

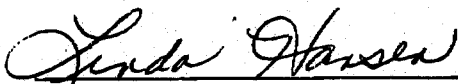
**United States Department of the Interior**


**BUREAU OF LAND MANAGEMENT**

**Record of Decision**  
for  
**Approved**  
**Northern & Eastern Colorado Desert**  
**Coordinated Management Plan**

**An amendment to the California Desert Conservation Area Plan 1980**

Prepared by  
Department of the Interior  
Bureau of Land Management  
California Desert District Office

 12/19/02  
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## RECORD OF DECISION

### Decision

This Record of Decision (ROD) approves, with minor modifications, the Proposed Northern and Eastern Colorado Desert Coordinated Management Plan (NECO), an amendment of the 1980 Bureau of Land Management California Desert Conservation Area (CDCA) Plan to that portion that lies within the NECO planning area. The minor modifications from the Proposed Plan include changes in format, wording, and other minor corrections to improve clarity as well as two substantive changes as follows:

1. Ten priority artificial waters in wilderness areas are specifically approved subject to a subsequent site-specific analysis.
2. Twenty percent forage utilization is added for the Chocolate-Mule Mountain Burro Herd Management Area.

This plan was prepared under the regulations implementing the Federal Land Policy and Management Act of 1976 (FLPMA). An environmental impact statement was prepared for the NECO Plan in compliance with the National Environmental Policy Act (NEPA) of 1969. The Proposed Northern and Eastern Colorado Desert Coordinated Management Plan and Final Environmental Impact Statement was published in August 2002, and is available on BLM's web site at <http://www.ca.blm.gov>. A summary of the major plan amendment decisions of NECO includes:

1. Establish Regional Standards for Public Land Health and set forth guidelines for grazing management.
2. Establish two Desert Wildlife Management Areas (DWMAs) encompassing about 1.75 million acres that are managed as Areas of Critical Environmental Concern for recovery of the desert tortoise.
3. Establish the Southern Mojave and Sonoran Wildlife Habitat Management Areas (WHMAs) for bighorn sheep totaling over a million acres and 13 multi-species WHMAs totaling over a half million acres such that 80 percent of the distribution of all special status species and all natural community types are included in conservation management areas.
4. Combine Herd Management Areas for wild horses and burros and adjust the Appropriate Management Levels.
5. Designate routes of travel (approximately 95% of existing routes will remain available for vehicle access).
6. Identify priorities for potential acquisition of private lands and disposal of public lands.
7. Provide access to resources for economic and social needs.
8. Incorporate 23 wilderness areas (totaling over a million acres) established by the 1994 California Desert Protection Act in the CDCA.

Included with the amendments are certain site-specific conservation measures. While these measures are addressed and approved in the Approved Plan, they are not authorized until specifically proposed and addressed through additional site-specific NEPA analyses.

All of the interim measures identified in the Consent Decree in Center for Biological Diversity, et al. v. BLM (C-00-0927 WHA (JCS)) and subject to expiration upon the signing of the ROD for the NECO planning area, are terminated.

### **Consistency with other CDCA Plan Amendments**

Several other CDCA Plan amendments are concurrently being developed for other regions in the CDCA. Those decisions that are common among these amendments have been developed to be consistent with each other. In addition, the NECO planning area overlaps two adjacent planning areas, the Coachella Valley Multiple Species Habitat Conservation Plan (MSHCP), and the Imperial Sand Dunes Recreation Area Management Plan (ISDRAMP). When approved, the MSHCP and ISDRAMP plan decisions will replace the NECO plan decisions in the overlap areas.

### **Alternatives Considered**

Four land use management alternatives were developed for the NECO Plan and Environmental Impact Statement. They provided decision makers with a range of realistic and distinct options to fulfill the purpose and need for the project and address the eight scoping issues identified in Table 1-2 of the Proposed Plan/FEIS.

#### **1. No Action--Current Management**

This alternative describes existing resource conditions with current management practices and present land use allocations. Included are many decisions previously made but not implemented.

#### **2. Proposed Plan**

This alternative provides for managing public lands using strong conservation measures to provide for recovery of the desert tortoise. It emphasizes ecosystem management while balancing for multiple uses.

#### **3. Small DWMA--A Alternative**

This alternative provides for managing public lands for recovery of the desert tortoise through recommendations contained in the Tortoise Recovery Plan (USFWS 1994). It emphasizes conserving biodiversity and non-consumptive uses.

#### **4. Small DWMA--B Alternative**

This alternative provides for managing public lands with a reduced emphasis on ecosystem management and increased emphasis on multiple uses of public resources, while still providing for recovery of the desert tortoise.

## **Environmentally Preferable Alternative**

Federal environmental quality regulations (40 CFR 1505.2 (b)) require that an agency identify the environmentally preferable alternative or alternatives in the ROD. Alternatives 2 and 3 are the environmentally preferred alternatives. While each contains different arrays of management features that create some difficulty in defining an obvious choice, Alternative 3 on an overall basis may be considered the more environmentally preferable. Management prescriptions for native species and their habitats are similar for both alternatives, and both alternatives contain the same amount of land dedicated to conservation management of special status species and their habitats. Alternative 2 has a greater amount of area in more conservation management for the desert tortoise (i.e., DWMA's are larger), and is more limiting on surface area disturbance. On the other hand, cattle grazing and driving in washes on an area basis would not be allowed in the smaller DWMA's of Alternative 3. In addition, in Alternative 3 the following would be eliminated: cattle grazing from DWMA's, all burro herds, both domestic sheep grazing allotments, and competitive vehicle racing with speed as a primary competitive factor throughout the planning area. Alternative 3 contains three times the amount of highway fencing for the desert tortoise as Alternative 2. For a complete comparison of alternatives, see the Table 2.9 in the Proposed Plan/FEIS.

## **Management Considerations**

This decision emphasizes ecosystem management with strong conservation measures and also broadly provides for multiple uses of public lands. A summary of the key management considerations involved in the decision is as follows:

### **Standards and Guidelines for Public Land Health**

Regional standards and guidelines are selected instead of National standards and guidelines because they were tailored to the local desert situation with involvement by the Desert Advisory Council, and broadly apply to all resources and management programs.

### **Desert Tortoise Recovery**

The larger than minimum recommended size for DWMA's and the defined array of management prescriptions best allows for recovery over a large area with a generally less restrictive array of specific management prescriptions. Specific features such as deletion of some critical habitat, changes to standard mitigation and compensation measures, inclusion of some cattle grazing, designation of both open and closed roads and washes, proposals for artificial waters for large and small wildlife, and the 1% surface disturbance limitation on federal lands apply up-to date scientific analyses and provide balanced commitment to promoting desert tortoise recovery and multiple use management by reducing conservation-use conflicts.

### **Special Status Species**

A comprehensive approach to managing all species and habitats is included and features at least 80% coverage of the known or predicted habitat for 60 special status species in specific conservation management areas. This ecosystem emphasis of the plan greatly diminishes the chance of future species listings. Included in the array of management prescriptions is a proposal to construct a number of artificial waters for bighorn sheep and deer in the Sonoran Bighorn Sheep Wildlife Habitat Management Area to sustain the herds through periods of difficult drought conditions. Because of the amount of bighorn sheep range contained in BLM wilderness areas and because of the declining number of bighorn

sheep, it is necessary that some of these waters be located in wilderness.

### **Wild Burros**

BLM is committed to managing free-roaming herds of wild burros under the 1971 Wild, Free-Roaming Horse and Burro Act. Because a high number of former burro herds in the CDCA have been eliminated through prior land use planning and agency transfers, and because the several state and federal agencies along the Colorado River have successfully collaborated on this matter, the two NECO burro herds will be retained but managed at reduced levels. Continued collaboration on implementation among these agencies will produce efficiencies and creative solutions to meet management commitments that have not previously been applied.

### **Routes of Travel and Organized Competitive Vehicle Events**

All routes outside closed and OHV open areas are designated as open, closed or limited – i.e., there will be no more “existing routes” areas. As a result of applying specific designation criteria to all routes on public lands in the planning area outside current closed areas, about 5% of the inventoried routes are closed. This approach to designation and the consideration of specific designation criteria to implement 43 CFR 8342.1 are necessary because 1) there are so many species, cultural resources, and other sensitivities that large-scale, existing-routes areas simply can no longer be supported, and 2) to assure that designations are exacting and not arbitrary. The resulting road and washes closures are appropriate considering that most previous public and/or motor-vehicle access closures throughout the CDCA (i.e., military, parkland, and wilderness areas) had no or very little basis in comprehensive conservation of species and habitats. That only 5% of the roads and 10% of navigable washes are closed is appropriate considering that about 50% of the planning area (and the CDCA) is already closed.

The approach to decisions on competitive events is also science-based: the Parker-400 route is eliminated because 75% of its alignment lies well within the Chemehuevi DWMA, and the Johnson Valley–Parker route is not eliminated because it lies entirely outside DWMA and has no other particular species sensitivity association. General design criteria contained in 1980 CDCA Plan MUC guidelines are also eliminated because of the extreme difficulty in finding environmentally suitable opportunities.

### **Land Ownership**

The general proposal is to acquire private lands in conservation management areas and dispose of federal lands in areas low in species and habitats and other resource values. No specific land acquisition or disposal proposals are addressed in the plan, but areas are identified for potential acquisition and disposal to advance the goals and objectives of the Plan, including providing for community expansion. Proposing and completing lands actions requires willing landowners, local government review, and specific NEPA analyses. Any future action that involves disposal of federal land may also require a plan amendment. The preferred method for accomplishing this goal is land exchange to support local government tax base. This approach supports goals to improve manageability of sensitive federal lands, usability of private lands, reducing local government services costs, and minimizing the effects on local tax base.

### **Incorporation of Congressional Wilderness Designations into Land Use Plans**

Twenty-three wilderness areas created by Congress through enactment of the 1994 California Desert Protection Act are formally incorporated in the CDCA plan through NECO.

## **Endangered Species Act Consultation**

The Congress specified that the purposes of the Endangered Species Act of 1973 (Public Law 97-304) (ESA), as amended, “are to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered and threatened species, and to take such steps as may be appropriate to achieve the purposes of the treaties and conventions” (Sec. 2(b)). The ESA states it “to be the policy of the Congress that all Federal departments and agencies shall seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of the purposes of this Act” (Sec. 2(c)(1)). The fulfillment of these purposes is a fundamental issue in this planning effort.

The ESA further provides that “each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency . . . is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat of such species” (Sec. 7(a)). By Federal regulations (Code of Federal Regulations, Volume 50, Part 402) implementing the provisions of Section 7 of the ESA, the BLM and other Federal agencies must *consult* with the U.S. Fish and Wildlife Service (USFWS) on projects, plans, and actions that may negatively affect a threatened or endangered species. The USFWS then issues a biological opinion (BO) relative to jeopardy and adverse modification. A similar review, referred to as a conference, is required for species that are proposed for federal listing.

The BLM has determined that there are two federally listed species affected by the CDCA Plan in the NECO Planning Area: the desert tortoise (*Gopherus agassizii*) and the Coachella milkvetch (*Astragalus lentiginosus* var. *coachellae*). BLM initiated consultations with USFWS on the effects of the NECO Plan on these species. The USFWS issued a biological opinion for the desert tortoise on June 17, 2002 and a biological opinion for the Coachella Valley milkvetch on December 11, 2002. Sections 7(b)(4) and 7(o)(2) of the Endangered Species Act do not apply to listed plant species. Thus, there are no reasonable and prudent measures and no terms and conditions for plants. Nevertheless, protection of listed plants from take is provided to the extent that the Act prohibits the removal and reduction to possession of federally listed endangered plants or the malicious damage of such plants on areas under federal jurisdiction.

### **Reasonable and Prudent Measures (from the Desert Tortoise BO)**

The USFWS believed the following reasonable and prudent measures are necessary and appropriate to minimize take of the desert tortoise during activities related to grazing, management of burros, and casual use associated with recreation and mining:

1. The Bureau shall re-issue annual permits for livestock grazing only if the permittee is in full compliance [with the tortoise protective measures] on grazing.
2. The Bureau shall ensure that only qualified personnel are allowed to handle desert tortoises, conduct clearance surveys, and monitor for compliance with the protective measures proposed by the Bureau and the terms and conditions of this biological opinion.
3. The Bureau shall avoid and minimize take of desert tortoises during removal of burros.
4. The Bureau shall provide information on the desert tortoise to anyone requesting information on casual use associated with recreation and mining.
5. The Bureau shall determine the level of desert tortoise mortality associated with wildlife guzzlers

and other managed waters and take measure to minimize this mortality.

The Service's evaluation of the effects of the proposed action includes consideration of the measures developed by the Bureau and repeated in the Description of the Proposed Action portion of this biological opinion, to minimize the adverse effects on the desert tortoise of grazing, management of burros, and casual use associated with recreation and mining. The Bureau also considered the management of grazing that occurs under the Service's previous biological opinions, as modified by Bureau proposals described in this biological opinion. Any subsequent changes in the minimization measures proposed by the Bureau or in the conditions under which cattle grazing currently occurs may constitute a modification of the proposed action and may warrant re-initiation of formal consultation, as specified at 50 CFR 402.16. These reasonable and prudent measures are intended to clarify or supplement the protective measures that were proposed by the Bureau as part of the proposed action.

### **Terms and Conditions (from the Desert Tortoise BO)**

To be exempt from the prohibitions of section 9 of the Act, the Bureau must comply with or ensure that any permittee complies with the following terms and conditions, which implement the reasonable and prudent measures described above and outline reporting and monitoring requirements. These terms and conditions are non-discretionary.

#### **a) The following terms and conditions implement reasonable and prudent measure 1:**

- a. The Bureau shall prepare an annual report to be delivered to the Service by April 15 that addresses the previous grazing year ending February 28. The report shall provide, for each allotment in desert tortoise habitat, a brief summary of: the level of utilization of perennial plants; the actual amount of grazing use (i.e., animal unit months); trend data on plant communities in grazed areas; management actions and grazing decisions taken to adjust grazing use; management action taken to address conflicts with the desert tortoise; the results of construction and replacement of range facilities; and the circumstances regarding any desert tortoises known to have been injured and killed due to livestock grazing. In addition, any public land health determinations made for grazing allotments shall be attached to the annual report.
- b. If an allotment fails to meet the public land health standards based on current livestock use in habitat of the desert tortoise, the Bureau shall remove grazing from the affected areas until the public land health standards are met. This grazing decision shall be reviewed by the Service, at a minimum, through informal consultation.

#### **2. The following terms and conditions implement reasonable and prudent measure 2:**

- a. Only biologists authorized by the Service under the auspices of this biological opinion shall handle desert tortoises.
- b. All handling of desert tortoises and their eggs, relocation of desert tortoises, and excavation of burrows shall be conducted by an authorized biologist in accordance with recommended protocol (Desert Tortoise Council 1999).
- c. Only biologists approved or authorized by the Service under the auspices of this biological opinion shall conduct pre-project clearance surveys for the desert tortoise or monitor project activities for compliance with the proposed protective measures.

- d. The Bureau shall submit the names(s) and credentials of the proposed biologist(s) to the Service for review and approval at least 30 days prior to the onset of activities. No activities shall begin until a biologist is approved by the Service.

**3. The following term and condition implements reasonable and prudent measure 3:**

When burros are being removed from within desert tortoise habitat, the Bureau shall have authorized or approved biologists present, as appropriate, to ensure desert tortoises are moved from harm's way or avoided, if necessary. These protective measures for the desert tortoise shall be implemented when the removal of burros is likely to result in concentrated activity by horses, burros, or workers or ground disturbance.

**4. The following term and condition implements reasonable and prudent measure 4:**

The Bureau shall provide information on the desert tortoise, its status, the protection it receives under the Endangered Species Act, and the actions that can be taken to avoid killing or injuring desert tortoises when working or recreating in the desert to anyone requesting information on casual use associated with recreation and mining.

**5. The following terms and conditions implement reasonable and prudent measure 5:**

- a) Within 2 years of issuance of this biological opinion, the Bureau shall inventory all guzzlers located within desert tortoise habitat and assess their potential to trap desert tortoise. The assessment of the potential to trap desert tortoises shall be based on the design of the guzzler and the abundance of desert tortoises within the area of the guzzler.
- b) Within 3 years of the issuance of this biological opinion, the Bureau shall retrofit all guzzlers that have identified as having the potential to trap desert tortoises.
- c) The Bureau shall retrofit all other guzzlers within desert tortoise habitat within 5 years of the issuance of this biological opinion.
- d) If a desert tortoise is found trapped in any managed water or guzzler, the water or guzzler shall be retrofitted within four weeks. If the water or guzzler cannot be retrofitted within that time frame, it shall be fenced to preclude entry by desert tortoises.

**Reporting Requirements (from the Desert Tortoise BO)**

By January 31 of each year this biological opinion is in effect, the Bureau shall provide a report to the Service that provides details on each desert tortoise that is found dead or injured. The information shall include the location of each mortality, the circumstances of the incident, and any actions undertaken to prevent similar instances from occurring in the future. The annual report shall also describe activities that the Bureau implemented (e.g., the amount of road maintained, habitat rehabilitated, etc.) within habitat of the desert tortoise. The annual reports shall also evaluate the range conditions that are specified in the previously issued biological opinions for grazing in the California Desert Conservation Area.

**Consistency Requirements**

In accordance with BLM resource management planning regulations (43 CFR 1610.3-2) BLM must identify any known inconsistencies with State or local plans, policies, or programs. BLM must also



provide the Governor with up to 60 days in which to identify any inconsistencies and submit recommendations. No known inconsistencies have been identified, either by BLM or the Governor, for the NECO plan.

### **Consultation with the State Historic Preservation Officer**

The Bureau of Land Management initiated formal consultation with the State Historic Preservation Office (SHPO) by letter dated May 30, 2000. The BLM initiated consultation in accordance with the Programmatic Memorandum of Agreement Among the Advisory Council on Historic Preservation, the Bureau of Land Management, and the California State Historic Preservation Officer Regarding the California Desert Conservation Area (1980), and the State Protocol Agreement Between The California State Director of The Bureau of Land Management And The California State Historic Preservation Officer (1998). Consultation regarding historic properties that might be affected by this plan amendment is ongoing. BLM has rendered findings and determinations regarding the eligibility and effects for historic properties and has requested SHPO concurrence. BLM has developed a programmatic strategy that will provide for a phased implementation of the inventory and evaluation of historic properties that might be affected by the designation of routes. BLM will implement the terms and conditions of this programmatic strategy as agreed to in consultation with SHPO.

### **Consultation with Native Americans**

To comply with Executive Orders regarding Government-to-Government relations with Native Americans, formal and informal contacts were made with a number of tribal councils at several points in the planning process. Advice on the nature and progress of the project was provided, and concerns and ideas to help define and direct the planning process were solicited. These entities will continue to be contacted and comments requested at key milestone points as the planning process continues. Tribal councils formally consulted include the Ft. Mojave Reservation, Chemehuevi Indian Reservation, Colorado River Indian Tribes Reservation, and Quechan Indian Reservation. Informal consultation was also extended to the Torres-Martinez Band of Mission Indians, the Twenty-Nine Palms Band of Mission Indians, the Cabazon Band of Mission Indians, and the Palm Springs Band of Mission Indians.

### **Environmental Protection Agency**

The Environmental Protection Agency (EPA) received copies of both the DEIS and FEIS. EPA's comments on the DEIS included its highest rating – "LO" (Lack of Objection). This rating's definition includes "The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal."

### **Other Consultations**

As noted in several of the above paragraphs, a number of agencies and interests have been involved in development of the NECO Plan. As lead agency, BLM has made a concerted effort to coordinate and consult with all agencies and interests, in addition to the three noted just above. Particular among these include local government and BLM's own Desert Advisory Council.

### **Mitigation Measures**

Approved mitigation measures were presented in Appendices D through G of the Proposed Plan/FEIS, relating to desert tortoise, desert restoration, public education, and limitations on cumulative new surface

disturbance. All practicable means to avoid or minimize environmental harm by the plan have been adopted.

## **Plan Monitoring, Evaluation and Adaptive Management**

Plan monitoring, evaluation and adaptive management are essential components of natural resource management. They provide information on the relative success of implementing management strategies to achieve plan goals and objectives. The implementation of the NECO Plan amendments will be monitored to ensure that management actions follow prescribed directives. Plan evaluation compares the status of the resources (as determined by field assessments) with the goals and objectives. Some maturation of projects is needed before results can be discerned. About half the plan decisions will be evaluated in five years and the remainder in ten years. With the information generated by this evaluation, managers can objectively adjust or adapt management programs as needed.

The processes of monitoring, evaluation and adaptive management share the goal of improving effectiveness and permitting dynamic responses to increased knowledge and a changing landscape. The process itself will not remain static and will be periodically evaluated to ascertain if the monitoring questions and standards are still relevant, and the program would be adjusted as appropriate. Some field monitoring items may be discontinued and others added as knowledge and issues change.

At some future date, within three months following the U.S. Fish and Wildlife Service updating and republishing its Desert Tortoise Recovery Plan, BLM will conduct and complete a review of the CDCA Plan for the need and opportunity for adaptive management.

## **Public Involvement**

This section relates public and agency involvement in the planning process. Subsections discuss issue-identification and public scoping, plan development, the draft and final plan and environmental impact statement, and consultations with the U.S. Fish and Wildlife Service (USFWS), the State Historic Preservation Office, and Native American tribal councils.

### **Issue Identification/Public Scoping**

The Council on Environmental Quality regulations (40 CFR 1501.7) and BLM planning regulations (43 CFR 1610) require an early and open process (scoping) for determining the planning issues. The regulations also require that agencies provide opportunities for public involvement in the planning process, including review of the planning criteria and the Draft Plan/EIS. Efforts have been made to make the public aware of the planning process and of opportunities for involvement.

Public scoping was begun in 1993 for the Eastern Colorado Recovery Unit and included four public meetings and written comments. In 1994 the Northern Colorado Desert Recovery Unit was added to the planning area, so scoping was reinitiated with a Notice of Intent to prepare the Plan and an EIS being published in the Federal Register on March 15, 1994. This publishing also announced the schedule and location for public meetings and invited public participation. The announcement was amended on April 25, 1994, to add additional public meetings and extend the public comment period until June 11, 1994. In 1994, eight public meetings were held between March 29 and May 11, and a number of letters were received. A total of 12 meetings were held to identify public concerns in the issue identification process. The totals for the two phases are as follows:

#### **1993 Public Scoping Process**

- 4 meetings with 67 individuals attending, 137 comments

- 17 letters with 45 comments

**1994 Public Scoping Process**

- 8 meetings with 128 individuals attending, 259 comments
- 28 letters with 100 comments
- Discussions with 14 local, state, and federal agencies; 4 tribal councils; 2 utility companies and 1 major land owner

The total number of public comments was 541. Many issue subjects were covered: e.g., planning process, data collection, research and monitoring, management mandates, and a number of resource and use values. Six major issues were identified that included the bulk of individual comments. These six issues should be considered as aggregates of comments. For instance, addressing the issue of recovery of the desert tortoise must include a consideration of several related comments such as management of a variety of uses, control of ravens, monitoring, research, and coordination among agencies and interest groups. During the planning process, two additional issues were added: Public land health standards and guidelines and incorporation of wilderness designations contained in the 1994 California Desert Protection Act.

**Plan Development**

A number of federal, state, and local agencies and non-agency interests have been involved throughout the planning process since public scoping. These entities helped in developing and analyzing data, developing and reviewing plan proposals and alternatives, developing an understanding of the causes and effects of uses on species and habitats, and developing public support for the planning process. The specific individuals involved comprised a group called the Cooperating Agencies/Interest Group Committee and met with planning staff over the entire period of plan development.

A public mailing list of about 2,800 individuals, interest groups, and agencies has been developed throughout the planning period. At several times throughout the planning process, notifications were sent to this group on the following topics: completion and availability of the inventory of routes of travel and its availability for review; eight mid-process review public meetings in March 1996; and a general update in August 1997. Finally, elements and status of the plan were reviewed at some of the regular public meetings of BLM's Desert Advisory Council over the years.

**Distribution of the Draft Plan and Draft EIS**

Notice of availability of the Draft Plan/EIS was distributed to the entire mailing list on February 26, 2001. Copies were also provided to anyone expressing an interest in the planning process. In addition, copies were provided to public libraries throughout the planning area for public review and reference. Copies were also sent to the federal, state, local agencies, Indian tribal councils, California Desert Advisory Council, interest groups, local federal and state elected officials, and individuals with a request for review. The public review period for the DEIS spanned eight months due to popular request for more review time based upon document complexity and the high level of public concern. Nine public meetings were held and over 1,600 comments were received.

On numerous occasions, in addition to the above-noted public meetings, BLM provided overviews on the DEIS to individuals, interest groups, local governments, BLM's Desert Advisory Council, Joshua Tree National Park's Commission, and tribal councils. Tribal councils consulted include: Quechan (May 31, 2001), Chemehuevi (September 14, 2001), Fort Mojave (October 23, 2001), and Colorado River Indian Tribes (CRIT) (November 11, 2001). In addition BLM notified the public that the Preferred Alternative

routes of travel designations proposal was available for review on 7.5-minute quadrangle maps covering the entire Planning Area. By the end of the public comment period, over 1600 comments were received. These comments were in the form of letters, faxes, email, and public meeting comments.

The BLM Desert Advisory Council provided advice on plan decisions in developing the Draft Plan/DEIS, the Proposed Plan/FEIS, and the Approved Plan.

### **Proposed Plan and FEIS**

Developing the Proposed Plan and final EIS primarily involved a process of revising the DEIS based upon review and consideration of the public comments received. As a result of the public comments received, BLM has been able to strengthen, refine, and clarify the text, proposed decisions, analysis, and conclusions.

The U.S. Forest Service's (USFS) Content Analysis Team were contracted to analyze and synthesize public comments into concise "public concern" statements. These public concerns statements were grouped into topics and subject groupings through a process developed by USFS and provided for a number of federal agencies over recent years. The advantages of going to this team are twofold: professional expertise using sophisticated methodology and independent review. These reports allow analysts to identify a wide range of public concerns, analyze the relationships among them, and summarize comments into "public concern statements."

A public concern statement represents one unique comment from an individual person, or the common concern from numerous people or groups. Over 460 public concern statements were provided to BLM by the above-described process. BLM's project management personnel reviewed this list of public concern statements and associated sample statements and assigned appropriate staff to each public concern. In making these assignments, it became clear that some of the public concerns could be combined. Assigned staff evaluated the public concern statements and associated sample statements. They made revisions to this Plan and FEIS as appropriate, and prepared written response to public concern statements that were presented in the Proposed Plan and FEIS.

The release of the FEIS initiated a 30-day review and protest period. This period began on August 2, 2002, with the publishing of a notice of availability in the Federal Register, and concluded on September 3, 2002. Persons and organizations on the mailing list received a copy of the document. The FEIS was also posted on the BLM California website.

### **Plan Protests**

The BLM Director has dismissed all protests on the NECO plan. By regulation (43 CFR 1610.5-2) the decision of the Director on plan protests is the final decision of the Department of the Interior.