

I. INTRODUCTION

On March 11, 2016, the Bureau of Land Management (BLM) published a “Notice of Areas of Critical Environmental Concern in the Desert Renewable Energy Conservation Plan Proposed Land Use Plan Amendment, California” (“ACEC Notice”) in the Federal Register (81 FR 12938). This notice announced a 60-day public comment period on the 134 Areas of Critical Environmental Concern (ACECs) proposed in the Desert Renewable Energy Conservation Plan (DRECP) Proposed Land Use Plan Amendment (LUPA) and Final Environmental Impact Statement (EIS), in accordance with the requirements of 43 Code of Federal Regulations (CFR) 1610.7-2(b).

The BLM received 36 comment letters during the 60-day comment period, including:

- 2 local governments
- 1 tribal entity
- 21 non-governmental organizations, businesses, or other organizations
- 11 individuals
- 1 petition letter with 91,226 signatures

I.1 Comments Outside the Scope of the ACEC Notice

As stated in the ACEC Notice, the scope of the 60-day comment period was limited to the 134 ACEC designations.

I.1.1 Comments Outside the Scope of the ACEC Notice but Within the Scope of the DRECP LUPA (Theme 1)

Summary of Comments: The BLM received a number of comments concerning the DRECP, but outside the scope of the ACEC notice and comment period. These comments raised a variety of issues other than ACEC designations, including but not limited to mineral withdrawals of National Conservation Lands, renewable energy project permitting, and application of Conservation and Management Actions in Development Focus Areas.

Response: The Notice of Areas of Critical Environmental Concern in the Desert Renewable Energy Conservation Plan Proposed Land Use Plan Amendment, California (81 FR 12938), published March 11, 2016, specified that the scope of this public comment period was “limited to these 134 ACEC designations.” It further stated, “Comments on other Themes are outside the scope of this public comment process.”

Comments concerning issues other than ACEC designations are outside the scope of this comment process. The BLM has considered these comments in developing the Record of Decision, but an individual response is not provided.

I.1.2 Comments Outside Scope of DRECP (Theme 2)

Summary of Comments: These comments raised issues related to individual projects that are outside the scope of the DRECP, including a petition signed by 91,226 individuals regarding the Eagle Crest Pumped Storage Project.

Response: Comments outside the scope of the DRECP will not receive a response. As appropriate, they have been forwarded to the applicable BLM project manager.

I.1.3 Incorporation of Previous Comments (Theme 3)

Summary of Comments: These comments repeated issues that had been raised and responded to during scoping, the Draft EIS public comment period, and/or the Final EIS protest period, without adding any additional information or analysis.

Response: See the BLM's response in the Scoping Reports, Appendix AA of the Proposed LUPA and Final EIS, or the Director's Protest Report. Any new, relevant information or analysis is addressed in Section II below.

II. ACEC COMMENT REPONSES

The BLM has grouped ACEC comments by topic. See Attachment 1 for an index of comments cross-referenced by topic. See Attachment 2 for a copy of all comment letters and how the comment letters were parsed into individual comments.

II.1 General ACEC and Process

II.1.1 Public Notice (Theme 4)

Summary of Comments: The following comments were received about the adequacy of public notice of ACECs through the DRECP process:

- 43 CFR 1610.7-2 requires that ACECs be noticed individually in the Federal Register, rather than combined into a single notice.
- The ACEC Notice did not properly notice visual resource management for ACECs.
- The public was not given proper notice of the proposed ACEC decisions, including management plans, because they were in an appendix rather than in the main body of the Final EIS.
- The maps provided in Appendix L were insufficient for the public to determine their location, and should have used topographic features and routes. The BLM did not make the individual ACEC GIS files available when requested, in violation of the Open Data Policy.
- The BLM should have placed the maps for the Preferred Alternative in a separate file and provided a link in the Federal Register notice, rather than referencing all maps in the Final EIS/Proposed LUPA.

Response: 43 CFR 1610.7-2(b) requires the State Director to publish a notice in the Federal Register listing each ACEC proposed and specifying the resource use limitations, if any, that would occur if it were formally designated. The notice shall provide a 60-day period for public comment on the proposed ACEC designation. The BLM fulfilled this requirement by publishing a Federal Register notice on March 11, 2016 (Federal Register Volume 81, Number 48), and allowing a 60-day public comment period on proposed ACECs and proposed management prescriptions. 43 CFR 1610.7-2 does not require multiple, individual notices when the BLM is proposing multiple ACECs through a planning effort, multiple ACECs may be noticed in the same notice so long as the required information is included in that notice.

With regard to visual resources, for most ACECs, Visual Resource Management (VRM) Classes are discussed in Section II.3.4.2.1.12 of the DRECP Proposed LUPA and Final EIS. This management is LUPA-wide, and thus does not constitute an ACEC-specific resource

use limitation. The exception is CMA ACEC-VRM-1, in Section II.3.4.2.4.5, which states, “Manage Alabama Hills SRMA and Manzanar ACEC to conform to VRM Class II standards.” These decisions further clarify, but are contained in, the LUPA-wide decisions in LUPA-VRM-1 and Figure II.3-7. The March 11, 2016 Federal Register notice clearly stated that management for ACECs is contained in Sections II.3.4.2.2 and II.3.4.2.4 of the Proposed LUPA and Final EIS, and provided adequate notice for the public to examine the proposed management of these areas.

With regard to the level of information provided to the public, the BLM met the requirements of BLM Manual 1613 – Areas of Critical Environmental Concern, which states that for each proposed ACEC, the plan or plan amendment shall contain: (A) the name, location, and size of the ACEC; (B) a description of the value, resource, system, or hazard; (C) provision for special management attention; and (E) the rationale for designating or not designating the ACECs (Manual 1613.3.33). This information was included for each ACEC in Appendix L of the Proposed LUPA and Final EIS. Appendix L was referred throughout the body of the Proposed LUPA and Final EIS, and was explicitly referenced in the March 11, 2016, Federal Register notice. The BLM chose to reference the Proposed LUPA and Final EIS, and the maps contained in those files, rather than creating new materials so that the public would have the full context of the information available.

The maps provided in the body of the Proposed LUPA and Final EIS, and in Appendix L were sufficient for public comment on the Proposed ACEC designations and management, and provided adequate context through the introduction and individual maps to locate ACECs. While the DRECP did not provide specific route information, the BLM used disturbed land mapping and intactness analysis models to evaluate the degree of disturbance and habitat intactness of the ACECs, and plan wide. The disturbed land mapping and intactness analysis are described in Appendix D.3 in the Draft EIS and referenced in the Final EIS, including how this information was used in the development of the biological reserve design/biological conservation framework from which the ACECs were derived. The complete datasets for the intactness model were available on the DRECP Gateway (aka Databasin) (“Current Terrestrial Landscape Intactness (1km), DRECP, posted August 13, 2013, <https://drecp.databasin.org/datasets/958719f2359e40b99ca683d1a473ba8d>). This model took ground disturbance due to routes into account, and provides sufficient information for the public to understand how the ACECs are currently impacted by ground disturbance, including authorized and unauthorized routes.

The Open Data Policy establishes a foundation for effective information management to promote openness and interoperability for all Federal data (see Office of Management and Budget Memorandum M-13-13 “Open Data Policy-Managing Information as an Asset,” May 9, 2013, <https://www.whitehouse.gov/sites/default/files/omb/memoranda/2013/m-13-13.pdf>, and Department of Interior Memorandum, “Implementation of the Department of the Interior’s Open Data Policy,” September 16, 2013, <https://project-open-data.cio.gov/>

[assets/docs/MEMO RE IMPLEMENTATION OF DOI OPEN DATA POLICY.pdf](#)). The Open Data Policy requires that agencies (1) collect or create information in a way that supports downstream information processing and dissemination activities; (2) build information systems to support interoperability and information accessibility; (3) strengthen data management and release practices; (4) strengthen measures to ensure that privacy and confidentiality are fully protected and that data are properly secured; and (5) incorporate new interoperability and openness requirements into core agency processes.

Consistent with that policy and the BLM's commitment to transparency, the BLM made GIS files available on the drecp.org website, and provided a mapping tool for those without GIS software through the DRECP Gateway at drecp.databasin.org. The DRECP Gateway also made much of the base data used in the decision-making process available to the public in a geospatial format. The maps provided in the Proposed LUPA and Final EIS were sufficient for public comment, and were further enhanced by the information made available on the BLM website and through the DRECP Gateway.

The BLM provided adequate notice and information for the public to comment on the proposed ACECs in the DRECP Proposed LUPA and Final EIS.

II.1.2 Programmatic NEPA Analysis and Level of Detail (Theme 5)

Summary of Comments: The following comments were received about the level of detail in the Proposed LUPA and Final EIS and the appropriateness of ACECs in a programmatic document:

- BLM has exceeded the guidance for a programmatic document by making decisions to approve or deny specific projects based on management prescriptions and disturbance caps in the DRECP. It would be more appropriate to designate energy and conservation zones with broad guidelines and conduct tiered, site-specific decisions on individual projects and ACECs.
- There is concern that designation of ACECs will preclude future management options and pre-determine the result of future management, exceeding the scope of a programmatic document.
- BLM should include a detailed analysis of current management and condition, including state of plan implementation, enforcement issues, and adequacy of current management.
- The DRECP does not adequately analyze specific issues within individual ACECs or account for regional variation.
- Information provided on why areas were proposed for ACEC designation was vague and not specific, and did not meet the requirements of the ACEC process. Available

data does not justify ACEC designation or restriction on recreation or renewable energy development.

- The Special Unit Management Plans for ACECs in Appendix L are vague and boilerplate, with insufficient detail and maps.
- ACECs should be assessed one at a time, considering 134 at one time does not allow for sufficient public involvement.

Response: A programmatic NEPA review is appropriate when a Federal agency is adopting a formal plan, such as a land use plan (see CEQ Memorandum for Heads of Federal Departments and Agencies, “Effective Use of Programmatic NEPA Reviews,” December 18, 2014). A programmatic EIS “must provide sufficient detail to foster informed decision-making that reflects broad environmental consequences from a wide-ranging federal program. Site- or project-specific impacts need not be fully evaluated at the programmatic level when the decision to act on a site development or its equivalent is yet to be made. Alternatives need not consider every specific aspect of a proposal but rather should be detailed enough to make a reasoned choice between programmatic directions. For example a programmatic analysis of a plan would not require consideration of detailed alternatives with respect to every implementation action proposed under the plan – otherwise a programmatic analysis would be practically impossible to prepare, requiring a compilation of a vast series of site specific analyses” (CEQ Memorandum for Heads of Federal Departments and Agencies, “Effective Use of Programmatic NEPA Reviews,” December 18, 2014, pp. 31–32).

ACECs must be designated through the land use planning process, and the land use plan must identify special management to protect the area and prevent irreparable damage to resources or natural systems (43 CFR 1601.0-5(a)). The ground disturbance caps and other conservation and management actions (CMAs) represent the special management necessary to protect the resources for which the ACECs were designated. It is true that the ACEC designations and the CMAs associated with the ACECs will guide future management, and include resource use limitations. That is the nature of a land use plan. The BLM Land Use Planning Handbook (H-1601-1), Appendix C, includes a description of the types of decisions that should be made during the land use planning process. The CMAs included for ACECs, both in Chapter II.3 of the Proposed LUPA and Final EIS and in Appendix L are consistent with this policy.

The level of detail in the analysis, both for affected environment and existing management, and for environmental effects, is appropriate for the programmatic nature of the Proposed LUPA and Final EIS. While the DRECP Proposed LUPA identifies CMAs that apply to all ACECs in Sections II.3.4.2.2 and II.3.4.2.4, it also identifies ACEC-specific management in Appendix L. The ground disturbance cap ranges from 0.1% to 1%, based on resource-

specific concerns identified in Appendix L, and further explained in the ground disturbance comment response section (Theme 12). Although some CMAs are included in multiple ACEC Management Plans in Appendix L where the resources required similar management, the management varies where appropriate. The information provided in Appendix L meets the requirements of BLM Manual 1613, as explained in Section II.1.1 above.

BLM regulations and policy allow for the BLM to designate multiple ACECs through a single planning effort. The public was given opportunities to participate in the development of the proposed ACECs through scoping and upon publication of the “Description and Comparative Evaluation of Draft DRECP Alternatives” in December, 2012, which displayed lands proposed for ACEC. The individual proposed ACECs were first published in the Draft DRECP and EIR/EIS on September 26, 2014, with a corresponding 152 day comment period. They were also subject to a 30 day protest period upon publication of the Proposed LUPA and Final EIS on November 13, 2015, and a 60-day comment period beginning March 11, 2016. The BLM has provided for adequate public involvement for the proposed ACECs.

II.1.3 Adequacy of Public Involvement, Coordination, and Consultation (Theme 6)

Summary of Comments: The BLM received several comments on the adequacy of public involvement, coordination, and consultation.

- Request for additional coordination with San Bernardino County;
- Public involvement was inadequate throughout the DRECP process;
- The BLM used a different address for the Draft EIS comments, and it is not clear who is in charge and what address they should be using;
- ACECs in the Draft EIS were identified only as “work sheets” and did not have proper public involvement, including a management plan, as required under 1610.2;
- The BLM should provide a simple alternative mechanism for incorporating local plans into the LUPA without requiring a plan amendment.

Response: The public involvement, coordination, and consultation is detailed in Volume V of the Proposed LUPA and Final EIS, and has been updated in the Record of Decision. The BLM has complied with the requirements of FLPMA and NEPA. It is true that different comment periods had different addresses; this is because of the inter-agency and multijurisdictional nature of the DRECP. All public comments were forwarded to the program manager, and included as appropriate, regardless of which address the comment was sent.

While the BLM's land use planning regulations require the BLM to coordinate its planning efforts with other federal agencies, state and local governments, and federally recognized Indian tribes (43 CFR 1610.3-1(a)), the BLM does not have a mechanism for changing plan components such as ACEC boundaries and CMAs outside of the land use plan amendment process. The BLM will consider other relevant federal agency, state and local government, and federally recognized Indian tribe plans during periodic plan evaluations when deciding whether a plan amendment is needed.

The regulation, 43 CFR 1610.2, includes the public participation for resource management plans and amendments; it does not specifically address ACECs. The BLM has complied with the requirements in 43 CFR 1610.2. Requirements for ACEC designations are included in 43 CFR 1610.7-2(b), which requires the BLM to provide notice of proposed ACECs and their resource use limitations for a 60-day comment period. The BLM has also complied with this regulation, see Section II.1.1 above for additional details. There is no requirement that the BLM include management plans in land use plans or land use plan decisions, however the Special Unit Management Plans in Appendix L of the Proposed LUPA and Final EIS and Appendices B and C of the Approved LUPA provide additional guidance and special management for ACECs, reducing the need for additional activity-level plans. Appendix L was referenced throughout the Draft DRECP and EIR/EIS and the Proposed LUPA and Final EIS, and specifically noted in the ACEC Notice. Therefore, the public had adequate notice that this appendix constituted part of the BLM's decision. The Draft DRECP EIR/EIS Table of Contents and coversheet to Appendix L referred to the Special Unit Management Plans as worksheets; this isolated naming error was corrected in the Proposed LUPA and Final EIS.

II.1.4 ACEC Network and Acreage (Theme 7)

Summary of Comments: The following comments were received regarding the size and network of ACECs:

- The ACEC network should be expanded to include:
 - A buffer around all ACECs.
 - All wildlife connectivity corridors and critical habitat.
 - Ecologically Core lands (as identified by the Nature Conservancy).
- The proposed ACEC network is inappropriately large:
 - It is expensive and unnecessary to add areas into the ACEC network for mitigation.
 - The acreage of ACECs compared to the potential renewable energy development is excessive.
 - It is appropriate to expand the ACECs within the planning area and restrict renewable energy development within ACECs.

- The expansion of the ACECs will result in the closure of a majority of the routes.
- The BLM should explain what efforts were made to consider compatibility of uses adjacent to ACECs with cultural values, and how adjacent uses could negatively affect the values within the ACEC.

Response: To be considered as a potential ACEC and analyzed in land use plan alternatives, an area must meet the criteria of relevance and importance, as established and defined in 43 CFR 1610.7-2, and must require special management attention to protect the important and relevant values (BLM Manual 1613 – Areas of Critical Environmental Concern). The BLM should consider surrounding or adjacent public lands and consider likely management requirements when determining the boundary for ACECs.

The BLM evaluated whether the ACEC boundaries in the Proposed LUPA would be adequate to protect the identified relevant and important criteria. Buffers are not proposed because individual ACECs were designed to provide a sufficient configuration and management for the values for which the ACEC was proposed. The BLM will consider the impact of activities in adjacent areas and allocations through site-specific NEPA analysis, and as part of plan conformance.

In designating new or expanding existing ACECs, the BLM considered areas that were important for protection of historic, cultural, and scenic values; fish, wildlife and botanical resources; natural systems and processes; and, in one instance, to protect human life and safety. In response to the specific commenter, BLM consider areas identified as important wildlife linkages and corridors, and designated desert tortoise critical habitat. Specific areas that may provide important connectivity for wildlife were proposed for designation as ACECs and the Special Unit Management Plans identified the need to protect wildlife movement and connectivity corridors. In some instances wildlife corridors were not identified as an ACEC due to existing designation (e.g., Wilderness) or other proposed land use allocation (e.g., National Conservation Lands, East Riverside DFA). For the East Riverside DFA, the importance of maintaining wildlife connectivity was identified and required as part of the Conservation and Management Actions, LUPA-BIO-13 in the Proposed LUPA and Final EIS. Other areas that provide important connectivity were not identified as an ACEC due to the lack of BLM-managed lands.

The BLM considered the Ecologically Core Areas identified in The Nature Conservancy 2010 Mojave Desert Ecoregional Assessment throughout the DRECP process, in concert with other, more recent data, some as recent as 2015, to determine the proposed configuration of ACECs. See Appendix D in the Draft DRECP and EIR/EIS and the Proposed LUPA and Final EIS.

The DRECP is both a renewable energy plan and a conservation strategy. Lands proposed for conservation in the Proposed LUPA and Final EIS are based on an ecological and biological reserve design/conservation strategy for the Mojave and Colorado/Sonoran deserts of southern California (see Appendix D in the Draft DRECP and EIR/EIS and Proposed LUPA and Final EIS). ACECs are not based on the “offsetting” of potential impacts from renewable energy development. BLM Manual 1613 – Areas of Critical Environmental Concern directs the BLM to designate ACECs where the BLM has determined that the area has relevant and important values, and those values require special management attention. Each ACEC has been analyzed for the presence of relevant and important values, and special management has been developed. (See Appendix L of the Proposed LUPA and Final EIS).

The BLM considered multiple stressors on natural resource values in determining whether special management attention was warranted for the relevant and important criteria. The designation of ACECs is for the conservation of important areas and resources, not for the purpose of mitigation, although mitigation can occur in the ACECs. With regard to ACECs designated for biological values, analysis of a number of wildlife and plant species indicated that existing protected lands (either ACEC or Wilderness) were not sufficient to meet the long term management goals for those species. Because of the values and the need to provide special management to meet long-term goals for species, the conservation landscape areas (ACECs) were expanded to ensure these wildlife and plant populations will continue to exist in perpetuity. Maintaining and managing for wildlife is one of the 6 purposes of BLM administered lands and is part of the multiple use mission of the BLM. There are also ACECs designated for cultural values and human health and safety, again, those designations were primarily driven by the presence of cultural and historic resources or human health hazards. Regardless of the purposes which an ACEC was identified, the boundaries were based on the conservation of the ACEC values. As such activities that occur outside of the ACEC are unlikely to impact the ACEC values; however, analysis of actions outside an ACEC will include potential impacts to the ACEC as appropriate.

See Section II.2.3 (Theme 14) for discussion of routes in ACECs.

II.1.5 Timing of ACEC Designation and Need for Additional Environmental Review (Theme 8)

Summary of Comments: Several comments urged the BLM to postpone designation of the ACECs, stating:

- Designation of ACECs should only take place as mitigation for specific projects, and should remain open under current management until needed to meet a specific mitigation requirement.

- The BLM should postpone the official designations of all ACECs and give the ACECs proposed in the Proposed LUPA/Final EIS pre-designation status as “place-holders” for management that is consistent with the conservation goals for which they were earmarked, allowing for additional analysis through a Supplemental EIS, additional public involvement, opportunity to revisit management decisions and the disturbance cap, and the finalization of the WEMO decision.

Response: Deferring designation of ACECs until needed as mitigation for a specific project is inconsistent with BLM policy and would not meet the purpose and need of the DRECP Proposed LUPA and Final EIS. ACECs are identified based on the presence of relevance and importance criteria, and the need special management attention. (BLM Manual 1613 – Areas of Critical Environmental Concern, Sections .1.11-.12). The Presidential Memorandum entitled “Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment” reiterates the importance of this evaluation taking place at the landscape scale, stating, “Large-scale plans and analysis should inform the identification of areas where development may be most appropriate, where high natural resource values result in the best locations for protection and restoration, or where natural resource values are irreplaceable” (2015). ACEC criteria does not include consideration of whether an individual ACEC serves as mitigation for a specific project, rather, this is a landscape scale evaluation of which areas should be managed for the protection of relevant and important values.

Additionally, identifying ACECs as part of project-specific mitigation, rather than through the DRECP LUPA, is inconsistent with the purpose and need for the DRECP. The interagency goal of the DRECP is “to provide a streamlined process for the development of utility-scale renewable energy generation and transmission consistent with federal and state renewable energy targets and policies, while simultaneously providing for the long-term conservation and management of special-status species and vegetation types as well as other physical, cultural, scenic, and social resources within the DRECP Plan Area with durable and reliable regulatory assurances” (Proposed LUPA and Final EIS, Section I.1.1). The BLM-specific objectives include: “Conserve biological, physical, cultural, social, and scenic resources,” “Promote renewable energy and transmission development, consistent with federal renewable energy and transmission goals and policies, in consideration of state renewable energy targets,” and “ ‘Preserve the unique and irreplaceable resources, including archaeological values, and conserve the use of economic resources’ of the CDCA (FLPMA 601[a][6]; 43 United States Code [U.S.C.] 1701 et seq.)”

The BLM developed the ACEC network based on these objectives, they were not limited to mitigation for renewable energy projects, and the BLM could not meet the purpose and need without the ACEC designations. The conservation strategy needs to be designated in total, not in a piecemeal basis. The actives occurring on these lands will be allowed to continue.

Additionally, postponing designation of the ACECs until they could serve as mitigation for a specific project would not meet the objective to provide a streamlined process for renewable energy development, as it would require that renewable energy NEPA documents include plan amendments to designate ACECs, and would likely require additional mitigation requirements because the project baseline would not include the conservation currently proposed as ACECs.

It is not necessary to postpone the ACEC designations until further analysis can be conducted. The BLM met the requirements of NEPA and FLPMA and associated regulations, to designate the ACECs. Moreover, the DRECP analysis supports adoption of the CMAs analyzed in the DRECP, making interim management, which has not been subject to any public review, NEPA analysis, or consultation under the National Historic Preservation Act or the Endangered Species Act, duplicative and unnecessary. Comments on the ground disturbance cap are addressed in Theme 12, Response to Ground Disturbance Cap, and comments on the relationship between the DRECP and WEMO area addressed in Theme 10.

II.1.6 ACEC Management Plans (Theme 9)

Summary of Comments: Comments on the Special Unit Management Plans stated that the Unit Management Plans are incomplete, they are outlines that require considerable fleshing out, and they should be written out with full and complete sentences to minimize the risk of conflicts over interpretation in the future.

Response: The ACEC Special Unit Management Plans are consistent with and follow BLM policy for level of detail and information presented. While there is no requirement to add additional detail to the Special Unit Management Plans, we have reviewed and edited them in an effort to clarify the Objectives, Allowable Uses, and Management Actions where applicable. Many of the existing ACECs have specific management plans that were summarized, or augmented, as part of the current plan amendment process within the Special Unit Management Plans. For the new ACEC's, or those without existing plans, the Special Unit Management Plans provide an outline for management direction until, as time and funding allow, BLM determines it is necessary or advantageous to prepare more-detailed ACEC plans.

II.1.7 Coordination with the Western Mojave Route Network Project (Theme 10)

Summary of Comments: The BLM received multiple comments on the DRECP's relationship to the Western Mojave Route Network Project (WMRNP; sometimes referred to by the public as simply "WEMO"):

- The WEMO route network should be completed and incorporated into DRECP before the ACECs are finalized;

- ACECs should not be designated without a route network;
- The BLM did not adequately notify the public that the decisions made in DRECP may result in route closures through WEMO;
- ACECs were based on the 2006 WEMO plan, and BLM staff implied that it would maintain the 2006 route network;
- The BLM should have made the designated route network within WEMO available for public review for the proposed ACECs;
- The BLM should use baselines developed through DRECP in the WEMO planning process to consider both designated and undesignated routes of travel;
- The ACEC Notice should have reference the 2015 Supplemental EIS for the WMRNP as the most up to date information on routes in the West Mojave;
- The BLM should have considered vulnerabilities from routes within the West Mojave when designing ACECs, and should have made those routes available to public during the public comment periods.
- The 2015 Supplemental EIS for the WMRNP constitutes “significant new information” requiring the BLM to supplement the DRECP.
- Applying the DRECP through WEMO will result in route closures – for example, in the area south of Stoddard OHV area, WEMO proposes closing all but one route in an area that currently has hundreds of miles of regularly used OHV roads and trails because the BLM is expanding ACECs into this area;
- The BLM has completed the WEMO SEIS and is being held until after the DRECP is complete.

Response: Commenters referred to both “WEMO” and the “West Mojave Route Network Project” (WMRNP) interchangeably. The West Mojave Plan/Amendment to the California Desert Conservation Area (WEMO Plan) was signed in March 2006. In September, 2009, the District Court issued a summary judgment remanding the route designations made in the WEMO Plan but keeping other parts of the plan, primarily related to the conservation of species, in place. To satisfy the remedy order issued in January, 2011, the BLM has undertaken the WMRNP, and in February 2015 issued a Draft Supplemental EIS for the WMRNP. The Draft Supplemental EIS included an updated route network inventory (which included both authorized and unauthorized routes) and a range of alternatives for the proposed route network. Until the travel management plan proposed in the 2015 WMRNP Supplemental Draft EIS is approved, the 2006 WEMO Plan, as modified by court order, represents the existing travel management plan for BLM-managed lands in the West Mojave.

Although WMRNP includes some land use plan decisions, the route designation decisions are implementation decisions. These site-specific decisions should be guided by the applicable land use plan (BLM Land Use Planning Handbook, H-1601-1, page 11). The ACECs identified through the DRECP process were designated because they contain relevant and important values, and require special management attention. It is necessary to identify areas needing this special management attention prior to approving site-specific activities, like route designations, to ensure that the route network is consistent with the goals and objectives established by the land use plan.

The DRECP LUPA does not close any specific route. However, future implementation actions, such as designation of a route network, must be in conformance with the land use plan. Travel management planning requires evaluation of individual routes to determine whether they are in conformance with the applicable land use plan. That detailed evaluation is outside the scope of the DRECP LUPA. BLM disclosed the possible impacts on motorized recreation within ACECs, stating: "This restriction, along with disturbance caps, would impact the larger commercial and competitive opportunity for recreation within the NLCS lands. These acres would intersect with BLM routes of travel and conservation land designations could affect routes of travel. The actual level of change to routes of travel is unknown at this time. The DRECP does not make any transportation decisions but would affect future transportation planning" (Proposed LUPA and Final EIS, page IV-18-30). Although not specifically mentioned in the ACEC Notice, the WMRNP was discussed in Section I.3.1.5 of the Proposed LUPA and Final EIS.

Any route closures in the WMRNP Draft Supplemental EIS are proposed and are still subject to additional analysis. As part of the analysis it may be determined in the Record of Decision for WMRNP to close a current designated open route to mitigate for additional ground disturbance, and may prevent other, currently unauthorized routes from becoming authorized. However, it is pre-decisional to speculate on what the final decision on the route network. The BLM will consider the relevant and important values for which the ACEC was designated, plan wide CMAs (including the ground disturbance caps), and ACEC-specific CMAs while designing the appropriate route network within ACECs, including whether existing disturbance was previously authorized. This analysis will be available for public comment through the NEPA process. The WMRNP has not been completed, nor is the BLM preventing its release prior to the DRECP. The BLM continues to work on the WMRNP and will provide additional opportunities for public involvement as appropriate.

Regarding availability of maps of the route network, see Section II.1.1 above. While the DRECP did not provide specific route information, the BLM used disturbed land mapping and intactness analysis models to evaluate the degree of disturbance and habitat intactness of the ACECs, and plan wide. The disturbed land mapping and intactness analysis are described in Appendix D.3 in the Draft EIS and referenced in the Final, including how this

information was used in the development of the biological reserve design/biological conservation framework from which the ACECs were derived. The complete datasets for the intactness model were available on the Databasin (“Current Terrestrial Landscape Intactness (1km), DRECP, posted August 13, 2013, <https://drecp.databasin.org/datasets/958719f2359e40b99ca683d1a473.ba8d>). This model took ground disturbance due to routes into account, and provides sufficient information for the public to understand how the ACECs are currently impacted by ground disturbance, including authorized and unauthorized routes.

The BLM considered habitat intactness, along with other information about habitat quality, when designing the ACEC network. This information is consistent with the route inventory (both designated and undesignated routes) presented in the 2015 WMRNP Supplemental EIS. Therefore, the 2015 WMRNP Supplemental EIS does not constitute “significant new information” requiring a supplemental EIS for the DRECP LUPA.

II.1.8 Implementation (Theme 11)

Summary of Comments: The following comments were received on ACEC implementation:

- There has been no discussion of the budgetary costs for ACEC implementation or future planning costs;
- For ACECs created for cultural values, sufficient funding must be provided to support tribal cultural uses and provide for appropriate management by the BLM, including sufficient patrols to ensure resource protection and control OHVs;
- The BLM should consider its ability to enforce the CMAs when approving projects in and adjacent to ACECs;
- Management of ACECs has historically been a ministerial function, carried out internally with little public involvement, meaning that the public will not have meaningful input once the ROD is signed.

Response: The BLM budget, including funding for implementation of land use plans and future planning costs, is subject to Congressional Appropriations and BLM’s annual budget process, and is outside the scope of a land use planning decision. The Proposed LUPA and Final EIS presumes implementation and enforcement of the plan components, including the CMAs. Site-specific NEPA analysis for activities within ACECs and that have the potential to impact ACECs should include analysis of the efficacy of proposed mitigation measures (see CEQ Mitigation Guidance, January 14, 2011). BLM actions within ACEC must follow the NEPA process, including the appropriate level of public involvement.

II.2 Management of ACECs

II.2.1 Ground Disturbance Caps (Theme 12)

Summary of Comments: The BLM received comments regarding the ground disturbance caps:

- General
 - ACEC disturbance caps should be retained and strengthened, especially in ACECs that do not also have the benefit of increased durability through inclusion in the National Conservation Lands;
- Notice
 - The public was not given adequate notice to address the disturbance caps, as they were changed between the Draft EIR/EIS and Final EIS. It was not clear in the Draft that the disturbance caps would apply to past and present disturbance;
- Disturbance caps exceed the scope of a programmatic document;
- Justification/Arbitrary?
 - The DRECP Proposed LUPA and Final EIS does not provide clear explanation for how each cap was assigned to an ACEC, or why ACECs may contain a range of caps. It is not clear why the cap is different than the WEMO cap of 2%. Caps appear to be arbitrary, particularly because they are rounded;
 - The BLM should revisit whether it is appropriate to put a blanket 1% cap on the ACECs;
 - The disturbance caps are not adaptive and unduly restrictive, potentially requiring severe and draconian measures to reach the target;
 - There should be an explanation of how disturbance caps will protect and mitigate tribal cultural resources;
- Inappropriate management
 - Where ACECs are proposed to protect assets associated with recreation, the disturbance cap would work at cross purposes with the reasons for creating the ACEC if it results in closing routes;
- Implementation/clarification
 - The methodology for calculating the disturbance caps does not provide enough detail to ensure objective and consistent calculation, and does not sufficiently describe how to identify and account for a disturbance in a given calculation;
 - Clarification is needed on the definition of “disturbance”;

- Clarification is needed on why the BLM is using 1:10,000 foot aerial imagery;
- Clarification is needed on how ministerial actions trigger disturbance cap calculations and other actions;
- Clarification is needed on what specific habitat restoration or enhancement activities would be excepted from the mitigation requirements. There should be a definition of restoration and enhancement activities. It is not clear how range improvements that also benefit wildlife will be treated;
- Clarification is needed on how private inholdings will be included in the disturbance cap calculations;
- Clarification is needed on how the BLM will apply the disturbance cap to disturbance associated with actions associated with permitted operation of an allotment, and whether fencing and spring protection would count as disturbance;
- Clarification is needed on how the BLM will process applications for private actions (such as range improvements) if the BLM actions have caused an ACEC to reach the disturbance cap;
- There should be a definition of what triggers the disturbance cap, and what would trigger changes in the disturbance cap;
- Ground disturbance should be calculated immediately after emergency actions cause ground disturbance;
- Exceptions/exclusions/impacts on current uses
 - Current disturbance should be calculated to determine whether additional actions within the ACEC will be prohibited or require additional mitigation;
 - The disturbance cap may prevent access to private in-holdings and cause a financial burden if they are required to pay for the disturbance cap calculation;
 - It is inequitable to require the first proposal following implementation of the caps to account for 40 years of cumulative impacts, especially where no mitigation is available and access is denied;
 - Application of the disturbance caps may lead to closures (including route closures) without appropriate analysis to determine the potential to provide for multiple use;
 - Disturbance caps should apply only to future disturbance to remove conflict with past planning assumptions and provide flexibility to meet the goals of the DRECP;
 - Disturbance caps should be increased, and clarified to allow for solar development if the project proponent can make a threshold showing that the project site can be developed without significant impacts to critical resources;

- Projects authorized under categorical exclusions should not be excluded from the disturbance calculation – it is not clear how the BLM will know if an area is exceeding the cap without conducting the calculation;
- Livestock grazing permit renewals should not be excluded from disturbance calculations;
- OHV areas should be excluded from the disturbance cap;
- Mitigation
 - BLM should not allow caps to be exceeded, rather than allowing the disturbance and then requiring mitigation, as this does not remedy additional impacts to the ACEC. No additional disturbance should be permitted until all past disturbances have been fully restored;
 - Mitigation ratios should not vary based on whether a previously disturbed area was authorized by the BLM;
 - Ground disturbance mitigation may take decades to fully restore previously disturbed lands, it is irresponsible to allow additional degradation until the ACEC is restored;
 - There should be a more complete analysis of impacts and effectiveness of ground disturbance mitigation;
 - “Nesting” ground disturbance mitigation subverts the purpose of the ACEC designation and of mitigating the impacts of excessive ground disturbance, and allows expanded development and fails to mitigate cumulative impacts;
 - The DRECP implies, but does not expressly require that mitigation land be located within the affected ACEC, it should explicitly state this requirement;

Response: Prior to the Draft DRECP and EIR/EIS, and Proposed LUPA and Final EIS, most individual ACECs did not explicitly identify ground or habitat disturbance caps, the exceptions were the Desert Wildlife Management Areas (DWMAs) and the Flat-tailed Horned Lizard Management Areas (FTHLMAs). For DWMAs and FTHLMAs, the ground disturbance limitation was 1% for new approved projects or activities and did not incorporate existing disturbance. Also, the starting point for new measuring ground disturbance was the signing of the individual CDCA sub-area plans (i.e., WEMO, NEMO, NECO). These 1% disturbance limitations were intended to be “hard stops” for ground disturbing activities. The BLM has found this method of calculating ground disturbance (i.e., starting at a very specific moment in time) to be challenging, minimally accurate, and not based in current ecologically principals. With the approval of the DRECP LUPA, a 1% or less ground disturbance cap that includes existing ground disturbance will apply to all ACECs and NCL units except for three ACECs that do not have a ground disturbance cap.

Therefore, the existing ground disturbance limitation concept is being retained, updated and improved. For the three units without a cap, the disturbance was determined not to be contrary to the management goals for the ACEC and the cap was determined unnecessary to protect the relevant and important values.

Ground disturbance caps were identified in the Draft DRECP and EIR/EIS and repeated in the Proposed LUPA and Final EIS. Each ACEC Special Unit Management Plan within Appendix L had the maximum allowable ground disturbance identified. In the Glossary of Terms in the Draft DRECP and EIR/EIS, the BLM ground disturbance cap definition clearly states that the cap is cumulative and covers past, present, and future disturbance, and is a limitation on future activities if the cap is exceeded. In response to public comment on the Draft DRECP and EIR/EIS, this definition was expanded and refined in the Proposed LUPA and Final EIS, and a methodology was crafted corresponding to the updated definition, which included opportunities for mitigation if an ACEC was over its disturbance cap. Additionally, the introduction to Appendix L explains the cumulative nature of the ground disturbance caps. Some ACECs identified multiple disturbance caps, each of these is associated with a specific Tortoise Conservation Area and/or Desert Tortoise Linkage that overlapped the ACEC designation (See Individual Covered Species - Desert Tortoise in the Preferred Alternative Vol II of the Draft DRECP and EIR/EIS and carried forward in the Proposed LUPA and Final EIS). As noted in Section II.1.2, the public was given opportunities to participate in the development of the proposed ACECs through scoping and upon publication of the "Description and Comparative Evaluation of Draft DRECP Alternatives" in December 2012, which displayed lands proposed for ACEC. The individual proposed ACECs with their ground disturbance caps were first published in the Draft DRECP and EIR/EIS on September 26, 2014, with a corresponding 152 day comment period. They were also subject to a 30 day protest period upon publication of the Proposed LUPA and Final EIS on November 13, 2015, and a 60-day comment period beginning March 11, 2016. The BLM has provided for adequate public involvement for the proposed ACECs.

In the DRECP interdisciplinary team, throughout BLM, other federal and state resource agencies, and the scientific community, there is much discussion about acceptable levels of ground disturbance for ecological and cultural conservation, what constitutes disturbance and how best to measure it. The best available data does not provide a precise answer to any of these questions for the desert environment, so the DRECP interdisciplinary team undertook a methodical, stepwise approach, using the best available information, to determine the most effective approach for BLM managed conservation lands in the DRECP Decision Area. BLM's application of a maximum 1% cumulative ground disturbance cap was not arbitrary and instead followed a stepwise logic path to reach each specific cap. In previous CDCA LUPAs (NEMO, NECO, and WEMO), a 1% ground disturbance limitation had been presented and approved for the DWMA and FTHLMAs. The DRECP interdisciplinary team started with the existing condition of the 1% DWMA and FTHLMA disturbance

limitations, how they were measured, ease of compliance with the caps, and whether the goals and objectives of the caps was being met. For all of these plans, the 1% disturbance limitation was limited to new authorized impacts and did not account for the existing condition or unauthorized disturbance, and was to be measured starting with disturbance that was approved after the signing of each individual ROD. From an ecological standpoint, having management that only accounts for new, authorized impacts does not represent what is biologically or ecologically meaningful, which also translates into what is culturally meaningful – the actual existing ground disturbance. Acknowledging the disturbance cap was to achieve ecological, biological and cultural resource goals, the team determined the cap should address all ground disturbance not just new authorized disturbances. The interdisciplinary team also acknowledged the extreme difficulty of attempting to determine new authorized ground disturbance based on a specific day—the signing of each of the CDCA subarea LUPAs (WEMO, NECO, NEMO)—years later.

The DREPC interdisciplinary team considered varying levels of ground disturbance for the ACECs, levels as high as 20% disturbance, as well as 15%, 10%, 5%, 1%, and several less than 1%. These choices were evaluated because they covered a wide range, which made the “arithmetic” easy and therefore implementation easier with a greater likelihood of consistency. There was no logical or scientific reason to evaluate every possible cap, such as 12.5% or 7% or even 0.98%. Using such numbers gives a false sense of precision of the knowledge of effects and would make application of the cap more difficult, and implementation more likely inconsistent.

The anticipated disturbance in each ACEC was expected to be the authorized travel network features (roads, two track, single tracks, foot trails), right of way grants (utility corridors, personal access routes to private land in-holdings, projects, mining), possibly some natural disturbance (e.g., fire), and unauthorized disturbances, including unauthorized routes, disposal sites, camp sites, trespass, etc.. Disturbance to ecological function is not just the area that is bare ground, but also contains an edge effect of reduced habitat quality that buffers the actual ground disturbance, and changes to hydrologic function and Aeolian sand transport which affects both biological and cultural resources. To evaluate how potential allowable ground disturbance caps might impact ACEC management goals and objectives, simulations of theoretical levels of different amounts of ground disturbance and applied differing buffer sizes were visually evaluated to estimate area of potential effect (direct and indirect). Based on literature for a variety of species and vegetative communities (e.g., riparian, sand dunes), buffers of edge effect ranged from 100 feet to 1 mile. When incorporating potential edge (indirect) effects into consideration of what would be meaningful disturbance to the biological and ecological systems, the higher level of disturbance caps (10-15-20%) rapidly resulted in potential impacts (direct and indirect) to 30-80% of the conservation areas. These higher disturbance caps were determined to not be sustainable, and not being able to achieve the conservation goals of the specific ACEC units or

the DRECP conservation strategy in total. At this point in the evaluation process, only 5% or less disturbance levels were forwarded to the next level of evaluation.

Having narrowed viable ground disturbance caps to 5% or less, the DRECP interdisciplinary team then considered how the disturbance would be calculated. Ground reconnaissance and remote sensing (aerial photography and satellite imagery) were considered as possible options. Given the size and scale of the DRECP Decision Area, it was quickly determined that ground reconnaissance of the entire plan area was not pragmatic, different levels of aerial photography interpretations were evaluated. Ultimately, the solution evolved to a blended answer—GTLF (travel network) would be evaluated at 1:2500 scale as this is the standard for BLM and approved projects would be integrated into the calculation at the disturbance assessed in the environmental documentation. For other disturbances, casual use, unauthorized (except for routes in the GTLF system) and natural, a scale of 1:10,000 was selected as it accounted for ground disturbance that the team considered was most ecologically meaningful, but did not include disturbance like individual camp fire locations, individual signs, individual fence posts, etc., all elements that were not evaluated as being meaningful when it comes to fragmentation of suitable habitats and degradation of ecological function.

While using aerial photography at these scales would result in some existing ground disturbance not being included in the calculations, using finer scales or more ground-truthing quickly becomes very time people and time consuming, more subjective, and ultimately not reliably and consistently implemented. Recognizing that the technique to calculate disturbance would miss some disturbance, the selection of 1% as the primary disturbance cap was made, with smaller disturbance caps in strategically chosen areas based on the specific resource goals and sensitivities in these limited areas. This decision was generally based on the precautionary principle – in that if too much ground disturbance was allowed the conservation goals could not be achieved and adequate future restoration would be likely be impossible. In other words, increasing the disturbance cap within ACECs would reduce the assurance that the conservation goal and objectives needed to maintain the relevant and important criteria for which the ACEC is designed. And, allowing for more disturbance would undermine individual ACECs and the DRECP conservation strategy, and would be contrary FLPMA and the BLM policies on ACECs. If in the future, monitoring determines that more disturbance can be tolerated by the individual ACEC resources, and management goals still achieved, a future change to allow for more disturbance could be made through adaptive management and a plan amendment.

Existing routes, authorized and unauthorized, constitute a major source of ground disturbance in the desert. Excluding routes from the calculation of ground disturbance was not considered because it is not biologically or ecologically justifiable and puts the relevant and important values at risk. The ground disturbance cap is based on the protection of resource values and

changing the cap to enhance the recreation network undermines the multiple use management that is needed in the ACEC. While the allocation of lands as ACECs may result in the closure of existing routes, the designation of an authorized route network is part of the local travel management plan process, and not part of the DRECP LUPA. Local travel management plans may result in alterations to the authorized route network, but that would be dependent on whether there exists a future need to reduce the number of existing routes in order to protect the values for which the ACEC was designated.

See “Disturbance Cap Management and Implementation” in the Proposed LUPA and Final EIS (Volume II, Sections II.3.2.2, and repeated in II.3.4.2.4.2) for the ACEC ground disturbance implementation methodology, including a description of what counts as disturbance, what initiates the calculations, when the cap is a limitation and when it is an objective triggering mitigation (i.e., when an area exceeds the disturbance cap), mitigation requirements, criteria for when an area can be considered recovered, and exceptions to the before mentioned parts of the methodology. Based on public comment, the BLM has added into the LUPA clarifications to the Historic Route 66 maintenance provision, types of mitigation needed for ground disturbance impacts, and examples of when areas can be considered recovered. As per the methodology, the ground disturbance cap applies only to BLM administered lands and is calculated only for BLM administered lands.

II.2.2 Mineral Resources (Theme 13)

Summary of Comments: The following comments were received regarding minerals:

- BLM should further define the term “expansion areas” for existing operations in the DRECP and reiterate that the expansion areas are not subject to ACEC designation or ACEC CMAs;
- BLM should exclude from ACEC designation and ACEC CMAs those rights-of-way that are reasonably necessary for present and future operation of excluded surface mines (including those mines’ designated expansion areas);
- Application of the disturbance caps and other CMAs on minerals operations and associated rights-of-way could restrict or preclude surface mining operations that were intended to be excluded;
- Alternatively, the BLM should provide an exemption to the ground disturbance caps and other restrictions that may limit operators’ ability to secure the rights-of-way necessary for present and future operations;

Response: The BLM excluded existing approved/authorized mining operation expansion areas from ACECs. The BLM also analyzed mineral expansion areas that were reasonable foreseeable, and excluded those from ACECs. Reasonably foreseeable mining expansions

are those that have submitted a complete [amended] plan of operation to BLM and are undergoing environmental analysis. It is likely that other mineral operations will file plans of operations to expand while the DRECP LUPA is in effect, and some may be within ACECs. The BLM will evaluate those plans of operations and any associated rights-of-way, taking into account any valid existing rights and statutory or regulatory requirements, and the CMAs for the ACEC, on a case-by-case basis to determine appropriate design features and mitigation. It would be speculative to include additional areas in the defined “expansion areas” beyond what the BLM has determined to be reasonably foreseeable. See Section II.2.1 above for more detail on application of the ground disturbance cap.

The definition of valid existing right has been clarified in the Record of Decision and LUPA to reflect BLM’s process for evaluating valid existing rights on a case-by-case basis, including application of the ground disturbance cap. The ROD also updates the BLM’s approach to evaluating ACECs and California Desert National Conservation Lands for mineral withdrawal recommendations.

II.2.3 Route Networks (Theme 14)

Summary of Comments: The following comments were received on route networks and recreation:

- Recreation is an important use within the California Desert;
- Route networks should have been included in the Final EIS/Proposed LUPA, this information was needed to comment on proposed ACEC designations and understand whether the ACEC was adequate to protect the values for which the ACEC is designated;
- Where ACECs are adjacent to Open OHV areas, or overlap with SRMAs, ACEC management is incompatible with recreation management;
- Language in the Special Unit Management Plans does not contain consistent language regarding travel management. The terms, “open route,” “designated route,” “new route,” “unauthorized/undesigned route,” “closed route,” and “existing route” should be defined;
- Routes identified in approved BLM travel management plans such as WECO, NECO, NEMO, and WEMO should be excluded from the disturbance caps;
- Once route networks are developed through WEMO, applicable route networks should be added to the ACECs along with a summary that explains the relationship between the route network and the ACECs;
- The DRECP should not designate roadless ACECs;

- Changes between Draft and Final in the disturbance cap will lead to potential loss of routes and features to the recreating public with little public notice;
- The CMAs regarding recreation and travel management show a bias against motorized and motor-dependent uses – management is inconsistent, vague, and written by conservationists with little understanding of recreation planning;
- The DRECP should not be used to close routes;
- All ACECs outside the CDCA footprint should follow the WEMO rules for route designation.

Response: The BLM agrees that recreation is an important use within the California Desert. This is reflected by the designation of SRMAs and ERMAs, including many that overlap with ACECs. This reflects the compatibility of appropriately managed recreation and conservation, and highlights that the DRECP finds some level of recreation consistent with ACEC values. While uncontrolled recreation is not compatible with many ACEC goals and objectives, the overlap of ACECs and SRMAs provides a framework of goals and objectives and CMAs that can then be used to provide guidance to develop travel management plans or activity plans, or considered in the approval of site-specific implementation activities, to provide for recreation experiences and protection of the values for which the ACEC was designated.

Regarding the consideration of individual routes in the designation of ACECs, and the public's ability to comment on those ACECs, see Section II.1.1 above. Habitat intactness modeling, which took all ground disturbance into account, was sufficient to analyze the impacts and effectiveness of the conservation design.

Existing routes (including both designated and unauthorized) constitute a major source of disturbance in the desert. Excluding them from the calculation of disturbance is not biologically or ecologically justifiable and puts the natural and cultural resources values at risk. The ground disturbance cap is based on the protection of resource values and changing the ground disturbance cap to enhance the recreation network undermines the multiple use management that is needed in the ACECs. See "Ground Disturbance Cap Management and Implementation" in the LUPA for a description of how areas that exceed the ground disturbance cap will be managed. See Volume II, Sections II.3.2.2, and repeated in II.3.4.2.4.2 for additional information on the disturbance caps. The ground disturbance caps were disclosed in the Draft DRECP and EIR/EIS, and refined in the Proposed LUPA and Final EIS. The refinements in the Proposed LUPA and Final EIS were made available for a 30 day protest period, as well as this 60 public comment period.

Designation of routes is an implementation action. Therefore, the route network approved through the WMRNP (referred to as "WEMO" by the commenter) must be consistent with

the CDCA Plan, as amended by the DRECP LUPA. The WMRNP will include an evaluation of how the proposed route network is in conformance with the CDCA Plan as amended by the DRECP. The WMRNP process has been designed based on public outreach and resource issues within the West Mojave. Travel management planning outside of the WMRNP is outside the scope of the DRECP LUPA, and will be consistent with BLM regulations and policy. See Section II.1.7 above for a more detailed discussion of the relationship between the DRECP LUPA and the WMRNP.

The DRECP LUPA does not make any decisions on individual routes. Therefore, any roadless areas within ACECs are currently roadless. Any changes to the route network within an ACEC will be evaluated as an implementation action, and will be subject to appropriate NEPA analysis and public involvement.

The BLM has reviewed the Special Unit Management Plans, and updated terminology regarding routes and other recreation actions to achieve consistency and clarity. The Special Unit Management Plans were prepared by an interdisciplinary team consisting of BLM specialists from each resource area.

II.2.4 Other CMAs (Theme 15)

Summary of Comments: Various comments addressed proposed allowable uses and management actions:

- Concern that inclusion of land tenure adjustments will place more land in federal ownership, impacting county tax revenue;
- Request that for cultural objectives, that GIS, mapping and research opportunities include reference to “in collaboration with affiliated tribal entities.”
- ACECs should be closed to mining activities;
- Fremont-Kramer and Superior Cronese ACECs should be closed to livestock grazing;
- ACECs should be re-designated as “Class L,” allowing renewable energy development if it can show, through the NEPA analysis, that conservation conflicts can be mitigated;
- Clarification is needed when two or more designations overlap – it is not clear what is meant when there is a conflict between CMAs and the more restrictive CMA applies, unless otherwise specified. The BLM should clarify that conservation-based restrictions take precedence over all other management direction.
- Specifically, where ACECs and recreation designations overlap, it should be clear that ACECs are preferentially managed for ecological and biological values, and recreation and other uses are of secondary importance;

- All ACECs should be closed to transmission, and particularly west of Highway 395 (Independence Creek, Manzanar, Symmes Creek, and Crater Mountain).

Response: The BLM is not proposing to close ACECs to mining, as it is outside the scope of the LUPA. We have identified areas that we will examine for withdrawal from mineral entry within the context of the LUPA; however, that will be a subsequent, separate process which includes public participation. Similarly, grazing authorizations are outside the scope of the DRECP LUPA therefore we did not evaluate closing ACECs to livestock grazing. BLM will continue to monitor these allowable uses for compliance with existing management plans and policy.

As part of the LUPA, the BLM is eliminating the Multiple Use Class designations from within the CDCA Plan Area; as such ACECs will not be identified as “Class L”. The LUPA includes plan-wide and ACEC-wide management, as well as Special Unit Management Plans, that identify allowable uses and management actions in order to meet the resource goals and maintain the values for which an ACEC was identified. The allowable uses within an ACEC do not include renewable energy with the limited exception to no surface occupancy geothermal. The BLM has determined that renewable energy as a whole is not compatible with ACEC values and therefore closed ACECs to renewable energy (with the exception of that mentioned above). The DRECP LUPA is, in part, intended to identify areas where renewable energy development can occur in an effort to streamline the permitting process, and provide for conservation of important resources and landscapes. Allowing renewable energy within the ACECs would undermine the conservation component of the DRECP LUPA.

The BLM has developed complementary management within overlapping designations. However, there may be some situations where site-specific management of an ACEC appears to be more specific, or different, from ACEC-wide management or the management of an overlapping designation. For this reason, the Special Unit Management Plans state, “Where the CMAs in this Special Management Plan conflict with the CMAs included in the LUPA, the more restrictive CMA would be applied...” This statement is intended to provide further clarity during implementation of the DRECP LUPA. It is unclear as to the request of the commenter in that we clarify what is meant by more restrictive, as the Special Unit Management Plans further state “(i.e., management that best supports resource conservation and limits impacts to the values for which the conservation unit was designated).” This direction also applies to areas where there is overlap in allocation (e.g., SRMA/ERMA and ACEC). If the commenter is in fact referring to the text that states “...unless otherwise noted” this is meaning that the more restrictive CMA from a conservation perspective will apply, unless clearly specified in the Special Unit Management Plan or in the LUPA as deviating from this rule. Where ACECs and recreation designations overlap, the BLM will strive to manage the area for both conservation and

recreation, however, all activities, including recreation activities, must be in conformance with the ACEC CMAs and Special Unit Management Plans.

While the DRECP LUPA provides for the conservation within the planning area while identifying areas that are appropriate for renewable energy development, it does not identify new transmission corridors. The Approved LUPA has been clarified to reflect that the existing requirement within the CDCA Plan that transmission larger than 161 kV must be within a utility corridor is not being amended, except in DFAs. Additionally, some ACECs have been identified as ROW exclusion areas. Unless specifically noted in the Special Unit Management Plans, ACECs are ROW avoidance areas outside of existing corridors, meaning that transmission may be allowed if it can be designed in a way that is consistent with the ACEC values and CMAs. It is not feasible to prohibit transmission from all ACECs. Independence Creek, Symmes Creek, and Crater Mountain are all currently Wilderness Study Areas, therefore, transmission would not be authorized unless they are released by Congress.

The BLM acknowledges the concern that inclusion of land tenure adjustments has the potential to place more land in federal ownership. The DRECP LUPA does not propose or authorize specific acquisitions within ACECs. Socio-economic impacts will be analyzed as part of any NEPA for land tenure adjustments. Additionally, the DRECP LUPA allows for mitigation through restoration, rather than exclusively through acquisition.

The BLM will conduct appropriate government to government consultation and consultation under Section 106 of the NHPA as part of the implementation of the CMAs within ACECs.

II.3 Specific ACEC Comments

II.3.1 Eagle Crest Project (Theme 16)

Summary of Comments: The BLM received comments stating that the Eagle Crest Project is a valid existing right to which the DRECP, including ACEC designations, is subject.

Response: Generally, land use planning and implementation decisions under FLPMA are subject to pre-existing use commonly referred to as “valid existing rights.” The Proposed LUPA and Final EIS defines valid existing rights as: “A documented, legal right or interest in the land that allows a person or entity to use said land for a specific purpose. Such rights include fee title ownership, mineral rights, rights-of-way, easements, permits, licenses, etc. Such rights may have been reserved, acquired, leased, granted, permitted, or otherwise authorized over time.” The BLM agrees that the Federal Power Act withdrawal and license for the Eagle Mountain Pumped Storage Project is a valid existing right under the DRECP. Valid existing rights may not be denied or extinguished through exercise of Secretarial discretion.

That does not mean, however, that Eagle Crest does not need a FLPMA right-of-way to use public lands within the Project boundary, or that the BLM lacks the authority to determine appropriate terms and conditions for any right-of-way issued for the Eagle Mountain Project. Rather, FLPMA specifically authorizes the Secretary of the Interior to issue rights-of-way for “systems for generation, transmission, and distribution of electric energy...” 43 U.S.C. 1761(a)(4). FLPMA exempts FERC hydropower projects that were licensed and did not receive a right-of-way or other land use permit prior to the 1992 FLPMA amendments, 43 U.S.C. 1761(d), but all other FERC hydropower projects that will occupy public lands are subject to the Secretary's right-of-way authority under FLPMA. Therefore, the BLM, through the right-of-way process, may determine reasonable and appropriate terms and conditions to be included in any right-of-way granted to Eagle Crest for the Eagle Mountain Project. Through the project-level NEPA analysis, the BLM will evaluate which management actions represent reasonable and appropriate terms and conditions, and will incorporate those into the right-of-way. The BLM will not apply CMAs in a way that denies or extinguishes Eagle Crest’s valid existing rights. The BLM will consider the environmental impacts of the proposed pipeline and gen-tie route, including incorporate of existing mitigation measures and NEPA analysis, as appropriate.

The BLM did consider existing disturbance and utility corridors when developing the ACECs, including the Chuckwalla ACEC. The BLM’s analysis showed that the area had relevant and important criteria, as documented in Appendix L, with existing and authorized disturbance. The analysis also showed that special management was needed for the protection of the relevant and important criteria. The BLM disagrees that this special management is incompatible with valid existing rights within the Chuckwalla ACEC.

The definition of valid existing right has been clarified in the Record of Decision and Proposed LUPA to reflect BLM’s process for evaluating valid existing rights on a case-by-case basis. The BLM has also clarified the CMA for the utility corridor to allow water pipelines and other uses that do not conflict with the intended purpose of the corridor.

II.3.2 Northern Lucerne Wildlife Linkage ACEC (Theme 17)

Summary of Comments: The following comments were received on the proposed Northern Lucerne Wildlife Linkage ACEC:

- This ACEC is subject to heavy motorized recreational use, and does not exhibit high biological values or provide high quality habitat.
 - Inclusion of this ACEC does not meet the goals of the DRECP due to its existing condition.
 - Management actions are unenforceable and financially infeasible, and enforcement of management actions may push use into areas of higher biological

value, such as other areas of the Northern Lucerne Wildlife Linkage ACEC (Turtle Valley and Wild Wash); Upper Lucerne Valley; and the southwest corner or Stoddard Valley OHV Area. There is concern that the town of Apple Valley may ultimately be responsible for management of this area through its MSHCP/NCCP, if this area is important to meet the goals of that plan.

- This area is subject of a proposed transfer of ownership to Apple Valley under HR 3668 to assist with their MSHCP/GCP, and the BLM should do all that it can to assist in development of this MSHCP/GCP.
- The valley north of Northern Lucerne Wildlife Linkage ACEC, south of Stoddard Mountain, within the Stoddard Valley OHV area, meets the criteria for designation of an ACEC and provides the linkage values described in the BLM's goals and objectives. Stoddard Valley riders prefer to use existing routes in this area and it has high quality, intact vegetation; there is also documented suitable desert tortoise habitat.
- The BLM, town of Apple Valley, and OHV users can work together to manage this area to achieve the goals of the DRECP within Stoddard Valley OHV Area.
- This ACEC overlap with the SRMA will cause drastic road closures – the WEMO Preferred Alternative proposes just one road through the ACEC while there are currently dozens of open roads. There is no need for interpretive signs or educational campaign because the WEMO Preferred Alternative proposes to designate only one route in this ACEC.
- The high-quality habitat of Upper Lucerne Valley should be included in the Northern Lucerne Wildlife Linkage ACEC. This is supported by the DRECP Desert Tortoise Linkage Evaluations Report (DRECP Appendix D).
- The BLM's linkage design should include a connection between the Ord-Rodman DWMA in the east and the Fremont-Kramer/Superior-Cronese DWMAs in the northwest. As currently proposed, the Northern Lucerne Wildlife Linkage ACEC only connects the Ord-Rodman DWMA to the Brisbane Valley Mojave Monkeyflower ACEC. It does not continue northwest across the Mojave River and connect to the Fremont-Kramer/Superior-Cronese DWMAs. The LUPA should ensure that linkage connections between the DWMAs are complete.

Response: Several commenters noted that instead of designating this ACEC, the wildlife connectivity corridor should be routed through the southern end of Stoddard Valley Open OHV area. The designation of open OHV is stating that the area will be managed solely for the purpose of OHV recreation. From an administrative perspective, once an area is designated as open OHV, it removes from consideration other values that might be present (such as wildlife habitat). Therefore, the DRECP conservation strategy cannot rely upon

lands or habitat within an open OHV area to achieve conservation goals because if the need arises for the area to be used for recreation, recreation is the primary purpose within that designation. Modifying an existing open OHV areas was outside the scope of the DRECP, so this option is considered outside the range of potential alternatives for the DRECP.

The designation of the Northern Lucerne Wildlife Linkage ACEC is based on the need to maintain a connected landscape to allow wildlife and plant populations to support populations and subpopulations both demographically and genetically. Wildlife connectivity is a critical need and function to maintain wildlife populations. The fact that there is a network of routes (many of which are unauthorized) in this area does not reduce the need for wildlife connectivity across the landscape. Given the Open OVH area to the north, the primarily private lands to the south, and the topography of the area, the location of the Northern Lucerne Wildlife Linkage is the most viable location that currently can provide landscape connectivity. The fact that there is a lot of recreational use in the area does not diminish the importance of the biological and ecological connection; if anything the recreational activities highlight the importance of the need for special management of this area such that the biological goals of the DRECP conservation strategy can be achieved.

Also, many of the existing routes in the area are not authorized routes or part of the BLM authorized travel management network. While WEMO may propose to authorize a limited route network within this ACEC, and the commenter perceives this as being a "closure", these routes have not ever officially been designated as routes and therefore were never open. Any proposed route designations within the WEMO travel management plan are based on the balancing of the many elements of the multiple use mandate, including the need to ensure that the biological need in the area can be managed in a sustainable manner. It is important to provide education to the public in order to reduce and hopefully prevent user created routes that impact the ACEC.

While HR 3668 proposes the ACEC area for transfer to the Town of Apple Valley and out of federal ownership in the future, current management decisions must be made on the reasonably foreseeable future. The need for wildlife connectivity in this subregion is critical. Having the best available information and science demonstrates that there is a need for connection across this region. Based on existing designations and land ownership/management, the proposed location is the best option, and designating the ACEC memorializes the need for that landscape connection. If at some point in the future a land transfer is formalized by Congress, , other solutions for maintaining biological and ecological connection in this area will need to be addressed.

The BLM supports the Town of Apple Valley's efforts to develop and get approval and permits for its MSHCP/GCP. The goals and objectives identified in the DRECP are

compatible with the town's stated goals and the BLM encourages the Town of Apple Valley to complete their plan.

The suggestion to continue this ACEC past the Brisbane Valley Mojave Monkeyflower ACEC to connect northwest across the Mojave River and ultimately to the Fremont-Kramer/Superior-Cronese ACEC is beyond BLM's authority. The majority of the lands inside the commenters proposed expansion are privately held and outside BLM's administration. The BLM agrees that the areas identified by the commenter are critical for healthy landscape connections and functioning biological and ecological systems, as seen in the reserve design in the Draft DRECP and EIR/EIS.

II.3.3 ACECs in the Bishop RMP Area (Theme 18)

Summary of Comments: The following comments were received regarding the application of ground disturbance caps and management of five ACECs located within the jurisdiction of the Bishop Field Office:

- Symmes Creek Wilderness Study Area (WSA), Independence Creek WSA, Crater Mountain WSA, Cerro Gordo WSA and the Southern Inyo Mountains WSA are subject to weaker management due to exempting certain activities from the disturbance cap.
- Conducting flood control activities for the protection of the Manzanar ACEC through the removal of riparian vegetation within Symmes Creek WSA ACEC is not appropriate and should not be exempt from the disturbance cap.
- Reliance on the current Resource Management Plan for the Bishop Field Office does not provide management certainty as the plan is anticipated to be updated in the near future.
- Livestock grazing and motorized or off-road vehicle use impacts the natural and biological values of the ACECs.
- With regard to Cerro Gordo, Congress declined to designate this area as conservation when it was omitted from the 1994 Desert Protection Act. This area should be designated as a SRMA to better achieve the Overarching Goals. Management of the SRMA would be identical to that of the ACEC.
- With regard to Independence Creek WSA, portions of the ACEC that overlap with the Alabama Hills SRMA should be removed from the ACEC as redundant, as the SRMA provides adequate assurances for the stated Overarching goals of the new ACEC.
- Independence Creek is located 10 miles north of the mapped ACEC, the narrative correctly identifies the watershed as "George Creek."
- With regards to the Manzanar ACEC, motorized travel on designated routes occurs within this proposed new ACEC and should be recognized and allowed to continue.

- The Eagles Flyway ACEC should not be designated. The exact same protections are available through the overlapping NCL and SRMA designations. There is no need for this overlapping designation and it will complicate management in the region.
- The new El Paso to Golden Valley Wildlife Corridor ACEC provides no further real benefits than those afforded under the overlapping SRMA and therefore, should be withdrawn as redundant and unnecessary.
- The new Sierra Canyons ACEC is redundant because the overlapping SRMA provides much if not all of the protections of the ACEC.

Response: The exceptions to the ground disturbance cap have been removed from the Special Unit Management Plans. However, the BLM has clarified the disturbance cap methodology for all ACECs that research and restoration activities that are designed or intended to promote and enhance the values of the ACEC are not subject to the cap. Additionally, the Special Unit Management Plans have been updated to clarify the allowable uses and management actions within the ACECs.

The BLM has removed the proposed Crater Mountain WSA ACEC. The proposed Crater Mountain WSA ACEC is an approximately 960 acre ACEC that is a portion of the larger Crater Mountain WSA (approximately 7,700, of which approximately 5,800 acres overlap the existing Crater Mountain ACEC). Although the proposed ACEC is adjacent to the existing Crater Mountain ACEC, the existing and proposed ACEC's do not contain similar values, so the adjacency is irrelevant from a conservation perspective. The existing Crater Mountain ACEC primarily encompasses a unique volcanic geologic landscape feature. The proposed ACEC does not contain this geology. Since the proposed ACEC represents such a small portion of the total WSA, and doesn't require special management for the resources, BLM is not designating this portion of the WSA as an ACEC. The area will continue to be managed as a WSA.

Reliance on existing management plans, where they are consistent with the CMAs and information within the Special Unit Management Plans, is appropriate for the management of ACECs. The BLM acknowledges that management of the ACECs may change over time depending on the resource values or management needs; however, this would involve additional review and localized input through the public planning process. While there is concern that allowing motorized vehicle use on designated routes and continuation of livestock grazing has the potential to impact the natural and biological values of the ACEC, route designation and grazing authorizations are outside the scope of the DRECP LUPA. BLM will continue to monitor these allowable uses for compliance with existing management plans and policy.

FLMPA provides for ACEC designation and establishes the national policy for BLM's protection of public land areas of critical environmental concern. Section 202(c)(3) of

FLPMA mandates that the BLM give priority to the identification and protection of ACEC's in the development and revision of land use plans. While FLPMA specifically provides for the identification of ACECs, the identification of areas as SRMAs is per BLM policy (BLM Manual 8300). An ACEC is established where special management is required to protect important natural, cultural and scenic resources or to identify natural hazards, whereas a SRMA is established to direct recreation program priorities. Although the restricted uses identified in the Special Unit Management Plans for the SRMA may provide some protection for the relevance and importance criteria for which an ACEC was proposed, the different authorities and goals of each allocation makes the SRMA allocation an inappropriate mechanism. In addition, while there may be different purposes for ACECs and SRMAs, recreation management within an ACEC, where also identified as a SRMA, can be compatible with the purposes for which an ACEC was established. As such, we are maintaining these areas as both an ACEC and SRMA in the LUPA.

Independence Creek is in fact located north of the Independence Creek WSA ACEC, since the WSA was identified by BLM in 1991 as Independence Creek WSA (CA-010-057) we are retaining the name Independence Creek for consistency with the existing naming convention.

We recognize that the existing route within the Manzanar ACEC is important for access to the historic features related to the internment camp; as such we have updated the Special Unit Management Plan to incorporate this.

II.3.4 Flat-Tailed Horned Lizard ACEC (Theme 19)

Summary of Comments: One commenter noted that the designation of ten ACEC units for the protection of the Mojave flat-tailed horned lizard was excessive and not warranted.

Response: It appears the commenter is confusing two species and as there is not a "Mojave Flat-tailed Horned Lizard". Due to the reference of "10 units" we believe the comment is actually regarding the Mojave Fringed-toed Lizard, which does have 10 geographically separate ACEC units. These 10 ACEC units are not new designations, as they were initially designated under WEMO (2005). If the commenter is actually referring to the Flat-tailed Horned Lizard (FTHL), these ACEC's were originally designated under Northern and Eastern Mojave Desert Management Plan (2002) and other amendments. Within the Proposed LUPA, some of these ACECs have been expanded to more closely align with the Multi-agency FHTL conservation strategy, of which BLM is a signatory. This species was petitioned for listing as threatened or endangered under the Endangered Species of 1973, as amended, and the USFWS found it listing was not warranted. This USFWS decision rested almost entirely on the multi-agency conservation strategy and that the agencies were already actively managing for the conservation of FTHL. The comment implies that because the species is not listed, there is no need to manage it or its habitat in a special manner; however, agencies' special management is part of the USFWS's justification for not

listing the species under the Endangered Species Act. Without the proactive management, the species may then warrant protection under the Endangered Species Act.

II.3.5 Coyote Mountain Fossil Site ACEC (Theme 20)

Summary of Comments: One commenter recommended the Coyote Mountains Fossil Site ACEC include painted gorge, if it is not already within the ACEC.

Response: The Coyote Mountains Fossil Site ACEC is an existing ACEC that we did not propose for expansion in the DRECP LUPA. The existing ACEC encompasses portions of the Painted Gorge, but does not encompass the entire are. However, the portions of the Painted Gorge that are managed by the BLM outside of the ACEC are within designated Wilderness, and will be managed as such. Wilderness provides sufficient protection for the resource, and therefore special ACEC management attention is not necessary for this resource.

II.3.6 Granite Mountain Wildlife Linkage ACEC (Theme 21)

Summary of Comments: The following comments were received on the Granite Mountain Wildlife Linkage ACEC:

- Clarification on whether it was near Anza Borrego, and if so, requested that cultural values also be listed in the Relevant and Important Values;
- Maintaining biologically intact and functioning linkage is important in this region;
- The Granite Mountain Wildlife Linkage as mapped is too narrow according to published findings (Penrod);
- The Granite Mountain Wildlife Linkage is further constrained by DFAs along the north face of the San Bernardino Mountains – DFAs and unallocated areas within the desert linkage network should be included in this ACEC;
- The Granite Mountain Wildlife Linkage includes privately-owned lands outside the control of the BLM, and does not explain what processes, costs, or time-frames would be involved in acquiring the lands into the wildlife corridor, or even whether it is feasible;
- The Granite Mountain Wildlife Linkage, along with the other three ACECs in the area, should be reconfigured to better match the DRECP Desert Linkage Network Map;
- Better protecting the Desert Linkage Network would better help the BLM meet BGO “Goal 1.”

Response: The Granite Mountain Wildlife Linkage is not located near Anza Borrego but is located in-between Lucerne and Apple Valleys in San Bernardino County, and includes privately held lands outside of the control of BLM. There are a variety of processes for

private lands to transfer to BLM management, but at this planning level, identifying how these lands might potentially be transferred to BLM is an implementation level decision, and therefore not appropriate to include in this planning level document. Additionally, BLM management may not be required for the ACEC to meet its function. These lands could be held by conservation organizations and managed by them for conservation purposes. There are numerous examples of partners assisting BLM in meeting wildlife and habitat management goals across the State of California. When designing ACECs, BLM works to minimize the amount of private in holdings. The proposed location for this ACEC incorporates the minimal amount of private lands while still working to achieve the goals of landscape and biological connectivity.

One commenter questioned whether the linkage was large enough and referenced Penrod (2012) which recommends a minimum of 1 kilometer wide for corridors that are less than 10 km long and a minimum of 2 km wide if the corridor is longer than 10 km. The narrowest portion of this corridor is 1.6 miles (right at the Penrod recommended minimum of 1 km) and runs for 2 miles (or 3.2 km long, well below the 10 km recommendation). While it is always better to have a wider corridor, a wide corridor in this specific location would require incorporating even more private lands, which the Bureau endeavors to minimize. The BLM evaluated a variety of corridor configurations in this subregion, the ones proposed in the Proposed LUPA and Final EIS represent the best balance BLM's multi-faceted multiple use mandate, including the recognition of the need for other uses of the lands administered by BLM while minimizing the amount of private lands included within the boundaries of the ACECs and achieving the basic level of the stated conservation goal.

II.3.7 Harper Dry Lake ACEC (Theme 22)

Summary of Comments:

- If this is near Anza Borrego, cultural values should also be listed in the Relevant and Important Values column;
- The objective for soil, air, and water to provide permanent water sources references agricultural sources and improving water quality, however, agricultural operations have been converted to solar and the wetland receives water from groundwater pumped by the solar facility. The objective should be updated to reflect this change.

Response: Harper Dry Lake ACEC is not near Anza Borrego, it is located approximately 15 miles northwest of Barstow. Harper Dry Lake ACEC no longer receives water from agricultural operations; therefore the Special Unit Management Plan has been updated to reflect the source of water feeding the existing wetlands.

II.3.8 Lake Cahuilla ACEC (Theme 23)

Summary of Comments: Clarification needed on why the acreage of this ACEC has been reduced, and whether the new acreage is sufficient to protect the relevant and important cultural values.

Response: Lake Cahuilla is an existing ACEC established in 1980 by the California Desert Conservation Area Plan. The DRECP LUPA is not amending the boundaries of the existing ACEC. The reduction in acreage in the Special Unit Management Plan for the Lake Cahuilla ACEC was the result of not including those lands within the ACEC boundary that are withdrawn by the Bureau of Reclamation as part of the All American Canal. The Special Unit Management Plan has been annotated to reflect and incorporate this acreage. Even accounting for the Bureau of Reclamation withdrawal, there is a slight reduction in acreage from the existing ACEC as a result of more-accurate mapping calculations as well as rounding differences.

II.3.9 Ocotillo ACEC (Theme 24)

Summary of Comments: The following comments were received on the Ocotillo ACEC:

- Relevant and important values should reference cultural resources if they are different than cultural values;
- It should be clear that this ACEC is mitigation for the Ocotillo Express Wind Project;
- A management plan for this area should be prioritized;
- This ACEC should not allow for hunting, target shooting, rock hounding, etc., as these are not compatible uses with the cultural, biological, and other values.

Response: The delineation of this ACEC is predominantly based on the cultural resources and values within the ACEC, as such the Special Unit Management Plans already reference cultural resource and cultural values (see Theme Response 52 for an explanation of the difference). While the development of lands within this culturally-rich region have made it important to protect the values within the ACEC, the identification of this area for special management is not specific mitigation for the Ocotillo Express Wind Project. However, in recognition of this important landscape, and as part of the identification of the cultural component of this ACEC, the BLM has incorporated language in the Special Unit Management Plan to indicate the importance of this area within the region, specifically in the context of the recent Ocotillo Express Wind Project.

The Special Unit Management Plans provide the Objectives, Allowable Uses, and Management Actions for those ACECs that do not have an existing management plan. For those existing ACECs that already have an approved management plan, the Special Unit

Management Plans provide a summary or augmentation of the existing management. As such, in the absence of a more-detailed plan, the Special Unit Management Plans are the plan for the unit, until/if BLM approves a more-in-depth plan. The prioritization of implementation actions (including more detailed management plans) is outside the scope of the current effort and will occur at a later date. However, given the concern that hunting, target shooting, rock hounding, etc., as these are not compatible with the purposes of the ACEC, we have updated the Special Unit Management Plan to consider use restrictions if conflicts arise.

II.3.10 Pilot Knob ACEC (Theme 25)

Summary of Comments: The current and proposed 900 acre size may be insufficient to protect this sacred area.

Response: Pilot Knob is an existing ACEC established in 1980 by the California Desert Conservation Area Plan. The DRECP LUPA is not amending the boundaries of this existing ACEC, as the size has provided to be adequate for the protection of the resources. No additional information was raised during the DRECP LUPA process that indicated a need to increase the size of this ACEC.

II.3.11 Salton Sea Hazardous ACEC (Theme 26)

Summary of Comments: This ACEC should include Cultural Values to protect fish traps and Obsidian Butte, a historic property, which must have its National Register nomination completed without further delay.

Response: This ACEC is being designated for the protection of the public from unexploded ordnance and pollutants. The Special Unit Management Plan does, however, include objectives and management actions for the protection of cultural resources and values, including resources listed in, or eligible for listing in, the National Register of Historic Places. While it is unclear whether this ACEC does in fact contain fish traps, Obsidian Butte is not located within this ACEC; however, BLM will complete National Register of Historic Places nominations as time and funding allow.

II.3.12 San Sebastian Marsh/San Felipe Creek ACEC (Theme 27)

Summary of Comments: San Sebastian Marsh/San Felipe Creek: Runs through Carrizo Gorge and Fish Creek Mountain with fish traps and ancestral human remains. Is the current and proposed 6,500 acres of sufficient size?

Response: The San Sebastian Marsh/San Felipe Creek ACEC is an existing ACEC that encompasses BLM lands that are interspersed with private lands. The BLM did not receive any information through the DRECP LUPA process indicating that the ACEC was not of a

sufficient size to protect the values therein. However, the DRECP LUPA includes an expanded West Mesa ACEC, which emphasizes sensitive and significant cultural resources, and encompasses additional BLM managed lands adjacent the San Sebastian Marsh/San Felipe Creek ACEC.

II.3.13 Soda Mountain Expansion ACEC (Theme 28)

Summary of Comments: The following comments were received on the Soda Mountain Expansion ACEC:

- The circumstances under which the Soda Mountain Expansion ACEC has been created illustrate defects in the BLM's approach to designating ACECs. The ACEC is located in an area that had previously been designated "unallocated," and it appears to be a trade-off to compensate for Soda Mountain Solar, rather than an area containing the relevant and important criteria.
- Motor vehicle access to the WSA is limited to a few important routes and trails, this should be mentioned in the Special Unit Management Plan.

Response: The Soda Mountain Expansion ACEC was identified as a proposed ACEC in both the Draft DRECP and EIR/EIS and Proposed LUPA and Final EIS; not as unallocated lands. In both instances this ACEC was proposed for the area north of Interstate 40. However, the Special Unit Management Plan was inadvertently omitted from the Draft DRECP and EIR/EIS; this omission was corrected in the Proposed LUPA and Final EIS which this March 11, 2016 ACEC comment period references. Both the large-scale plan and the site specific analysis of this area resulted in the determination that the area north of Interstate 40 contained the R&I values, thus this area was proposed for an ACEC in the Proposed LUPA, and was not a trade-off for the potential development of Soda Mountain Solar.

With regard to the routes and trails within the ACEC that provide access to the Soda Mountains WSA, we have updated the Special Unit Management Plan to highlight public access to the WSA.

II.3.14 Chuckwalla ACEC (Theme 29)

Summary of Comments: The Chuckwalla ACEC is heavily disturbed within the Eagle Crest Project Area, and does not meet the ACEC criteria.

- Existing land disturbance far exceeds the proposed 0.1% disturbance cap;
- BLM should consider how existing disturbance, including existing rights, will affect management of the ACEC;

- The ACEC should exclude CDCA and Section 368 utility corridors and the Eagle Crest Project Area.

Response: Land and habitat within ACECs are not required to be pristine or untrammelled. ACECs should have relevant and important values, and those values should require special management. Within this ACEC, the BLM has identified the biological and ecological function and importance of this geographic location as an important connectivity corridor for the desert tortoise as meeting the relevant and important criteria, and special management attention is needed to ensure that wildlife (specifically tortoises), can continue to live in this area at high enough densities that over the generations, populations of the Chuckwalla Bench and Joshua Tree National Park remain genetically connected.

The sheer amount of disturbance in this area is what creates the need for special management. Any new activity that goes into this area must be evaluated for how it will impact tortoise numbers and population connectivity. If projects put these resources at risk, conservation measures such as avoidance, minimization and mitigation will need to be employed to ensure that the biological objectives of this ACEC are maintained. The relevant resource is biological and ecologic function and the importance of this geographic location is the essential role this area plays in connecting two regions of desert tortoise. The area serves many more species as well, as detailed in the Special Unit Management Plan. This area is "rare" and "irreplaceable" as there is no other connection between Joshua Tree NP tortoise and Chuckwalla tortoise. This area warrants protection, as without this connection, the long term viability and recovery of the desert tortoise is in question (U.S. Fish and Wildlife Service. 2011. Revised recovery plan for the Mojave population of the desert tortoise (*Gopherus agassizii*). U.S. Fish and Wildlife Service, Pacific Southwest Region, Sacramento, California. 222 pp.).

II.3.15 Jawbone-Butterbredt ACEC (Theme 30)

Summary of Comments: Commenters requested the following changes to Jawbone-Butterbredt ACEC:

- Open OHV areas within ACECs (such as Jawbone and Dove Springs) should be excluded from the disturbance caps, or that the areas be entirely excluded from the ACEC.
- Camping should not be restricted to designated camp areas unless and until they exist.

Response: The Jawbone and Dove Springs Open OHV areas have been removed from the Jawbone-Butterbredt ACEC designation. The camping restriction identified within the Special Unit Management Plan is not a new management action, but existing management carried forward from the existing 1982 Sikes Act management plan for the Jawbone-Butterbredt ACEC.

II.3.16 Desert Tortoise Research Natural Area ACEC (Theme 31)

Summary of Comments:

- The Desert Tortoise Research Natural Area (DTRNA) and surrounding lands should be automatically omitted from development of any kind. The disturbance cap is inappropriate as no disturbance should be allowed.
- Existing disturbance already exceeds the 0.1% cap, which should eliminate any further disturbance if the disturbance cap is left in place.

Response: The ground disturbance cap for the DTRNA is based on the importance of this area for desert tortoise and the need to provide for habitat protection for the desert tortoise through minimization of habitat loss and fragmentation. Maintaining the disturbance at 0.1% will help in achieving the goal of protecting this important desert tortoise area. While the BLM agrees that renewable energy development should not occur in the DTRNA, the removal of the ground disturbance cap, and instead “prohibition” on disturbance would not be a desired condition. The DTRNA provides for important opportunities for education, outreach, and scientific understanding of the desert tortoise. By not allowing any disturbance in the DTRNA we would not be able to authorize any ground disturbance which includes trails and access, as this counts toward the disturbance cap, nor would we be able to authorize ground disturbing activities that may benefit desert tortoise. While the disturbance cap is intended to protect the habitat in the DTRNA for desert tortoise, having some degree of allowable disturbance helps manage the area for its important resource value. Any ground disturbing activities must also meet all other ACEC-wide CMAs, as well as the CMAs in the Special Unit Management Plan, in addition to meeting the ground disturbance cap requirements.

II.3.17 McCoy Wash ACEC (Theme 32)

Summary of Comments: Preservation of McCoy Wash ACEC as a wildlife corridor is critical due to its proximity to a Solar Energy Zone and development on private lands within the area. OHV use is being pushed into McCoy Wash and the initial disturbance cap of 0.10% has likely been exceeded, and a higher cap is needed to preserve the corridor.

Response: The BLM agrees that the McCoy Wash ACEC is a critical wildlife corridor which is why the ground disturbance cap is 0.10%. Implementing a higher ground disturbance cap would have the opposite effect of preserving habitat intactness, by allowing a greater amount of ground disturbance, and habitat fragmentation. As such, the BLM is retaining the lower ground disturbance cap for this important area.

II.3.18 Ayer's Rock ACEC (Theme 33)

Summary of Comments: The "National Register District" is not on the maps or describing, making the commenter unable to assess or comment on the cultural management actions.

Response: The Ayer's Rock ACEC is known to contain the Ayer's Rock pictograph site which was listed on the National Register of Historic Places in 2003. The depiction of the actual National Register District (CA-INY-134), a 9.1 acre area within the ACEC, is not available for public disclosure. However, there are currently no designated routes within the National Register District.

II.3.19 Death Valley 17 WSA ACEC (Theme 34)

Summary of Comments: This area is important to recreation, including Salt Basin and Denning Spring, and potentially Sheep and Anvil Canyons. The Management plan should recognize the NEMO designated route network, and the historic and diverse recreational uses, including hunting, rockhounding, and OHV touring.

Response: The Death Valley 17 WSA ACEC Special Unit Management Plan did not provide site-specific objectives, allowable uses, or management actions for any of the resources, as it was not necessary to provide for additional management actions beyond those already required as a WSA, or identified as CMAs in the LUPA. The BLM acknowledges this area has a diverse array of recreational interests and uses and is important from a recreation standpoint, therefore for clarification, we added language to the Special Unit Management Plan regarding the allowance of appropriate multiple uses, consistent with its designation as a WSA.

II.3.20 Olancho Greasewood ACEC (Theme 35)

Summary of Comments: The area that overlaps with the Olancho SRMA should be excluded from the proposed ACEC. The SRMA management plan can adequately meet the Overarching Goals of the ACEC. Removing this overlap would avoid future management conflicts, including potential disturbance cap calculations.

Response: The Olancho Greasewood ACEC is important for conservation of the greasewood vegetation community and the Mojave ground squirrel. The Olancho SRMA would not provide for protection of the relevant and important criteria of the ACEC designation. In order to provide for more flexibility for the management of OHV use if BLM acquires private property within the Olancho SRMA, the ACEC and NCL boundaries have been modified to remove a portion of the private lands south of the existing Olancho Open OHV area. The removal of the entire overlap between ACECs and SRMAs is not appropriate (see Theme 18 response).

II.3.21 Owen's Lake ACEC (Theme 36)

Summary of Comments: There are recreational concerns for protecting access to Dirty Socks Spring, and to the "Old Road" along the lake bed that parallels Hwy 136. These recreational uses need to be recognized.

Response: The Owen's Lake ACEC Special Unit Management Plan did not provide site-specific objectives, allowable uses, or management actions for recreation beyond those already required, or identified in the LUPA. We acknowledge this area may have a diverse array of recreational interests and uses; however, the management actions identified will not result in restricted access to these important areas, as the designation of routes and trails is part of the local travel management plan process.

II.3.22 Trona Pinnacles ACEC (Theme 37)

Summary of Comments: The management plan states that the ACEC overlaps with the Red Mountain SRMA, however the Red Mountain SRMA shows the ACEC as not included. This needs to be clarified.

Response: The Trona Pinnacles ACEC Special Unit Management Plan has been updated to reflect that the ACEC and the Red Mountain SRMA do not overlap. However, the BLM recognizes this ACEC is of importance for a wide variety of recreational activities.

II.3.23 White Mountain City ACEC (Theme 38)

Summary of Comments: BLM should provide an appropriate campsite before it implements a camping closure.

Response: The camping restriction identified within the White Mountain City ACEC Special Unit Management Plan is an existing management action, carried forward from the existing 1987 White Mountain City Management Plan.

II.3.24 White Mountain WSA ACEC (Theme 39)

Summary of Comments:

- There should be a Trails and Travel Management analysis for this area with significant motor vehicle use.
- There should be no new transmission lines in White Mountain.

Response: This ACEC is currently a Wilderness Study Area. As such, current management dictates that there should not be significant motor vehicle use, or new transmission lines.

II.3.25 Amargosa North ACEC (Theme 40)

Summary of Comments: The expansion of this ACEC is too large and will have too great an impact on recreation unless there occurs a specific and localized public planning process for this expansion. The commenter did not support expansion of the ACEC.

Response: The size and configuration of the Amargosa North ACEC is based on biological and ecological function needs. While identifying the Objectives, Allowable Uses, and Management Actions within the Special Unit Management Plan, the BLM considered recreation as an important use of this area.

II.3.26 Amargosa South ACEC (Theme 41)

Summary of Comments:

- The expansion of this ACEC is too large and will have too great an impact on recreation unless there occurs a specific and localized public planning process for this expansion. The commenter did not support expansion of the ACEC.
- Proposed Management Action #3 needs to take place within a separate and subsequent NEPA process. This plan does not authorize a closure, only an evaluation.

Response: See response to Theme 40. Additionally, the commenter is correct, designated routes will only be closed in accordance with the planning process associated with the local travel management plan.

II.3.27 Ivanpah ACEC (Theme 42)

Summary of Comments: The commenter did not support expansion of the ACEC, stating that BLM does not need to expand the ACEC to manage the area in accordance with the Desert Tortoise Recovery Plan. Because of the overlapping SRMA and ERMA, the area already enjoys an exclusion from renewable energy development.

Response: The expansion of the Ivanpah ACEC is related to the renewable energy development projects ISEGS and Stateline. In those project approvals, there was the translocation of desert tortoise. Areas that were used for the placement of translocated tortoises need to be protected from activities that would result in the need to translocate those animals again, and to ensure that the remaining tortoise habitat is protected to maintain these populations. The designation of an ACEC is not about excluding renewable energy development, but rather about the biological resources that need special management above and beyond normal BLM habitat management. The goals and objectives identified in the overlapping SRMA and ERMA do not sufficiently address biological goals and objectives in the ACEC designation.

II.3.28 Christmas Canyon ACEC (Theme 43)

Summary of Comments: Remove the approximately 3,000 acres of the Spangler Open OHV Area that was absorbed by China Lake NAWS in the 2015 NDAA.

Response: The National Defense Authorization Act for Fiscal Year 2016 provided the withdrawal of 21,060 acres of BLM managed lands within and near the Spangler Hills Open OHV Area and SRMA from all forms of appropriation under public land laws. The Christmas Canyon ACEC is inside the Spangler Hills Open OHV Area and SRMA. While this area has been withdrawn by the military, these lands will remain under BLM management until such a time, and if, they are transferred to the Department of Defense. In order to provide clarity to the management of these lands, and the potential for transfer to the Department of Defense, the BLM has updated the Spangler Open OHV Area SRMA and Christmas Canyon ACEC maps to reflect the current land status with the 2015 NDAA.

II.3.29 Cronese Basin ACEC (Theme 44)

Summary of Comments: Trails and Travel Management should also read: Limit motor vehicle travel to designated routes.

Response: The BLM has incorporated this suggested change into the Cronese Basin ACEC Special Unit Management Plan.

II.3.30 Denning Spring ACEC (Theme 45)

Summary of Comments:

- Trails and Travel Management should recognize motor vehicle travel on designated routes;
- Recreation should contain a statement on allowable uses including camping.

Response: The Denning Springs ACEC Special Unit management Plan did not provide site-specific Objectives, Allowable Uses, or Management Actions for Trails and Travel Management or recreation beyond those already required, or identified in the LUPA and applicable plans, including the existing local Travel Management Plan. As such it is not necessary to recognize motor vehicle travel on existing routes or camping for the purposes of this ACEC Special Unit Management Plan.

II.3.31 Barstow Woolly Sunflower ACEC (Theme 46)

Summary of Comments: There is a robust and popularly used designated motorized route network throughout this ACEC. There needs to be recognition of this network in the Trails and Travel Management Section.

Response: The Barstow Woolly Sunflower ACEC Special Unit management Plan did not provide site-specific Objectives, Allowable Uses, or Management Actions for Trails and Travel Management beyond those already required, or identified in the LUPA and applicable plans, including the existing local Travel Management Plan. As such it is not necessary to recognize motor vehicle travel on existing routes for the purposes of this ACEC Special Unit Management Plan.

II.3.32 Big Rock Creek Wash ACEC (Theme 47)

Summary of Comments: It appears that there is a desert dumping site along the dirt road on the east boundary.

Response: This comment will be considered when identifying needed restoration activities within this ACEC.

II.3.33 Horse Canyon ACEC (Theme 48)

Summary of Comments:

- If this ACEC does overlap the Middle Knob SRMA, it should be withdrawn as redundant. The stated threats (renewable energy and housing development, rockhounding) can all be addressed through the SRMA management plan.
- It is not clear if the ACEC is within a SRMA due to contradictory language.
- Before banning established rockhounding, the BLM should work cooperating with stakeholders to put in place an educational program to address degradation of cultural resources and values and the unauthorized collection of vertebrate fossils.

Response: The portions of the Middle Knob SRMA in the Bakersfield RMP area that overlap the Horse Canyon ACEC have been removed, and any contradictory language in the Special Unit Management Plans has been updated for clarity. With respect to the Special Unit Management Plan restricting the collection of rocks, mineral specimens, invertebrate fossils and gemstone, this is an existing management prescription identified in the 2014 Resource Management Plan for the Bakersfield Field Office.

II.3.34 Middle Knob ACEC (Theme 49)

Summary of Comments: The CMA for this ACEC will be mute if not mask any benefits of the overlapping Middle Knob SRMA.

Response: The BLM is assuming the commenter is referring to the Objectives, Allowable Uses and Management Actions within the Special Unit Management Plan for this ACEC. It is our view that the activities identified in the Special Unit Management Plans (both for the

ACEC and SRMA) are compatible, and that the ACEC plan does not preclude or prevent recreation in this area. (See also Theme Response 18)

II.3.35 Mohave Ground Squirrel ACEC (Theme 50)

Summary of Comments: Allowable uses should include OHV touring.

Response: The Mojave Ground Squirrel ACEC Special Unit Management Plan identifies motorized vehicles as an allowable use on designated routes.

II.3.36 Western Rand Mountains ACEC (Theme 51)

Summary of Comments: The 0.5% ground disturbance cap is too low to allow for a reasonable and efficient motor vehicle route network to exist in this ACEC. Given that this ACEC has a Management Plan and a designated route network, the designated routes should be excluded from the disturbance cap calculations.

Response: For existing ACECs that have current management plans, the Special Unit Management Plans are intended to update, summarize and augment the existing plans. Existing routes constitute a major source of disturbance in the desert. To propose to exclude them from the calculation of ground disturbance is not biologically or ecologically sound and puts the resources values at risk. See “Disturbance Cap Management and Implementation” in the LUPA for a description of how areas that exceed the ground disturbance cap will be managed. See Theme 12 for a more detailed response to comments on the ground disturbance cap.

II.3.37 Cultural Resources (Theme 52)

Summary of Comments: This comment requested clarification on whether “cultural resources” and “cultural values” had the same or different meanings in the Notice text.

Response: Within the context of the notice cultural resources and cultural values have different meanings in regard to the ACECs. Some locations do not have complete inventories for all resources present but the BLM has sufficient information to ascertain that some of the known resources have relevant and important religious or cultural value to Native Americans that require special management consideration.

Attachment 1

Comment Letter Index

Attachment 2

Bracketed Comment Letters

Attachment 3

ACEC Federal Register Notice

