulations. The disposition of all human remains and NAGPRA items shall be carried out following 43 CFR §10.6.

10. **Standard Stipulation - Protection of Survey Corner and Boundary Line Markers:**  
Evidence of the Public Land Survey System (PLSS) and related Federal property boundaries will be identified and protected prior to commencement of any ground-disturbing activity. This will be accomplished by contacting Bureau Land Management (BLM) Cadastral Survey to coordinate data research, evidence examination and evaluation, and locating, referencing or protecting monuments of the PLSS and related land boundary markers from destruction. In the event of obliteration or disturbance of the Federal boundary evidence the responsible party shall immediately report the incident, in writing, to the Authorizing Official. BLM Cadastral Survey will determine how the marker is to be restored. In rehabilitating or replacing the evidence the responsible party will be instructed to use the services of a Certified Federal Surveyor (CFedS), procurement shall be per qualification based selection, or reimburse the BLM for costs. All surveying activities will conform to the Manual of Surveying Instructions (Manual) and appropriate State laws and regulations. Local surveys will be reviewed by Cadastral Survey before being finalized or filed in the appropriate State or county office. The responsible party shall pay for all survey, investigation, penalties, and administrative costs.
11. The worker shall secure rights across private lands with the property owners. All activities must comply with Federal, State, County and other laws, regulations and ordinances which are applicable to the premises.

**Exhibit B**

**Bureau of Land Management: Barstow**

**OHV Best Management Practices**

These Best Management Practices minimize potential adverse effects to species of concern for BLM and the California Department of Fish and Game. They are provided to employees, partners, permittees, and contractors for field activities:

- Avoid vehicle collisions with wildlife or vegetation.
- Restrict vehicles to designated open routes or OHV Open areas.
- Do not destroy vegetation, except research or inventory work directed by a biologist. Handle wildlife only when necessary for research or inventory, as part of monitoring training, or as provided by a biologist.
- Obtain necessary permits for monitoring, inventory or research.
- Pack out and dispose trash and food items.
- Do not enter mines or confined spaces, and report their presence and location to BLM. Comply with posted speed limits. Drive as road conditions allow, limit 20 mph. Provide training for identifying listed species.
- Record UTM coordinates and information for the California Natural Diversity Database if listed species are encountered. Also notify the Biologist upon finding injured or skeletal remains of species.

An authorized BLM biologist or natural resource specialist shall:

- Before any activity, walk transects spaced at 30-foot intervals on flat, open terrain, 15-foot intervals in dense vegetation or rocky hillsides, to check for the presence of listed species.
- The Biologist shall assign a disposition and report findings of injured or dead animals to the US Fish and Wildlife Service and/or to the California Department of Fish and Game.
- Designate a field contact responsible for: (a) compliance with protective stipulations for species; (b) providing each participant the stipulations for species.

Special BMPs for protecting Desert Tortoise are also in effect:

- At no time shall anyone drive cross-county outside of OHV Open Areas.
- Park vehicles on previously disturbed lands.
- The Biologist shall provide a map with known habitat for species to avoid. Flagging and tape shall demarcate sites off-limits.
- Only an authorized BLM biologist, natural resource specialist, or research scientist shall move a tortoise.
- Stop activity if a tortoise enters work area. The tortoise is to be left alone, activity may continue after it moves on.

- Check for tortoises under vehicles and equipment before moving them. If one is present, wait until it moves out of harm's way.
- Store trash and food in secure containers to prevent feeding Ravens (*Corvus corax*), Coyotes (*Canis latrans*), or feral dogs.
- Pets shall not be present at DT monitoring sites.
- The Biologist shall maintain records of species monitored. Records shall contain: (a) locations in UTM's NAO 83 and dates of observations; (b) general condition or health of animal; (c) data required for inclusion in the California.



**Exhibit C**

**Cultural Finding of Determination**

**United States Department of the Interior**  
**BUREAU OF LAND MANAGEMENT**  
**Barstow Field Office**  
**2601 Barstow Road**  
**Barstow, CA 92311**

**In Reply Refer To:**  
8100 (P)  
LLCAD008000  
DOI-BLM-CA-D080-2019-0013-CX  
EXM

**Memorandum**

**To:** Katrina Symons, Field Manager Barstow Field Office  
**From:** Jim Shearer Archaeologist, Barstow Field Office

**Subject:** OHV Recreation Area Maintenance, FY 2019-2024

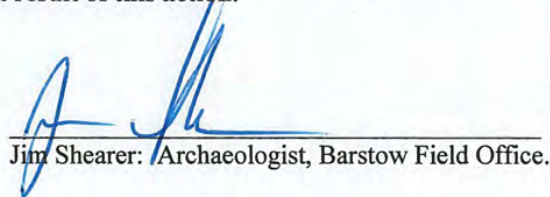
**Project:** The proposed action includes on-going resource management actions contained in the management plans for each of the OHV recreation areas.

**Location:** See attached map.

This action is exempt under B8 of the Protocol

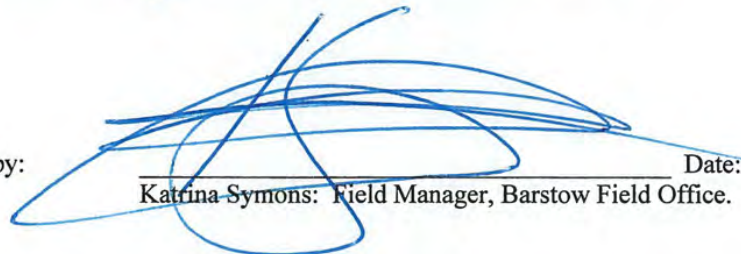
**Pursuant to the State Protocol Agreement Between The California State Director of The Bureau Of Land Management And The California State Historic Preservation Officer (2014) (hereinafter referred to as the Protocol) , and consistent with 36 CFR Part 800, the Bureau of Land Management has reviewed this undertaking and has determined that there will be no effect to historic properties as a result of this action.**

Recommended by:

  
Jim Shearer: Archaeologist, Barstow Field Office.

Date: February 21, 2019

Approved by:

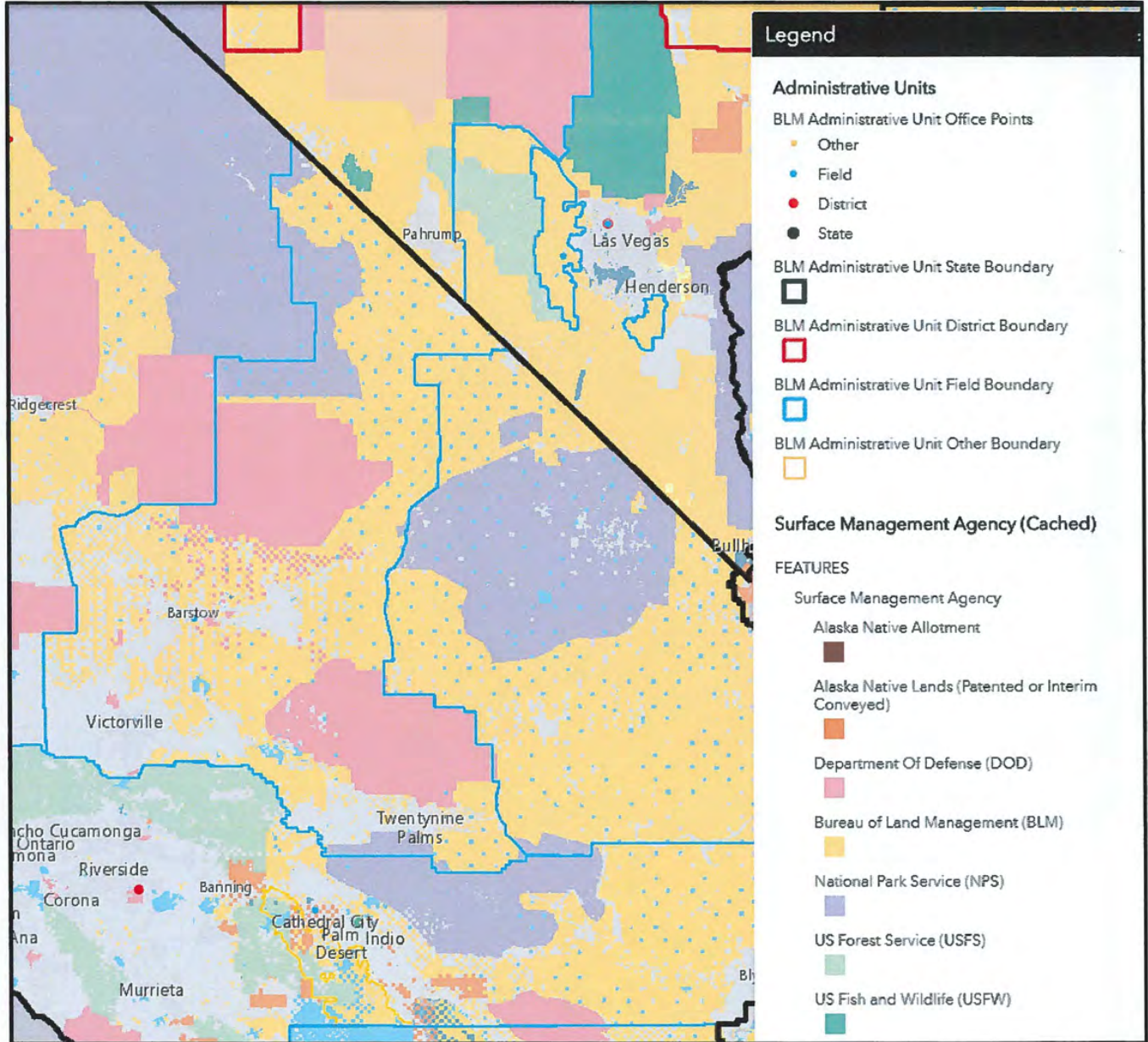
  
Katrina Symons: Field Manager, Barstow Field Office.

Date:

2/21/19

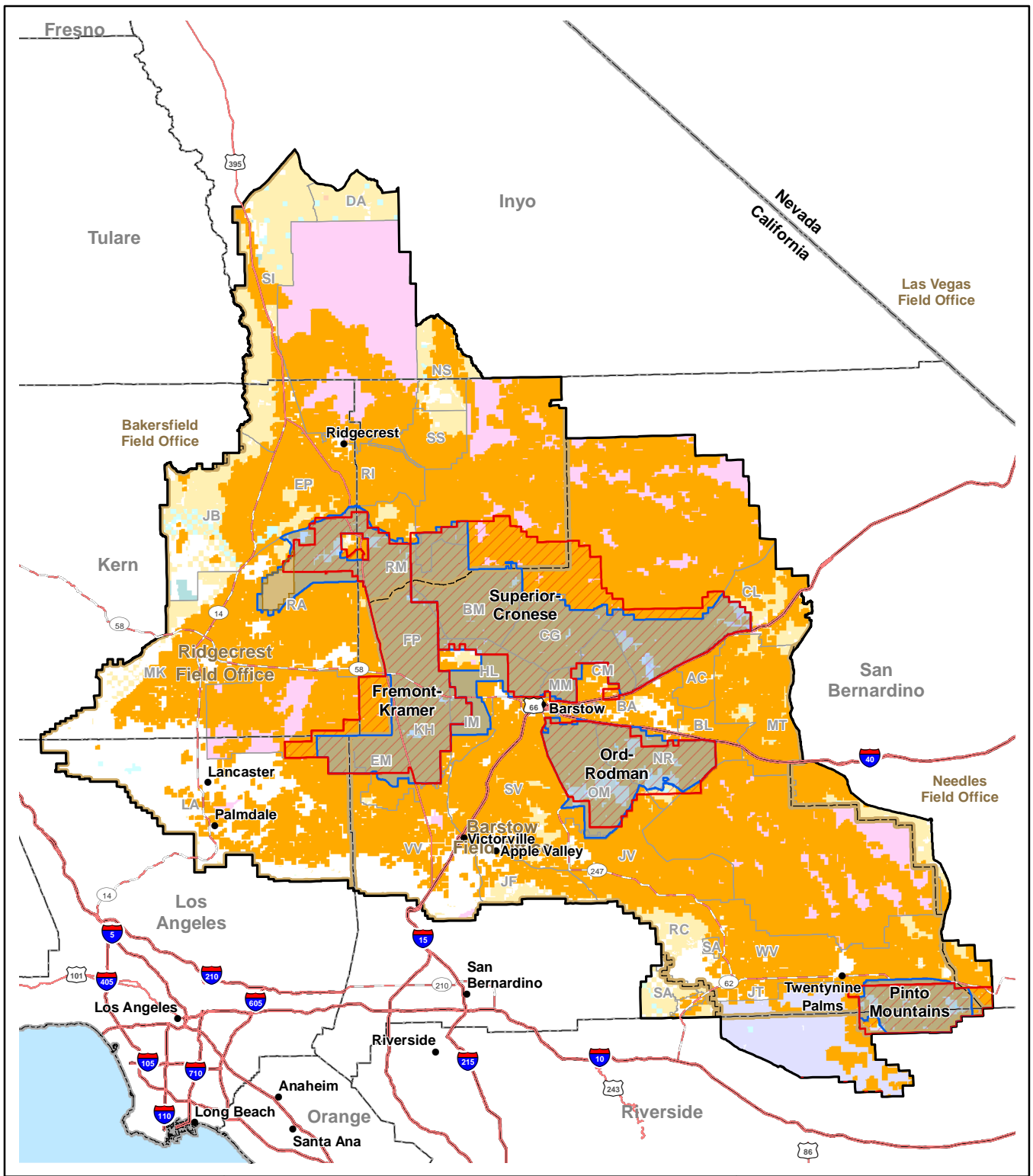
**Exhibit D**

**Project Area - Barstow Field Office**

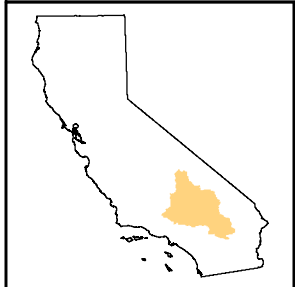




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11/7/2018



|  |                                                                               |                       |                           |
|--|-------------------------------------------------------------------------------|-----------------------|---------------------------|
|  | Desert Tortoise Critical Habitat                                              |                       | BLM Field Office Boundary |
|  | Desert Wildlife Management Area                                               |                       | WEMO Subregion            |
|  | Desert Tortoise Predicted Occupied Habitat (DRECP Species Distribution Model) | <b>Land Ownership</b> |                           |
|  | 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