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13 June 2018

Attention: WMRNP Plan Amendment
California Desert District
22835 Calle San Juan de Los Lagos
Moreno Valley, California 92553
blm_ca_wemo_project@blm.gov, cawemopa@blm.gov

Dear Bureau of Land Management,

The Desert Tortoise Council (Council) is a non-profit organization comprised of hundreds of professionals and laypersons who share a common concern for wild desert tortoises and a commitment to advancing the public's understanding of this species. Established in 1975 to promote conservation of tortoises in the deserts of the southwestern United States and Mexico, the Council regularly provides information to individuals, organizations and regulatory agencies on matters potentially affecting the desert tortoise within its historical range.

In reviewing Appendix A of the current Draft SEIS, dated January 2018, which includes scoping comments, we note that the comments provided by Sid Silliman on behalf of the Council are referenced, but that those submitted on 3 June 2015 by the Council are not listed in Appendix C, which is a subpart of Appendix A. In reviewing the current Draft SEIS, it is apparent that most of our 243 formal comments submitted to the BLM on 3 June 2015 are not addressed and that the current Draft SEIS has failed to consider our persisting concerns. As such, we consider the Draft SEIS to be deficient.

We appreciate that the ill-advised 10,000+ linear-mile alternative identified in 2015 has been eliminated. However, most of our concerns submitted in 2015, none of which has thus far been addressed, still apply. Here, we provide the original comment letter and, to facilitate your review and ensure that only current issues are identified, we ~~strike out the comments~~ from 2015 that no longer apply. Those that still apply, which we assume will be addressed in preparing the Final SEIS, are shown in regular font, minus the strike out.

Herein, we resubmit our 2015 letter. Only comments lacking strike out need be addressed.

With regret, the Council must oppose all alternatives that lead to more destruction of desert tortoise habitat, that would certainly result in further declines in desert tortoise populations, and that would severely jeopardize any possibility of recovery under the Endangered Species Act. Also we cannot favor the No Action Alternative, which is the only alternative presented that provides continuing protection for the Mojave desert tortoise and its habitats because the current situation is not supporting the recovery of the tortoise populations as required under the Endangered Species Act. We favor preparation of an alternative that includes significant protection for the desert tortoise and the desert habitats on which it depends. We would be pleased to provide materials and input for defining the conservation needs of the Mojave desert tortoise.

Our reasons for rejecting the alternatives presented are summarized below and detailed in the appended table of comments and questions.

Whereas, the court determined that (from Section 1.1.3 of the Draft SEIS):

"(1) the 'decision tree' used to evaluate and designate routes was flawed because it did not comply with regulations requiring BLM to protect resources, promote public safety, and minimize conflict, and consider various 'designation criteria' (Summary Judgment Order, September 28, 2009, p.4 lines 18-19), found in 43 CFR 8342.1, when designating routes;

"(2) the plan authorized numerous OHV routes that were not in existence in 1980, which was inconsistent with the governing land use plan which limits OHV routes to those existing in 1980;

"(3) the EIS did not contain a reasonable range of alternatives to the proposed action because all alternatives considered the same 5,098 mile OHV route network and because its discussion of the No Action alternative was incomplete, and;

"(4) the EIS was flawed because its analysis of impacts on soils, cultural resources, certain biological resources, and air quality was incomplete (Remedy Order, January 28, 2011, p.2)."

We are dismayed to find that the SEIS goes far beyond these court-ordered requirements, and opportunistically proposes the following in the Draft SEIS:

~~(1) To more than double the linear miles of open routes from an existing route network of 5,098 linear miles to 10,428 linear miles in the SEIS' Preferred Alternative, which is an increase of 5,338 linear miles of new open routes;~~

(2) To open Cuddeback Lake, which is within the Fremont-Kramer Desert Wildlife Management Area and Critical Habitat Unit, to unrestricted recreational vehicle use; and,

(3) To include wording in the SEIS that would allow BLM's recreational planners to identify new competitive race routes within the planning area without divulging where those competitive routes would be located; and, similarly, including wording in the SEIS that would allow BLM recreational staff to open new routes at their discretion based on evidence of recent use, without any additional opportunity for public input.

Our comments are included in a table attached to this cover letter. There is necessary redundancy in our comments so that we may address the repetitive proposals given in the Draft SEIS. Our tabulated format presents a direct quote from the Draft SEIS, references both section and page numbers for those quotes, and provides questions that we expect to be addressed, which are shown in **bold, red font**.

Although we expect BLM to address each of the comments and questions in the attached table, we provide the following general concerns to document our specific concerns given in the table:

(1) ~~In its Preferred Alternative, BLM proposes to double the linear miles of open routes without providing any additional conservation to offset associated impacts.~~ Ed LaRue, one of our Board members, was the BLM biologist who drafted the conservation strategy for the West Mojave Plan in 1998. In the draft conservation strategy, LaRue identified 128 specific conservation measures to protect desert tortoises, provide for conservation, and promote recovery. That strategy was based on an understanding that there were about 8,000 linear miles of routes and that about 5,100 linear miles would be open for legal use.

~~(2) Now that BLM has identified about 15,000 linear miles of routes and intends to adopt 10,498 linear miles of them as "open," we are concerned that (a) the original conservation strategy of the West Mojave Plan has not been augmented in any manner to offset the impacts of doubling the available open route network, and (b) that doubling the linear miles of open routes will lead to illegal route proliferation and cross country vehicle travel in places where designated open routes do not currently exist.~~

(3) In fact, it is our contention that only a reduction in the current 5,098 linear miles of existing open routes may stop the declines and stabilize the tortoise populations. An immediate reduction in linear miles and emergency closures are essential, absolutely essential. Cutting remaining grazing, etc. will not do it. It is the routes, the kills, the damage to food and cover, the inability to restore damaged habitat, the weeds, the opening up of previously less accessible areas to denuded areas, and the increase in vulnerability to predators that needs to be curtailed. For these reasons, we support an alternative that reduces the number of routes to fewer than 5,098 linear miles in the existing network. That does not necessarily mean that we support Alternative 2, because it is not clear in the SEIS that the reduction in the number of routes in that alternative was focused in tortoise critical habitats and Desert Wildlife Management Areas.

(4) We believe that BLM now has new information and scientific data that more accurately reflect the extent of potential vehicle impacts to desert tortoises and occupied habitats than were known in 2006. Rather than use these data to identify new, enhanced conservation measures to offset the impacts of 15,000 linear miles of both open and closed routes, ~~BLM has chosen to double the open route network from 5,098 to 10,498 linear miles to effectively authorize the impact~~. Instead, we believe that the BLM should have embraced a reduced density and linear mileage of routes

(5) We note that the SEIS fails to acknowledge scientific data provided by the Desert Tortoise Recovery Office (DTRO) of the U.S. Fish and Wildlife Service's (USFWS 2014a; see references following the attached tables) to the Management Oversight Group, which includes BLM

managers. Therein, the USFWS estimated that 106,000 adult tortoises have been lost within the listed range since 2004, and that most of this decline has occurred in the Western Mojave Desert. They estimate, in the West Mojave alone, there were 152,967 tortoises in 2004, which decreased to 76,644 tortoises in 2012, which is a 50% decrease in the West Mojave planning area affected by this route designation process. Given this new information, which is not divulged anywhere in the Draft SEIS, **the Council contends that the BLM should be reducing the number of open routes, ~~not doubling them~~**.

(6) ~~Regardless of this assertion, we note that the SEIS fails to analyze the impact of doubling available open routes on the West Mojave population of tortoises, estimated to be half of what it was in 2004, which makes the Draft SEIS deficient.~~ Please note that the West Mojave population was already severely depleted in 1990, when the tortoise was federally listed as a threatened species. We further emphasize the importance of this information on the precarious state of the tortoise population to the BLM and to all government agencies. Since the inception in 2001 of the monitoring program for the threatened tortoise (managed by the USFWS), the BLM has contributed funds for it and therefore should be cognizant of the findings.

(7) Given many erroneous statements made in the SEIS with regard to the tortoise, its habitat, desert ecology, and biology in general, we contend that many of BLM's most knowledgeable biologists were not involved in the formulation or drafting of the document and recent, published scientific information developed by Department of the Interior scientists and others was not used. For example, although Dr. Larry LaPré is listed in Table 6.2-1 as one of the preparers of the document, he indicated to us on 13 May 2015 that except for a brief meeting more than two years ago, he was not involved in formulating the Draft SEIS and was never asked to review the document for biological accuracy. On 15 May 2015, BLM Biologist Lorenzo Encinas of the Barstow Resource Area indicated that he was not involved in preparing the SEIS, although he is also listed in Table 6.2-1 as one of the preparers. We contend that the SEIS would be a very different document had knowledgeable biologists been involved in its formulation; the lack of their involvement has resulted in serious deficiencies in the SEIS with regard to species and habitat protection.

(8) Although BLM admits that there are already unacceptable impacts on Cuddeback (dry) Lake, the Preferred Alternative proposes to open this dry lake, which is located within the Fremont-Kramer Desert Wildlife Management Area and Critical Habitat Unit. The SEIS fails to acknowledge that this level of vehicle use will result in serious impacts and accumulations of windblown dirt east of the lake, in vegetated tortoise critical habitats. BLM also fails to acknowledge the impacts that will occur to vegetated habitats as vehicle users access and leave the lakebed, particularly from the Spangler Hills OHV Open Area located to the north. Equally egregious is the failure to acknowledge recently published research (2005-2014) on toxic elements (e.g., arsenic) associated with mines in the Rand Mining District and the windborne and fluvial transport of toxic materials both westward to Fremont Valley and eastward to Cuddeback Lake. These studies were conducted by Department of the Interior scientists and others. Some of these studies point to the negative impacts of arsenic and other toxicants such as mercury on desert tortoises. Recreation vehicle use on routes and in washes creates dust, and particles deposit onto tortoise forage plants and soil surfaces, contaminating critical habitat. These particles with arsenic and other elemental toxicants end up in tortoise lungs and shells.

(9) The SEIS fails to adequately emphasize and discuss implementation of the Presidential Executive Order of 1999 on invasive, non-native plant species. Studies undertaken by Department of the Interior scientists and published since 2000 reveal that non-native annual plant species in desert tortoise critical habitat in the West Mojave compose >60% of the biomass of annual plants in wet years and a much higher amount in dry years (a 2006 publication). The distribution and establishment of these non-natives are facilitated by disturbance, such as by vehicle routes and weed seeds are carried in the vehicle tires and on the vehicles themselves. Many papers have been published in the last 12 years about how these non-native annuals compete with natives for moisture and nutrients in the soil and how they contribute to fires, previously uncommon in the desert. The role of routes in contributing to the spread of these noxious plants has been demonstrated, yet the SEIS fails to deal with the topic. Closure of routes is only a first step; because soils are compacted and damaged, a very expensive and time consuming effort will be necessary to return native annual plants to damaged tracks, camping, and use areas—especially those plant species that the tortoise can eat. Tortoises do not thrive and actually lose weight on the non-native grasses that have become so common in the West Mojave because of human-related disturbances such as recreation vehicle use.

(10) Lands received or conveyed to the BLM for mitigation for the desert tortoise and Mohave ground squirrel should be shown and identified in a map or maps. For each of the parcels, we request to see the route system for each of the alternatives. We want to see a BLM evaluation of how these routes (if they cross the mitigation lands) contribute to the well-being of the species in question, particularly the desert tortoise.

(11) The role of habitat fragmentation in contributing to declines of animal and plant species is well known, and more and more information is being published in scientific journals annually. The SEIS utterly fails to address fragmentation from the routes and the total amount of existing habitat lost or deteriorated from various levels of linear miles of routes and how fragmentation contributes to synergistic effects responsible for tortoise declines. We expect that this subject should be included, in depth, in the Final SEIS.

(12) BLM budget constraints, sequestrations, and other factors apparently have combined to result in failure or inability to fill law enforcement positions in one of the two Field Offices (Ridgecrest, Barstow) that manage the West Mojave. How can the BLM enforce the existing route system established in 2006, much less the expanded route system shown in the Preferred Alternative? The BLM cannot even enforce vehicle traffic on the 2006 routes. The new scientific literature, published since 2005-2006, provides ample evidence of unauthorized, cross-country travel.

(13) We strongly recommend that BLM take action NOW to stop the documented impacts to critical habitat for the desert tortoise, Areas of Critical Environmental Concern ~~(including Desert Wildlife Management Areas)~~, and other public land resources in the West Mojave planning area. BLM has the authority and non-discretionary duty to rectify the damage to resources caused by unauthorized off-road vehicle use as per the following Executive Order.

Section 9 of Executive Order 11989 states:

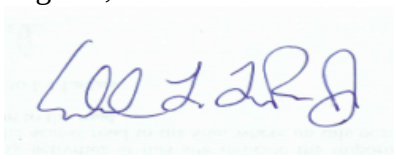
"*Special Protection of the Public Lands.* (a) Notwithstanding the provisions of Section 3 of this Order, the respective agency head shall, whenever he determines that the use of off-road vehicles will cause or is causing considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat or cultural or historic resources of particular areas or trails of the public lands, immediately close such areas or trails to the type of off-road vehicle causing such effects, until such time as he determines that such adverse effects have been eliminated and that measures have been implemented to prevent future recurrence."

BLM is mandated to exercise this authority and non-discretionary responsibility now that it has documentation of "considerable adverse effects" based on monitoring of non-compliance resulting from the federal court order.

We cite these significant concerns as a partial list of those specifically identified in the attached table. We expect that the BLM will provide substantive responses to our many concerns, which will require additional professional analyses to repair deficiencies, supplemental information where existing information is lacking, and the correction of erroneous information currently included in the Draft SEIS. We feel strongly that new data, input, and all revisions in the Final SEIS must be considered by knowledgeable, qualified biologists. We urge the people involved in revising the SEIS to draw on the wealth of government documents and scientific literature published in the last decade on the West Mojave and nearby, as well as on other documents and literature on critical topics mentioned above. Those professional publications will be very helpful in improving the Final SEIS. See attached list at the end of the attached table for a brief, partial list.

~~Although Desert Tortoise Council has asked BLM on numerous occasions to be considered an Affected Interest for activities affecting desert tortoises on public lands it manages, we note that we heard about this SEIS through a third party and were not informed directly by BLM of either the availability of this SEIS or the public meetings that occurred in April 2015. Herein, once again, we ask that BLM consider the Desert Tortoise Council as an Affected Interest, and contact us through information included on the letterhead for future documents, including the Final SEIS.~~ [Note, in this case, we appreciate that the BLM did send us a copy of the 2018 Draft SEIS on a disc].

Regards,



Edward L., LaRue, Jr., M.S.
Desert Tortoise Council, Ecosystems Advisory Committee, Chairperson

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The following comments include questions that are intended to identify what we consider to be deficiencies in the Supplemental Draft EIS (SEIS); these are neither "preferences" nor "opinions," as they are mostly based on scientific literature and point out problems with the BLM's Preferred Alternative. These are considered to be deficiencies because we would not have asked these questions if the SEIS had provided sufficient information to answer them. Our questions are intended to inform the BLM of the issues and outstanding concerns that the Desert Tortoise Council believes must be addressed with additional information in the Final SEIS. We understand that some of these questions can be answered in a comment/response matrix; however, most of our questions require that the Final SEIS specifically address our concerns. **To facilitate addressing our comments and completing the Final EIS, we have provided bold red font statements within pertinent comments clarifying the additional information we are requesting.** [As mentioned above in the cover letter, ~~strike out comments no longer apply~~, and need not be addressed in the Final SEIS].					
CHAPTER 1 - INTRODUCTION					
1	1-4	1.1.2			~~The formula for conservation compared to authorized land uses under the West Mojave Plan was produced with the understanding that about 5,000 linear miles of open routes was compatible with proposed conservation and recovery of Covered Species, as per the following statement: "The Record of Decision (ROD) for the 2006 WEMO Plan approved the designation of approximately 5,098 miles of motorized vehicle routes." We now know that the 5,098 miles of routes was excessive and has contributed to the additional 50% decline in the West Mojave population since 2004.~~ **~~Given that the Preferred Alternative now envisions that as many as 10,428 linear miles of routes would be open, where is the concomitant increase in conservation to offset this new, elevated impact that was unforeseen in the BLM (2005) version of the West Mojave Plan? Is this level of increase even appropriate, given the decline in a threatened species and its habitat? For example, have sizes of DWMAs and Mohave Ground Squirrel Habitat Conservation Areas been increased to offset this new, unforeseen impact? And is there even sufficient quality habitat remaining to use this form of management to off-set additional routes? (We think not).~~**
2	1-4	1.1.2			~~Given USFWS' (2006) statement, "the western Mojave Desert contains a higher density of roads than any other recovery unit (page 52)," and "The recovery plan for the desert tortoise considered the Western~~

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					~~Mojave Recovery Unit to be one of the most threatened units (page 55),"~~ **~~how can BLM justify doubling the existing open route network? Shouldn't BLM be closing routes and undertaking emergency closures in specific areas?~~**
3	1-5 (1-14)	1.1.4 (1.5 5th bullet)			In regard to the following statement, "The result of these two concurrent inventories is a baseline of all primitive routes (ground transportation linear features—see glossary) in the planning area of approximately 15,000 miles," **how did BLM personnel using aerial photography differentiate those apparent "routes" from those that are actually streams and washes, particularly those with no evidence of vehicle use? Which aerial photographs were used and by whom? How could new aerial photographs from the 1970s and 1980 appear that would have more detailed information than was available at the time? Who were the BLM biologists involved in this inventory with sufficient skills to differentiate routes from streams and washes? How much ground truthing was done to differentiate between the two? Basically, where is the science behind this very important conclusion? This proposal is so radical and of such a threat to the desert tortoise and other wildlife resources that it bears scrutiny by a team of scientists.**
4	1-5	1.1.4			In regard to the following statement, "BLM's sample review of the recent and earlier route inventories indicates that these additional routes are not the result of an expansion of the baseline since the 2006 WEMO Plan ROD," **we assume that the BLM Ridgecrest Resource Area is aware of highly impacted camping sites located along 20 Mule Team Road, approximately one mile east of Highway 395? This new impact area, rivaling the worst of such areas observed in official OHV open areas, appeared about the same time "Camp C" was closed in the west Rand Mountains. We contend that this new camping area, with a multitude of new roads created within the past five years, is one clear example that the above statement is not accurate. Please explain and provide examples.**
5	1-5	1.1.4			Assuming the following statement is true, "It was clear early on during the 2013 inventory efforts that the data BLM was collecting (both in the field and using the aerial photography) did not match up to data

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					from the 2006 WEMO Plan," **does this mean that conservation provided for in the WEMO Plan needs to be reconsidered? Given that the WEMO Plan was written based on poor data (i.e., that 5,098 linear miles represented a realistic route network, when in fact, there are 15,000 linear miles), what new protections has BLM identified in the SEIS for DWMAs now that a "more realistic" representation of vehicle impacts along existing routes is claimed?**
6	1-6	1.1.4			Given the following statement, "These [naturally reclaiming] routes have been included in the baseline inventory to clarify their designation, and will remain there until evidence of their use is substantially eliminated," **is BLM aware that by making these maps available to the vehicle recreating public that they are encouraging vehicle use on barely discernible routes, and that the natural reclamation processes are likely to be undermined by publicizing their locations?**
7	1-6	1.1.4			In the following statement, "Most of the primitive routes in the current inventory are not in the current designated motorized network as approved in the 2006 WEMO Plan and, as a result, if currently still in use they are primarily an indication of unauthorized use," **what does BLM mean by "primitive routes?" Is this a technical term defined in the 1980 CDCA Plan? How does BLM plan to restrict vehicle use to the authorized routes? We note that there are no recommendations in the SEIS to increase ranger patrols and law enforcement personnel. In addition, the two BLM Field Offices (Ridgecrest and Barstow) have insufficient law enforcement apparently due to budget and sequestration. It is our understanding that Ridgecrest currently has only one ranger. How, then, can vehicle use on an open route network that is twice as large as the existing one be enforced?**
8	1-6	1.2			In regard to the following statement, "The MVA goal of the 2006 WEMO Plan is to provide appropriate motorized vehicle access to public lands for commercial, recreational, and other purposes in a manner that is compatible with species conservation," **how has use of the existing open network under the No Action Alternative been monitored to ensure this goal is being achieved? ~~If BLM lacks sufficient data to document achievement of this goal on 5,000 linear miles of routes, how does BLM plan to~~**

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					~~**measure success of this goal on 10,428 linear miles of open routes?**~~ **We have yet to read anywhere in the document how this level of access, much less the existing level, is compatible with species conservation.**
9	1-6	1.2			Herein the Council officially supports the alternative that would "make all [cattle] allotments in DWMA and other critical habitat permanently unavailable for livestock grazing," ~~as opposed to the second alternative that would eliminate them as they become vacant.~~
10	1-7	1.2			**What scientific data have been analyzed and reviewed to ensure "The Supplemental Environmental Impact Statement (SEIS) will also analyze access and grazing impacts on specific resources in response to the Court's statements of inadequacy, as summarized in the Court Remedy Order (January 28, 2011, p.3-4) and further discussed in Section 1.1.3.?"**
11	1-7	1.2			Given the following requirement, "By regulation, a land use plan may be amended to consider new findings, data, new or revised policy, changes in circumstances or to address a proposed action that may result in a change in the scope of resource use or a change in the terms, conditions, and decisions of the approved plan (43 CFR 1610.5-5)," **we herein identify the continued decline of desert tortoises in the West Mojave region, based on distance sampling performed by the USFWS (2014a), as new data and new findings subsequent to the 2006 Record of Decision on the West Mojave Plan (BLM 2006) that must be considered in light of a Preferred Alternative ~~that would double the number of authorized routes in spite of these significant declines~~. In addition, Department of the Interior scientists have also published peer-reviewed papers analyzing and reporting on new tortoise data and on causes of declining tortoise habitat (Berry et al. 2006, 2008, 2012, 2013, 2014; Keith and Berry, 2005; Keith et al. 2008). Their findings, including that of unauthorized vehicle use "cross-country" should be addressed in the Final SEIS.** **USFWS (2014a) indicated "we estimate that there has been a loss of up to 106,000 adult tortoises**

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					range-wide since 2004 … Most of this decline has occurred within the Western Mojave." Further, they indicate that there was a decline in tortoise numbers in the West Mojave from an estimate of 152,967 in 2004 down to 76,644 in 2012, which is a 50% decrease. None of these or any other data about trends are presented in the SEIS. ~~How is there even a remote possibility that doubling the open route network is appropriate given these declines?~~ **~~By admittance of these regulations (43 CFR 1610.5-5) and identification of these new data, BLM needs to analyze and justify how doubling the number of linear miles of open routes will not further contribute to tortoise population declines, or how tortoise populations may increase in spite of this ubiquitous increase in approved routes.~~ The topic of deteriorating tortoise habitat from vehicle use also must be addressed in the Final SEIS.**
12	1-7	1.2			In regard to the following statement, "BLM **has determined** [emphasis added] that a restriction of motorized routes to those that existed in 1980 does not comply with requirements of the following policy and regulations applicable to transportation planning," **how was this determination made? And, who made it? Does BLM have monitoring data to show that tortoise recovery is compatible with this determination that effectively adopts illegal routes for open status? How is lifting this restriction (i.e., allowing new routes created since 1980) conducive to implementing regulatory mandates of FLPMA that require protection of threatened species, including the desert tortoise, where there is abundant evidence from recent publications by Department of the Interior scientists and others that vehicle routes degrade habitats and are a significant mortality factor to tortoises and other rare plant and animal species? (e.g., Keith and Berry 2005; Berry et al. 2006, 2008, 2012, 2013; Keith et al. 2012)**
13	1-8	1.2			In regard to the following statement, "Consistent with the 2005 and 2012 travel management guidance referenced above, the proposed plan amendment would provide the framework for a comprehensive

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					transportation and travel network on public lands in the West Mojave Planning Area," **what is the evidence – what professional data are being used – for BLM to determine that the 5,098 linear miles of existing open routes is insufficient as a "comprehensive transportation and travel network on public lands?" If the existing network is insufficient, how is that determination supported by monitoring data? If this determination is based on economic grounds, how will the Final SEIS show this?**
14	1-8	1.2			In regard to the following statement, "Recreation Element access parameters that may further minimize impacts from the network are also under reconsideration, including the designation of competitive event corridors and guidelines for permitting competitive events," **is BLM planning to open Desert Wildlife Management Areas, which were designated as Areas of Critical Environmental Concern, to competitive events? Is it true that competitive events are currently prohibited from DWMAs? If BLM is planning to allow competitive events, how is this compatible with tortoise recovery and continuing declines of tortoise populations (USFWS 2014a) even in the absence of competitive events? Competitive events will raise the threat level to the threatened tortoise.**
15	1-9	1.2			In regard to the following statement, "No other boundary changes to open, closed, or limited access areas are proposed in this Supplemental EIS," **does this acknowledge that the Desert Renewable Energy Conservation Plan, which is now a BLM-only plan (~~not yet signed as final~~), has proposed to eliminate Multiple Use Classes? Where in the SEIS is the closure of Multiple Use Classes, which is a foreseeable plan amendment, being analyzed? (See also discussion under Section 1.6.1.1). ~~How can the BLM base this SEIS on an unsigned, draft plan?~~**
16	1-10	1.3.1			In regard to the following statement, "Establish a route network in the Planning Area consistent with current guidance and **new information** [emphasis added]," **is the BLM aware there has been an estimated 50% reduction in tortoise populations in the West Mojave since the USFWS implemented distance sampling (USFWS 2014a) and numerous other papers on tortoise declines, low densities,**

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					injuries and deaths from vehicles, and habitat deteriorated by unauthorized vehicle use? ~~If the BLM is aware, how can the available number of routes be doubled in spite of these new data since completion of the 2005 West Mojave Plan?~~
17	1-11	1.3.2			In regard to the following statement, "Primary NEPA considerations focused on cumulative effects," **since cumulative effects include ongoing and foreseeable projects, where has the SEIS analyzed the potential, foreseeable effects associated with implementation of the Desert Renewable Energy Conservation Plan? Where are the cumulative impacts to the desert tortoise and its habitat analyzed in the SEIS? Where are the cumulative effects of noxious and non-native plants and enforcement of the Presidential Executive Order of 1999 on non-native species presented in the SEIS?**
18	1-12	1.4			Are we to understand that the BLM intends to deal with the second point in the judge's decision ["(2) because the Plan authorizes numerous OHV routes that were not in existence in 1980, the Plan is inconsistent with the governing land use plan which limits OHV routes to those existing in 1980"] **by simply eliminating this standard that has been in place since 1980? ~~How does this address the judge's ruling, since the standard still applies to the 5,098 linear miles of routes, and presumably 10,048 linear miles in the Preferred Alternative~~? Since the proposal to eliminate the pre-1980 standard is, itself, just a proposal, isn't it still in force at the time of this SEIS? ~~And, if so, don't the judge's concerns persist, but now for twice as many routes as the 2006 route designation?~~** **This standard was identified as a means of reducing unlawful route proliferation. Now that these illegal routes have been created, simply eliminating the standard so that new, illegal routes may be designated as open is counterintuitive, and eliminates one of the most effective standards for prohibiting creation of routes through unlawful use resulting in those routes. Has the BLM been able to determine, through aerial photography, those routes that existed only prior to 1980? Where**

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					is the analysis in the SEIS that shows how many linear miles of current routes have been created since 1980, and how those new routes have affected and will affect desert tortoises and occupied habitats?
19	1-14	1.5			~~In regard to the following statement, "Include public participation and collaboration throughout and as an integral part of the planning process,"~~ **~~can BLM produce evidence that the Desert Tortoise Council, which has asked on numerous occasions to be considered an Affected Interest for BLM projects that affect tortoises and their habitats, was invited to participate in the planning process?~~** ~~In fact, it was indirectly through a third party that our Board members learned about publication of this SEIS, and we learned after the fact that there were a series of public meetings in various desert cities in April 2015.~~
20	1-14	1.5			~~In regard to the 6th bullet, "Identify a network that meets user needs, conservation goals, statutory and regulatory requirements, and BLM policy,"~~ **~~how can the BLM demonstrate that doubling the number of available routes from 5,098 linear miles to 10,428 linear miles will help achieve conservation goals, including tortoise recovery that was a goal of the West Mojave Plan, and protection of sensitive resources as required by FLPMA? Since the West Mojave Plan was drafted on the assumption that 5,098 linear miles of routes would be authorized and opened, doesn't the entire West Mojave Plan now need to be reconsidered in the face of proposing 10,048 linear miles of routes, essentially doubling the number of open routes?~~**
21	1-14	1.5			As per the 9th bullet, "Incorporate new information in the designation of routes, including resources data and wilderness designations, and the evaluation of impacts from grazing and the route network," **~~how has the BLM used USFWS' (2014a) distance sampling data to justify doubling the length of open routes in spite of recent 50% declines in the West Mojave tortoise population since 2004, where 5,098 linear miles of open routes were designated?~~** **How many "problem areas" have been identified by recent BLM data, and where are they located? We cite examples of such noncompliance areas (i.e., extensive use of closed routes and new route proliferation) as occurring in Edwards Bowl south of**

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					Edwards Air Force Base; new camping and staging areas along 20 Mule Team Road east of Highway 395; Cinnamon Hills in the Ord-Rodman DWMA; portions of Red Rock Canyon State Park; and portions of Coolgardie Mesa, in Lane Mountain Milk-vetch Critical Habitat. We refer BLM to Table L-17 in Appendix L of the West Mojave Plan (BLM 2005).
22	1-14	1.5			As per the 9th bullet, "Incorporate new information in the designation of routes, including resources data and wilderness designations, and the evaluation of impacts from grazing and the route network," **~~how has the BLM used existing data to justify its decisions to double the open route network under the Preferred Alternative? For example,~~ did BLM review Appendix J of the West Mojave Plan, wherein Boarman (2002) identifies (on pages 43 through 51) that off highway vehicle use reduces tortoise densities, crushes tortoises and burrows, compacts soils, destroys cryptogamic soils, results in adverse changes to vegetation, and promotes erosion and loss of soils. Since vehicles do not stay on open routes, the SEIS documents that even closed routes are currently used (Section 1.1.4, page 1-6), and there is a an elevated occurrence of cross-country vehicle use adjacent to all routes regardless of their designation (Goodlett and Goodlett 1993), ~~has BLM considered that doubling the number of open routes will predictably introduce impacts into adjacent areas under all but the No Action Alternative?~~ In their study, Goodlett and Goodlett (1993) found that only 17 of 1,496 were signed as "closed," and that the remaining 1,479 trails were neither marked as "open" nor "closed," which is clear evidence of illegal trail proliferation in the early 1990's.**
23	1-14	1.5			As per the 11th bullet, "Provide mechanisms to implement the route network that can be adjusted based on changes in the on-the-ground conditions," **how many routes and linear miles of closed routes has BLM rehabilitated by vertical mulching and other camouflaging methods in the Ord-Rodman DWMA, Rand Mountains, and Fremont-Kramer DWMA for example. How many of these routes are no longer being used by vehicles, which would be an indication of successfully closing them (and not just signing them as closed)?** The vertical mulching and camouflaging are only a start; because of soil

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					compaction, loss of or damage to the seed bank, and invasion of non-native annuals, these methods are just an initial phase of restoration. The native plants that tortoises need to eat have not yet returned in many of these disturbed areas. **What is the evidence that these preferred and necessary food plants have returned to closed routes?**
24	1-15	1.6.1.1			Relative to the last paragraph at the bottom of Page 1-15, many of these statements do not reflect existing data whatsoever, and suggest that BLM open areas are the only places where cross-country vehicle impacts are occurring. BLM is referred to Maps 3-14 and 3-17 in the West Mojave Plan to show how areas outside designated open areas are affected by cross-country vehicle travel. You will note that Map 3-14 also shows excessive vehicle impact areas (particularly southeast of California City, south of Edwards, and north of Dove Springs) that are not even associated with designated open areas. **We ask that the BLM amend this discussion to more accurately show existing data both inside and outside OHV open areas, and to identify "problem areas" that are not responding to BLM's current open route signing and other remedial measures. These areas include, but are not limited to the areas north of the El Mirage Recreation Area and the area between the Stoddard Valley and Johnson Valley Open Use areas.**
25	1-15	1.6.1.1			~~**Given BLM's intent to double the number of open routes,**~~ **we formally ask that the Dove Springs OHV Open Area be redesignated as part of the Mohave Ground Squirrel Habitat Management Area to provide for conservation management of Mohave ground squirrels.** ~~**Since 10,428 linear miles constitutes twice as many open routes as was considered in the formulation of the 2005 West Mojave Plan conservation strategy, we feel that this recommendation is justified to offset BLM's intent to double the number of open routes throughout public lands that would adversely and programmatically undermine Mohave ground squirrel conservation.**~~ **[Note, although doubling the route number is no longer being proposed, we stand by the original proposal to offset the impacts associated with opening the dry lakes and introducing competitive events into tortoise critical**

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					habitats].
26	1-16	1.6.1.2			In regard to the revised Biological Opinion, **we urge the USFWS to review the existing data in the West Mojave Plan (BLM 2005) to accurately reflect off highway vehicle impacts, which we do not believe are accurately reflected in the SEIS**. **We contend that minimizing vehicle travel in DWMAs is one of the most readily available remedies to the ubiquitous problem of cross-country vehicle travel that is already facilitated by BLM's open route network and may be doubled by adopting the Preferred ~~Alternative. Impacts like the Fort Irwin and 29 Palms Marine Corps expansions, as devastating as they are, are at least restricted to specific regions, whereas this ill-conceived plan to double available routes would affect all tortoise critical habitats and DWMAs, which are supposed to be managed for tortoise recovery~~. ~~In the SEIS, BLM has failed to demonstrate how tortoise recovery would be prevented by doubling the number of authorized open routes.~~ We contend that the Preferred Alternative warrants a Jeopardy Opinion from the USFWS, and invite the BLM to explain, using available data including their own monitoring data, why this would not be the case**. **[Again, we stand by this conclusion because of BLM's intent to drastically introduce OHV impacts into critical habitats around the two lakes and along competitive event routes.]**
27	1-16	1.6.1.2			Given the following expectation for the Rand Mountains –Fremont Valley Management Plan, "The BO concluded that the plan may benefit the tortoise, and may promote the conservation role and function of designated critical habitat," **has BLM's monitoring data confirmed or refuted USFWS' expectation that a benefit has been derived from implementing this plan? New research comparing three management strategies regarding the desert tortoise and its habitat in the Rand Mountains and Fremont Valley, published in 2014, documents that management of critical habitat in the Rand Mountains-Fremont Valley has resulted in high death rates and very low numbers of breeding tortoises in critical habitat. In contrast, death rates and population densities of adult tortoises are**

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					significantly higher in the Desert Tortoise Research Natural Area, protected by a fence from recreation vehicle users. Based on your answer, how will BLM's intent to eliminate this plan in the SEIS' Preferred Alternative impact tortoises and their habitats in the absence of this plan?
28	1-16	1.6.1.2			Since the USFWS's 2006 Biological Opinion "…did not have any definitive information on the size of a route network that would have minimal effects on the tortoise," ~~**what new data are the BLM using that show a doubling of authorized open routes would still constitute a "minimal effect?"**~~ **What data have BLM collected and/or analyzed to show that the continued declines in tortoise populations throughout the West Mojave critical habitat areas (USFWS 2014a) are not due to the establishment of 5,098 linear miles of open routes?** ~~**Given the several new publications and reports published by Department of the Interior scientists and showing how recreational vehicle use has had negative impacts on tortoises (see previous citations), how can BLM justify the conclusion that doubling the number of open routes will have no adverse effect on the tortoise population and habitat?**~~
29	1-16	1.6.1.2			~~We anticipate that increasing the available open route network from 5,098 linear miles to 10,428 linear miles would constitute severe, adverse modification of critical habitat.~~ ~~**What vehicle use data does BLM have to show that adverse modification of critical habitat will not occur?**~~
30	1-17	1.6.1.2			In regard to the following statement, "The 2007 amendment included a quantitative estimate of the numbers of tortoises that could be killed or injured as a result of BLM's 2006 WEMO Plan decisions," very little actual information is given. **Having reviewed the Biological Opinion (USFWS 2015), we see that the actual mortality take limit is "four desert tortoises … found dead or injured in any twelve month period as … a result of casual use." May we assume that "casual use" in the context of the Biological Opinion includes all vehicle use on open routes?** ~~**If so, would doubling the available open route network result in a mortality take limit that is twice as high as the one in the 2007 amendment?**~~ **Please provide the following: The monitoring data of critical habitats in the West Mojave to show that these areas were actually monitored for vehicle-related injuries and kills to**

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					tortoises, specifically dates, sampling techniques and sampling areas, linear miles walked per season and year, before and after "heavy use" weekends and holidays, etc. Did the BLM have an actual compliance program to monitor for tortoise deaths? If so, we'd like to see it and see the results of a professional analysis.
31	1-17	1.6.1.2			**It appears that the BLM fails to use its own data in the SEIS, provided for in the Final EIS of the West Mojave Plan (BLM 2005), to determine tortoise density areas where focused route closure may be warranted. For example, there is no evidence that BLM used "High Density Tortoise Sign Counts" (Map 3-8 in BLM 2005) to identify regions where it may be appropriate to actually reduce the number of routes rather than double them. There is also no evidence that BLM consulted Map 3-14 in BLM 2005, showing "Distribution of Recreational and Residential Vehicle Impact Regions (1998 – 2002)" as a means to identify problem areas where routes should be reduced or emergency closures implemented until the problem has been curtailed. There is no evidence that BLM used reports and published papers on the topic of effects of OHVs and other anthropogenic uses on desert tortoises and their habitats, specifically work funded by the State of California's Dept. of Parks and Recreation and the BLM, and published since 2005. Perhaps we missed it. Please confirm that these data were used and if so explain how these data were used in the new decision tree. If these data were not used please explain the rationale for not using them.**
32	1-17	1.6.1.2			**How has BLM monitored tortoise mortality on the existing (No Action Alternative) route network, ~~and in the absence of presenting these data and how the data were used, how can BLM justify doubling the number of routes~~?**
33	1-17	1.6.1.2			~~In regard to the first bullet on Page 1-17, "The USFWS evaluated the potential effects of the proposed stopping, parking, and camping restrictions on the desert tortoise and its critical habitat," **where are the evaluation and the data supporting this statement, and is this applicable to the 5,098 linear miles of open routes? If so, how does BLM justify that an "acceptable impact" will result from doubling the~~**

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					~~**number of designated open routes?**~~
34	1-17	1.6.1.2			In regard to the benefits of closing the Barstow-to-Vegas race course and eliminating the Johnson-to-Stoddard race corridor, **isn't BLM introducing a new, adverse impact to tortoise habitats by reintroducing competitive events in tortoise habitats? Don't persisting declines in tortoise numbers suggest that competitive recreational events in tortoise-occupied habitats continue to be unacceptable? Does BLM have any data that demonstrate a beneficial impact of competitive events on tortoises and their habitats? What does BLM consider "acceptable," assuming competitive events, which are prohibited under current management, would be reintroduced to desert tortoise critical habitats in the Ord-Rodman area with implementation of the SEIS?**
35	1-18	1.6.1.2			In regard to the following statement, "The [revised recovery] plan contains 16 recovery actions that include restricting, designating, closing, and fencing roads and routes," ~~**how does doubling the number of open routes promote tortoise recovery? Do BLM biologists believe that implementing the Preferred Alternative to introduce 5,338 new linear miles of open routes to imperiled populations in the West Mojave is compatible with tortoise recovery and the 2011 revised recovery plan?**~~ **How is the reintroduction of competitive vehicle events in tortoise habitats consistent with tortoise recovery? For the record, the Desert Tortoise Council opposes competitive vehicle events in tortoise-occupied habitats.**
36	1-17 1-18	1.6.1.2			Considering these and numerous other Biological Opinions and California Department of Fish and Wildlife incidental take permits where compensation lands have been acquired, **did BLM treat the acquired habitat management lands any differently from other public lands? Has BLM authorized fewer routes, or ideally no routes, on mitigation lands (i.e., such as Catellus lands) than on other public lands it manages? We think that a map should be provided showing the mitigation lands.**
37	1-18	1.6.2.1			In regard to private lands**, how many linear miles of routes on private lands would not exist "but for" the designation of routes on public lands under the Preferred Alternative?** ~~**Whereas BLM has**~~

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					~~**indicated the Preferred Alternative of 10,428 linear miles of open routes on public lands, how many more miles would comprise the actual network on both public and private lands, which as described in Section 1.6.2.1, is an indirect effect of the Preferred Alternative?**~~
38	1-20	1.6.2.1			In regard to the Fort Irwin expansion, we understand that local recreational use was displaced into Lane Mountain Milk-vetch Critical Habitat, and that the Army has funded increased law enforcement for a period of 10 years to address this impact. **Since the 29 Palms Marine Corps expansion is being considered in the context of a cumulative impact, has BLM's monitoring data shown a similar displacement of vehicle activity in areas outside the Johnson Valley Open Area, particularly in the adjacent Ord-Rodman DWMA? Was the report prepared by Department of Interior scientists on desert tortoises and anthropogenic impacts in Johnson Valley and adjacent areas used in this evaluation (Berry et al. 2013)?**
39	1-20	1.6.2.1			**We note there is no monitoring plan identified or proposed in the SEIS; why not? We insist that a detailed monitoring plan, including remedial measures, be identified in the Final SEIS.**
40	1-20	1.6.2.1			~~**To what extent has BLM monitored the impacts of 5,098 linear miles of routes as a means to understand how it will be able (or unable) to monitor twice as many routes?**~~ **Also, how have these monitoring data been used to rectify trespass and remedy unacceptable impact levels as required by Executive Order 11644? Is our understanding of this executive order correct that BLM is required to close a given route or problem area until which time the impacts have been remedied, and that simply signing them as "open" or "closed" does not satisfy this order? How many areas have been subjected to emergency closures in response to BLM's available monitoring data? We are aware of at least one in 1994 for the Johnson-to-Stoddard Point to Point event conducted by the American Motorcyclist Association. Have there been others, and how has their effectiveness been judged?**
41	1-21	1.6.2.1			**In regard to Red Rock Canyon State Park, how many of the proposed new routes under the Preferred Alternative would threaten to increase recreational vehicle use of this area, which is**

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					already considered problematic and a threat to desert tortoises (see published papers by Department of the Interior scientists, Berry et al. 2008, Keith et al. 2008).
42	1-21 to 1-22	1.6.2.1			**The BLM has failed in the SEIS to identify the nonprofit organizations that currently own lands adjacent to public lands managed by the BLM that would be directly affected by implementation of the alternatives. A new subsection should be added ~~to Section 1.6.2.1~~ that identifies Desert Tortoise Preserve Committee, Mojave Desert Land Trust, Transitions Habitat Conservancy, and any other mitigation banks that all own substantial habitat management lands that are contiguous to BLM lands ~~and the proposed doubled route network~~. Has BLM consulted with these organizations to see how routes on public lands that effectively terminate on their properties may affect their CDFW-mandated management plans?**
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43	2-1	-			~~In regard to the following statement, "All action alternatives also propose the discontinuation of livestock grazing throughout the planning area on inactive, vacant grazing allotments, making them unavailable for livestock grazing," does this pertain to cattle allotments only or also ephemeral sheep grazing allotments?~~
44	2-1	-			~~Please note on Page 2-1 that you indicate the BLM Handbook 1610-1 is in Appendix C, which it is not; Appendix C is entitled "Special Status Species." Given its title ("History of Travel Management in the West Mojave Planning Area,") we assumed that perhaps this handbook and the TTM Handbook would be in Appendix E, but they are not even mentioned. As a result of this omission, there was no opportunity to review these handbooks, which are not included in the SEIS. Appendix E needs to be amended to insert the creation of the handbooks and their effect on route use, creation, and management.~~
45	2-4	2.1.1			Although Section 1.6.1.1 of Chapter 1 indicates that the SEIS will be complimentary to the DRECP, we note that Special Recreation Management Areas, which would be implemented by the DRECP, are not

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					mentioned in the SEIS. **We ask that the BLM clarify how it intends (or not) to manage the new route network in relation to these new SRMA management areas and to analyze the increased recreational use of tortoise critical habitat and DWMAs in response to telling the public that a new recreational designation has now been established.**
46	2-5	2.1.2		2.1-1	**As an advocate for applying science to management and conservation of the desert tortoise and its habitats, we formally ask that BLM amend the SEIS to prohibit sheep grazing from affected Wilderness Areas in the West Mojave, the El Paso Mountains, and non-wilderness areas in the Indian Wells Valley. ~~Since the BLM (2005) West Mojave Plan failed to envision an increase of 5,338 linear miles of routes, mostly in tortoise habitat, extra protections are called for, which should include excluding sheep grazing from affected Wilderness Areas~~. In which Wilderness Areas does BLM currently allow ephemeral sheep grazing? And was this use in Wilderness Areas analyzed in the 1990 USFWS Biological Opinion that eliminated sheep grazing on BLM lands in critical habitats?**
47	2-7	2.1.2			**How was the public (particularly conservation NGOs) involved in the formulation of these various travel management handbooks? Was there a public review process, and was the Desert Tortoise Council invited to participate? If so, please provide evidence that we were asked to participate. If not, why not? Do the travel management handbooks contain the necessary weed management requirements of the Presidential Executive Order of 1999?**
48	2-7	2.1.2			In regard to the following statement, "Based on a review of the Court's Summary Judgment order, BLM has determined that the language in the 1980 CDCA Plan restricting travel to existing routes does not conform to the procedures required in BLM's Travel and Transportation Management (TTM) Handbook (H-8342)," **the TTM Handbook was published in 2012 – 32 years after the CDCA Plan was published in 1980 – so how can BLM contend that the CDCA Plan does not conform to a TTM that was published 32 years later?**

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49	2-7	2.1.2			The following statement, "Ultimately, the language in the CDCA Plan no longer serves current transportation and travel management needs, and there is no assurance it responds appropriately to sensitive issues," **fails to recognize that the continued catastrophic decline of tortoises in the West Mojave (USFWS 2014a) surely must be considered one of our most "sensitive [species] issues." The rationale provided in the several paragraphs on page 2-7 fails to even mention that unacceptable levels of cross-country vehicle travel promoted by 5,098 linear miles of open routes have resulted in continued habitat degradation and incidental take resulting in crushed tortoises (USFWS 2015). Rather, it speaks only of access to mines, leases, and other use-based facilities. This deficiency must be remedied by documenting known impacts to common and uncommon biological resources.**
50	2-7	2.1.2			In regard to the following statement, "Also, the 1980 network has undergone substantial changes, both planned and unplanned, and applied to a public land base that is significantly different than it was in 1980 **as a result of major acquisitions, donations, and exchanges** [emphasis added]," **we note that most of these acquisitions are associated with formal Biological Opinions, CDFW Incidental Take Permits, and Implementing Agreements associated with Section 10(a)(1)(B) incidental take permits where habitat compensation for lost of tortoise- and Mohave ground squirrel-occupied habitats was legally required. As such, a majority of these new acquisitions have legal requirements associated with them for long-term survival and recovery of the species lost from the development site. This includes the designation of routes to preserve and promote unfragmented habitats (page 13 in USFWS 2006). BLM saying that they now have more lands requires more roads fails to acknowledge the primary function of the acquisition lands to promote species recovery.**
51	2-7	2.1.2			Also in regard to the same statement, "… the 1980 network has undergone substantial changes, both planned and unplanned, and applied to a public land base that is significantly different than it was in 1980 **as a result of major acquisitions, donations, and exchanges** [emphasis added]," **BLM should also consider the losses of critical habitat to the expansion of Fort Irwin, and significant impacts to**

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					occupied habitats from the expansion of the 29 Palms Marine Corps Base; i.e., there have been significant additions, but there are also significant reductions, which BLM has failed to acknowledge.
52	2-7	2.1.2			**Based on the five previous comments, we find that the rationale and reasoning behind PA I is seriously flawed, as it justifies elimination of a CDCA statute (existence of trails prior to 1980) that predates uncodified travel management (BLM 2012) that, itself, violates the CDCA Plan since there has been no formal plan amendment.**
53	2-8	2.1.2			~~In regard to the following statement, "In addition, the existing CDCA Plan discusses route designations within the context of Multiple Use Class (MUC) designations, including blanket designations of routes in large areas based only on the MUC,"~~ **~~surely BLM is aware that the DRECP proposes to eliminate Multiple Use Classes? If this route designation process is to compliment the DRECP, and vice versa, BLM needs to consider how route designation would proceed and be implemented in the absence of MUC classes.~~**
54	2-9	2.1.2			In regard to the following statement, "…changes to site-specific designations and implementation strategies as activity planning decisions rather than Land-Use Planning decisions," **can BLM explain how this change would affect public involvement? Would the public still be involved in activity planning decisions as they are in Land-Use Planning decisions? If not, we formally ask that Affected Interests, including the Desert Tortoise Council, be invited to participate in all "activity planning decisions" that would affect native desert habitats, particularly those that affect desert tortoise conservation.**
55	2-10	2.1.2			**~~In regard to PA VI, would affected interests such as the Desert Tortoise Council be allowed to participate in the formulation, review, and implementation of intended Travel Management Plans?~~ How do the proposals in the SEIS affect public involvement compared to current management?**

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56	2-11	2.1.2			In regard to the following paragraph, "The 2006 WEMO Plan eliminated two of the three remaining long-distance race courses in the WEMO Planning area: the Barstow-to-Vegas motorcycle race course and the Johnson Valley to Stoddard Valley race course. The Johnson Valley to Parker Race Course was left in place. The **availability of these race courses for competitive events would be reconsidered** [emphasis added] and modified in light of the current on-the-ground situation and the loss of acreage from the Johnson Valley OHV Open Area, and in reconsideration of all 43 CFR 8342.1 designation criteria," **are we to understand that "these courses" refer to the Barstow-to-Vegas race course and the Johnson Valley to Stoddard race course, which bisects the middle of the Ord-Rodman DWMA and critical habitat unit, and that BLM intends to re-establish these race courses? Importantly, the expansion of the 29 Palms Marine Corps Base was considered as a separate action with its own formal consultation and Biological Opinion. We do not believe that the SEIS can implement new proposals based on base-expansion, and that any such proposals be rescinded, and not forwarded to the Final SEIS.**
57	2-11	2.1.2			In regard to the following statement, "The availability of these race courses for competitive events would be reconsidered and modified in light of the current on-the-ground situation and the loss of acreage from the Johnson Valley OHV Open Area, and in reconsideration of all 43 CFR 8342.1 designation criteria," **the BLM is obligated to provide empirical data that demonstrate how the restrictions to recreational use of Johnson Valley OHV Open Area – which affects only 60 days and no net loss of acreage – justifies reopening competitive corridors that have numerous documents detailing the adverse impacts of these race corridors on native desert habitats. As above, we contest BLM's intent to mitigate the expansion of Marine Corps Air Ground Combat Center's expansion in this unrelated SEIS.**
58	2-11	2.1.2			In regard to the following statement, "The availability of these race courses for competitive events would be reconsidered and modified **in light of the current on-the-ground situation** [emphasis added] and the

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					loss of acreage from the Johnson Valley OHV Open Area, and in reconsideration of all 43 CFR 8342.1 designation criteria," **BLM must also consider and document the significant declines in tortoise populations as documented in USFWS distance sampling data (USFWS 2014a) as part of the "current on-the-ground situation." We also request that BLM show how it has controlled unauthorized use on the periphery of the Johnson Valley Open Area since 2006 through monitoring (dates, time, places, surveys of specific areas, etc.)**
59	2-12	2.1.2			In regard to PA IX and the statement, "In the intervening years, the use of this strategy has come under review," **what has the review found? Would more or would less protection be afforded tortoises in the Rand Mountains-Fremont Valley area considered for "elimination and replacement by alternative compliance strategies," and what are these alternative strategies? Previous studies and monitoring in the Rand Mountains-Fremont Valley demonstrated substantial unauthorized use; unauthorized use was still occurring recently, documented in Berry et al. (2014). Therefore, we recommend closure of all but two or three routes through the Rand Mountains-Fremont Valley, outside of the Rand ACEC.**
60	2-13	2.1.2			~~In regard to the following statement, "The proposed transportation and travel network integrated into each of the activity plans will identify routes, trails, and primitive trails on public lands outside of OHV Open Areas that meet the goals and objectives of the LUP,~~ **~~consistent with 2006 WEMO Plan goals and objectives for the conservation of sensitive plant and animal species~~** ~~[emphasis added]";~~ **~~we contend these goals cannot be fully realized because the 2006 WEMO's goals and objectives were based on a route network of 5,098 linear miles. In this SEIS, BLM has failed to analyze how the 2006 West Mojave Plan goals and objectives to ensure conservation in response to opening 5,338 linear miles of new open routes will be affected. We contend that the 2006 plan goals were not formulated with the intent to open 10,428 linear miles of routes, and that the SEIS fails to effectively consider the function of these goals and objectives in light of doubling the open route network.~~**

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61	2-12	2.1.2			**~~Given BLM's intent of doubling the open route network outside OHV Open Areas,~~ we formally ask that strategic boundaries of various Open Areas bordering DWMAs be fenced to contain vehicles within those areas. ~~The 2006 ROD for the West Mojave Plan did not put forth a conservation strategy that accommodated 10,428 linear miles of open routes, so we feel that these measures are justified to offset BLM's intent to double the number of open routes throughout public lands that would adversely and programmatically undermine desert tortoise conservation~~. [We believe that designating Cuddeback and Coyote lakes as de facto open areas and introducing competitive events into tortoise critical habitats justifies this recommendation.]**
62	2-14	2.1.2			**Can BLM provide any baseline data relative to the current 5,098 linear miles of open routes that demonstrate that designation Criterion A ("minimize damage to soil, watershed, vegetation, air, or other resources of the public lands"), Criterion B ("minimize harassment of wildlife or significant disruption of wildlife habitats" and "protect endangered or threatened species and their habitats"), and Criterion C ("minimize conflicts between off-road vehicle use and other existing or proposed recreational uses") are being met? Assuming no such programmatic data exist and that compliance of existing route designations has not occurred in much of critical habitat, how can BLM ensure that these designation criteria will be met ~~on 10,428 linear miles, or double to number of existing routes,~~ under the Preferred Alternative?**
63	2-14	2.1.2			In regard to the following statement, "Following the initial scoping meeting in September 2011, BLM held eight travel designation workshops within the identified TMAs," **we note for the record that the Desert Tortoise Council, which is an Affected Interest, was not invited to participate in these workshops. Can BLM provide a list of persons and the organizations they invited and that participated?**
64	2-19	2.1.4			**What scientific data were used in the "analysis of impacts" listed in the second bullet under Section B? Did, for example, the analysis include results from Goodlett and Goodlett (1993) that show**

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					vehicle impacts along all routes (open and closed) existed in a 550 foot wide band along a given route?
65	2-19	2.1.4			In regard to the following statement, "The BLM identified specific resource values (e.g. riparian areas) that could adequately identify potential resource impacts based on the 43 CFR 8342.1 designation criteria associated with the network and with individual routes and linear features," **did BLM biologists use baseline data published in the West Mojave Plan that included High Density Tortoise Areas (Map 3-8 in BLM 2005) and Mohave ground squirrel habitats (Map 3-17 in BLM 2005) as having specific resource values that deserve heightened protection through route reductions? Did BLM use other baseline data in the plan that show higher incidences of tortoise carcasses (Map 3-13 in BLM 2005), including those that were apparently crushed by vehicles?**
66	2-21	2.1.4			~~In regard to the following statement, "an assumption was made that limiting access to a class of routes not previously available to the public and that would not affect overall network continuity and accessibility, is one reasonable network-wide minimization strategy," **is this referring to that portion of the 15,000 linear miles not included in the No Action Alternative network of 5,098 linear miles? If so, how can BLM refer to a Preferred Alternative network that is double the size of the existing network as a "minimization strategy?" Please explain.**~~
67	2-21	2.1.4			~~In regard to the following statement, "Limiting access to a class of routes leads to long-term reduction of disturbed lands and surfaces in the desert, so to enhanced natural communities and habitat continuity, to improved watersheds, and to improved air quality in a non-attainment area; other benefits may accrue by minimizing cumulative effects to resources that are based on the relationship of many impacts to the number of route miles, as discussed in Chapter 4," **we contend that none of these benefits is applicable to a class of routes that is twice the linear length of the current legal route network, and that the assumption that designating new open routes prevents disturbance to other lands is false.**~~

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68	2-24	2.1.4			**We find that BLM's failure to identify and minimize impacts to compensation lands owned and managed by nonprofit conservation organizations (Desert Tortoise Preserve Committee, Mojave Desert Land Trust, Transitions Habitat Conservancy, and any others) provides a source of deficiency in all but the No Action Alternative route networks. That BLM did not discuss ancillary impacts of its proposed route networks with these organizations seriously undermines the organizations' abilities to manage compensation lands, most of which were obtained through authorized development projects or with State-funding collected for such projects. At the very least, such compensation lands should be mapped and added to the list given on Page 2-24.**
69	2-28	2.1.4		2.1-4	**~~The 14th bullet that recommends maintaining berms will be problematic where such berms (i.e., portions of Fossil Bed Road and Copper City Road) prevent tortoises from leaving the road, thereby exposing them to heat stress, elevated potential to be crushed or removed as pets, etc.~~ Berms must be designed to prevent tortoise entrapment of all sizes of tortoises because juveniles are especially vulnerable to entrapment, crushing, and predation by ravens. Berm management is and has been a recommendation of the Recovery Implementation Teams.**
70	2-34	2.2.1			In regard to the following list of goals, "The adopted framework to update the MVA Element and specific travel management strategies would (1) limit conflicts and threats to sensitive resources, (2) respond to current and anticipated future transportation and travel needs, (3) provide appropriate recreational access, and (4) are consistent with the overall motor vehicle access goal of the 2006 WEMO Plan," **~~BLM needs to analyze how doubling the open route network would undermine the conservation goals (not just the vehicle access goals) to see if any but the No Action Alternative support conservation goals of the West Mojave Plan, which are not listed and certainly not analyzed. The West Mojave Plan was structured to deliver conservation to balance impacts, and never considered a 10,498-linear-mile network of open routes as proposed by the SEIS.~~ Unfortunately, the West Mojave Plan has not been sufficiently protective and conservation oriented to prevent a 50% decline in adult, breeding**

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					tortoise populations in the last 10 years. Therefore a substantial change is in order, toward more protection.
71	2-35	2.2.1			In regard to the following statement, "All alternatives also recognize BLM's goals for National Landscape Conservation System (NLCS) areas," **we formally request that all DWMAs and desert tortoise critical habitat be designated as NCLS areas. The current DWMA sizes were based on an assumption that only 5,098 linear miles would be open, and that more conservation efforts are essential to prevent endangerment of the desert tortoise.**
72	2-35	2.2.1			In regard to the following statement, "Alternatives 2, 3, and 4 also propose to resolve access management conflicts between the 2006 WEMO Plan and the CDCA Plan," ~~**we contend that this is a false statement and must be reconsidered.**~~ **The West Mojave Plan is not in conflict with the CDCA Plan; through a formal Plan Amendment, the CDCA Plan was modified to provide enhanced conservation under the West Mojave Plan resulting from 55 public meetings over a 2.5-year period, with extensive public involvement and input. That BLM staff/writers currently identify the West Mojave planning process as conflicting is judgmental, unwarranted, shows polarized bias in those drafting the SEIS, and exposes the one-sided nature of so much in the SEIS that is erroneously presented as "analysis."**
73	2-35	2.2.1			In regard to the following statement, "…TTM process in the West Mojave to create travel networks that are logical and sustainable, to meet the increasingly diverse transportation, access, and recreational needs of the public." **We contend that all available data show that the current network of 5,098 linear miles is contributing to the continued decline in tortoise populations and that focusing on diverse access and recreational needs of the public while ignoring meaningful resource protection is giving more consideration to increased access than the loss of species that are not adequately protected under current management. Isn't this in violation of FLPMA? And the Endangered Species Act? The high linear mileage of routes also contributes to fragmentation, habitat loss and deterioration,**

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					and invasion of non-native plants.
74	2-35	2.2.1			**Why are monitoring, remediation, and route closure where conflicts are identified not in the list of goals and objectives ~~on Page 2-35~~? What about emergency and long-sustained closures? How has BLM used existing monitoring data to manage the current network of 5,098 linear miles? ~~In the absence of a data-supported answer to this question, how does BLM plan to monitor twice as many routes as it is currently unable to monitor?~~ Where in the SEIS is the proposal to monitor the Preferred Alternative route network? ~~Will the number of law enforcement personnel be doubled to cover doubling the number of open routes?~~ Several existing positions for law enforcement personnel are not filled in about half the plan management area, and with budget considerations, is likely to continue. Therefore, how is this proposal reasonable?**
75	2-36	2.2.2			**~~How has BLM justified doubling the linear miles of open routes to constitute "constrained motorized vehicle" as one of the goals under the CDCA Plan?~~ Where are the data that demonstrate that 5,098 linear miles of existing routes are not sufficient to provide for current recreation and reasonable access?**
76	2-36	2.2.2			**The WEMO Plan may very well have identified more restrictive conservation measures had biologists writing the plan between 1998 and 2004 known that the BLM would [open Cuddeback and Coyote lakes to unrestricted vehicle use and introduce competitive events into critical habitats] ~~later propose doubling the existing route network, from 5,098 linear miles to 10,428 linear miles under the Preferred Alternative of the SEIS. Similarly, there may have been more restrictive management prescriptions identified had those biologists known that 15,000 linear miles of routes (rather than about 8,000) existed. Given the current level of knowledge, how did BLM biologists augment tortoise conservation in the SEIS in response to doubling the available open route network?~~**

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77	2-38	2.2.3			**We submit that the following goal under Alternative 2, the "Resource Conservation Enhancement" alternative, "Eliminate the parameter for route designation in the CDCA Plan that limits route designations to those routes existing in 1980" does not favor conservation of declining tortoise populations. It is counterintuitive to eliminate the pre-1980 network that is codified in the CDCA Plan and represents a small percentage of the 15,000 linear miles of routes the BLM claims to be in the desert and call that "conservation." In fact, maintaining the pre-1980 network of routes would be the appropriate, legal way to reduce the number of routes below that associated with the No Action Alternative. For Alternative 2 to be truly conservation-oriented, BLM must retain the pre-1980 standard; anything else undermines conservation and certainly does not belong in the "conservation alternative."**
78	2-39	2.2.3			~~**In Goal 10 on Page 2-39, we suggest that the word, "Further" be changed to "Continue," as Further suggests a reduction over current management, which it is not. If this is truly to be a conservation-oriented alternative, we would suggest that BLM reduce stopping, parking, and camping to something less than 50 linear feet, which is a reiteration of the No Action Alternative.**~~
79	2-39	2.2.3			~~**Could you please define "SRP" as it is used in Goal 12? It has not been previously used, and should be spelled out at its first use.**~~
80	2-40	2.2.4			In regard to the following clause, "Instead of more route closures," **we note that none of the alternatives calls for route closures; the No Action Alternative would obligate BLM to enforce its current route network, which does not result in additional route closures; rather it obligates BLM to implement current management. The "conservation-friendly" Alternative 2 does not call for route closures; rather it calls for fewer designated open routes. This is an ineffective and disingenuous way of saying that more routes would be designated as open**~~**, without divulging that it would be twice as many linear miles as under current management.**~~ ~~**In the same paragraph, how is BLM equating doubling the number of available routes as a way to "minimize damage to resources, harassment of**~~

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					~~wildlife, and conflicts?" How can twice as many linear miles of routes be construed as minimized impacts? It is an invalid and naive assumption that route designation prevents damage by limiting traffic in the desert.~~
81	2-40	2.2.4			**What does the following statement mean? "This alternative puts an emphasis on monitoring of fewer route closures and management of a larger network." Is BLM suggesting that it would save money by closing fewer routes, ~~while suggesting it would not require as much money and effort to monitor twice as many open routes~~? It is our contention that to recover the tortoise, the BLM must enforce its current mandate of managing vehicle access on 5,098 linear miles of routes. Based on the 50% decline in tortoise populations in the area since 2004, BLM must reduce the linear mileage and density of routes, implement emergency closures to advance stated recovery efforts, and implement recommendations of the Recovery Implementation Teams.**
82	2-41	2.2.4			**Given that there are "Coyote Lakes" in both the Joshua Tree area and south of Fort Irwin, to which of the two lakes does Goal 12 in Alternative 3 refer? We note that it is Chapter 3 before BLM shows that this refers to Coyote Lake in Joshua Tree. This should be clarified where the proposal is first made.**
83	2-41	2.2.4			**We support closing Koehn Dry Lake, which has critical habitat nearby and adjacent on the east and south, and at least parts should be part of a connecting corridor to Red Rock Canyon State Park and the El Paso Mountains—north for climate change. However, closing Koehn Dry Lake in no way offsets opening Cuddeback Dry Lake to unlimited vehicle access, when Cuddeback is within the Fremont-Kramer DWMA and tortoise critical habitat unit. Doesn't BLM monitoring data show that the Cuddeback region with long-term impacts along Lockhart Road, and recent open-area-level vehicle impact areas along 20 Mule Team Road, is already unmanageable? If so, why promote additional impacts to tortoise critical habitat that is already being degraded at an alarming rate? Further, Cuddeback Dry Lake is the drainage point for high arsenic soils concentrated through**

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					mining in the Rand Mining District and now spreading east and west through ephemeral stream channels (washes) and by wind (Chaffee and Berry 2006; Kim et al. 2012, 2014). Tortoises are affected by arsenic (Selzer and Berry 2005, Foster et al. 2011). Based on the scientific evidence, much of which was gathered by Department of the Interior scientists and their colleagues, we strongly oppose the opening of Cuddeback Dry Lake for recreation activity.
84	2-41	2.2.4			**We note that unanticipated sand fields, approaching sand dune status, formed along the eastern shore of Cuddeback Lake following the 2003 filming of "Holes" by Disney. Given this now-known impact associated with the one-time event of filming, how can BLM justify unlimited vehicle use in perpetuity on Cuddeback Lake knowing that this will have a substantially more significant impact to tortoise critical habitats located east of the lake compared to one film project?**
85	2-41	2.2.4			**Given the above observation following filming of "Holes," we understand that El Mirage Dry Lake is currently open to unrestricted vehicle use. Does BLM have any monitoring data on the deposition of wind-blown soils to the east as far as Adelanto and northeast into Shadow Mountains, which are both affected?**
86	2-41	2.2.4			**The Council finds it intentionally misleading and ill-advised to include the closure of Koehn Dry Lake in conjunction with the same "goal" of opening Cuddeback Lake, which is surrounded by critical habitat. For one thing, how is the proposed opening and closing of dry lake beds to unrestricted vehicle access considered a goal? We believe there is no association between closing Koehn Lake, which is adjacent to the Desert Tortoise Research Natural Area and critical habitat, as an adequate trade-off for opening Cuddeback Lake, which is surrounded by tortoise critical habitat. Please explain why these are presented in the same goal as being interrelated.**
87	2-41	2.2.4			**Do the MUC Limited lands in the following prescription include DWMAs and critical habitats? "Allow for designation of competitive-use 'C' routes outside of OHV Open Areas, including in specified MUC 'Limited' areas, consistent with travel management area goals and route**

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					designation parameters." Given the persisting downward trend in tortoise populations throughout the West Mojave (USFWS 2014a), how can BLM justify promoting new vehicle competitive events in Limited areas? Previous studies indicate that competitive events cannot be adequately controlled and thus the first Recovery Team recommended against them in DWMAs.
88	2-43	2.3.1			**According to the following statement, "This [i.e., 15,000 miles of primitive routes] is approximately 7,000 miles more than the inventory for the 2006 WEMO Plan indicated, as identified in the 2006 WEMO Plan," we now understand that the conservation strategy produced by stakeholders for the West Mojave Plan was based on an assumption that only 8,000 linear miles of routes existed as of 2006. That being the case, we contend that these new data reveal a substantially larger threat to tortoise conservation than known in 2005; that under adaptive management prescriptions of the West Mojave Plan, this newly-revealed impact should be treated as an unforeseen threat and potential explanation, at least in part, for the rapid downward decline of 50% during the last 10 years; and that he BLM is obligated to address and curtail this new threat rather than accommodate it by opening 5,338 linear miles of new routes. We contend that had the 2005 BLM staff known that 15,000 linear miles of roads existed rather than 8,000 linear miles according to available data, the plan would have provided much more protection than is currently afforded by the 2005 version of the West Mojave Plan. ~~The Draft SEIS fails to augment protections identified in the 2006 West Mojave Plan to counterbalance the impacts of doubling the open route network~~.**
89	2-43	2.3.1			In which regions did the "sample review of 2005 and current (2013) data, [determine] the miles of primitive routes in the inventory is stable?" **If not already included, we ask that the BLM supplement this sample review and focus on well-documented OHV problem areas including Edwards Bowl; 20 Mule Team Road east of Highway 395; Lockhart Road southeast of Cuddeback Lake; OHV trespass into Red Rock Canyon State Park; Cinnamon Hills in north Lucerne Valley; Arrastre Canyon in San Bernardino Mountains; the bluffs along the western side of Mojave River between**

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					Victorville and Helendale; "Hamburger Hill" east of Highway 395 and south of Highway 58; Rademacher Hills south of Ridgecrest; illegal routes in Wilderness Areas documented in the West Mojave Plan FEIS (BLM 2005); and newly created routes and cross-country vehicle travel adjacent to every OHV Open Area in the West Mojave, which can be compared to the baseline provided in Map 3-14 in the West Mojave Plan (BLM 2005).
90	2-43	2.3.1			**Additionally, we cite these problem areas as evidence that BLM is currently unable to effectively manage cross-country vehicle use (i.e., vehicle use off of established routes) adjacent to 5,098 linear miles of open routes, ~~so how does BLM propose to manage this illegal use adjacent to 5,338 additional miles of open routes~~? This evidence contradicts the statement that route designation prevents other damage from occurring.**
91	2-43	2.3.1			**At present, the SEIS only proposes to eliminate the pre-1980 route network to constitute all available routes. The following statement, "Decisions as to whether and how to implement route closures will be made on all linear disturbances based on 2009 aerial photography compiled as of January 31, 2013," is preliminary and erroneous, and presupposes that what is only a proposal has already been codified.**
92	2-44	2.3.1			As noted previously, the following statement, "The language of the CDCA Plan Amendment that is required to bring the CDCA Plan into conformance with other policy and guidance, and to meet the objectives of the alternative, was developed," **ignores the fact that recent policies and guidance that do not conform to the CDCA Plan are in violation of that earlier plan; there is no legal requirement that the CDCA Plan be amended to conform to policies that were only recently developed and are not currently in conformance with the 1980 plan.**
93	2-45	2.3.2			In regard to the following statement, "The route network approved under the 2006 WEMO Plan, as modified by the Court, would continue to be in place, and would be inconsistent with this LUP guidance," **it is the LUP guidance that is in violation of the approved 2006 WEMO route network**.

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94	2-47	2.3.2			Given the following statement, "The No Action Alternative for the transportation network is not equivalent to the current baseline inventory of linear transportation features," **we contend that neither is the 2005 WEMO conservation strategy identified for desert tortoise, Mohave ground squirrel, and other covered species "equivalent" to the larger occurrence of "linear transportation features" than known in 2005. Given this in-equivalency, where in the SEIS has BLM identified increased conservation to offset the ~~concomitant impacts of doubling the available 5,098 linear mile route network by 5,338 linear miles, of~~ reopening two competitive event corridors, and of allowing unrestricted vehicle use of Cuddeback Lake, which is fully located within a DWMA?** **We don't know of ANY mitigation measures that could offset the further fragmentation of tortoise populations and habitat, degradation of many square miles of habitat to newly opened routes, camping areas, and parking areas, loss of cover and exposure of tortoises to increased threat from predators, and loss of prime forage. ~~The increased linear mileage of route networks would cause proliferation of noxious weeds such as Sahara mustard into the interior and threaten loss of key forage plants through competition from weeds.~~**
95	2-48	2.3.2			Given the following data, "…5,338 miles of Open and Limited Routes, and 2,158 miles of Closed Routes," **how many linear miles of closed routes have been camouflaged, vertically-mulched, or otherwise physically closed to route use since their designation in 2005? In those places where closed routes have been signed, do available monitoring data show that they are not being used or contribute to cross country vehicle impacts in adjacent areas?** We remind BLM that camouflaging and vertical mulching is only a first step in recovering habitat essential to tortoise and in restoring key food plants (Jennings and Berry 2015; Hazard et al. 2009, 2011). Tortoises do not do well on diets of primarily non-native annual grasses and plants such as the Sahara mustard, which thrive in disturbed areas.

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96	2-49	2.3.2			Since BLM now knows that, "As a result of the 2005 and 2009 aerial photography and field review, an additional 7,000 miles of routes have been located on the ground and included in the 2013 inventory that were not part of the approximately 8,000 miles of inventoried routes discussed in the 2005 WEMO FEIS," **what does BLM plan on doing to reduce vehicle impacts to desert tortoises and their habitats on almost twice as many routes as were known in 2005? On one hand, we appreciate that BLM has identified a brand new, much expanded impact to desert tortoises; ~~on the other, it is inexplicable why BLM has chosen in its Preferred Alternative to open 5,338 linear miles of new routes to ensure this unknown impact will continue to crush tortoises, degrade habitats, and further fragment tortoise populations~~. Can BLM explain the rationale for effectively codifying this unknown, ubiquitous impact to animals and habitat without expanding the conservation provided in the non-motorized vehicle portion of the West Mojave Plan? Especially since route designation was an integral part of the West Mojave Plan (see page 30 in USFWS 2006). We think, instead, the only rational mitigation available and to save the desert tortoise from endangerment is to close routes, reduce the route network, and undertake emergency closures in areas where proliferation is occurring.**
97	2-50	2.3.2		2.3-1	BLM (2005) documents that the acreage of the 1% allowable ground disturbance associated with new development on BLM lands under the West Mojave Plan is 13,000 acres. Assuming 5,338 linear miles of new roads with an average width of 12 feet (many are wider), that equals 7,764 acres (12.13 square miles) of new impacts that would be authorized by BLM under the Preferred Alternative of this SEIS. If ancillary impacts extend out to 550 feet in adjacent areas (Goodlett and Goodlett 1993), the total impact may be 355,866 acres (556 square miles). Even if the severe impacts are within 50 feet of either side of the road, the figure would be 113.23 square miles or the equivalent of 3.14 townships. We cite these calculations as one more reason why the conservation provided in the non-motorized vehicle portion of the West Mojave Plan can no longer function as intended if BLM, as proposed in the Preferred

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					Alternative, is effectively doubling the impacts of roads on desert tortoises and their habitats. **Since the SEIS fails to consider this new level of impact with regard to the 1% allowable ground disturbance in the 2006 ROD for the West Mojave Plan, herein we formally propose that the allowable ground disturbance in all DWMAs be reduced to 0.5%, that no new routes by designated, and that closures be implemented in areas such as the Fremont Valley and Ord-Rodman critical habitat adjacent to the Johnson Valley Open Area.**
98	2-50	2.3.2		2.3-1	~~Given the following minimization and mitigation measure summarized in Table 2.3-1 under the West Mojave Plan, "All routes that were not identified for [sic] evaluated under the 2006 WEMO Plan and designated open or close would be treated as closed, pending future evaluation under the terms of the 2006 WEMO Plan,"~~ **~~where in the SEIS has BLM evaluated impacts of opening 5,338 linear miles of new routes on both the plan's function and the species that are supposed to be protected? In the absence of this evaluation, BLM must honor the West Mojave Plan and consider all routes as closed.~~**
99	2-56	2.3.3			In regard to the following statement, "Any race staging area for (C) routes would still be limited to MUC Intensive (Class I) lands," **here and elsewhere throughout the SEIS, BLM needs to deal with the foreseeable event that MUC categories would be eliminated under the DRECP, and either eliminate MUC discussions from the Final SEIS for route designation or make changes that are consistent with the DRECP, where MUC categories would be eliminated.**
100	2-57	2.3.3			In regard to Alternative 2, which is supposed to identify fewer routes than the No Action Alternative to satisfy the judges concerns, **could not the following discretionary action by the BLM, "Final designations may have closed, limited, or opened these routes, based on additional information, as outlined in Section 2.1.4," result in more routes than Alternative 2 would otherwise allow?**
101	2-58	2.3.3			We note on page 2-58 the following statement, "For routes located in a **disturbance hotspot** outside of DWMAs [emphasis added]," uses the term "disturbance hotspot" for the first time. **Has BLM identified**

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					such hot spots? Are they mapped in the SEIS? It is our understanding that Executive Order 11644 requires that regions, rather than routes, are to be closed when such disturbance hotspots are identified. Can BLM provide any evidence that it has implemented Executive Order 11644 in these hotspot areas?
102	2-59	2.3.3		2.3-4	Given that one of the triggers under Criterion 2 listed in Table 2.3-4 includes "Route within a DWMA designated for protection of desert tortoise" **how can BLM demonstrate in the Alternative 2 route network that there are fewer open routes per unit area inside DWMAs compared to outside DWMAs? This same question applies to Unusual Plan Assemblages, other Areas of Critical Environmental Concern, and all other triggers listed in Table 2.3-4?**
103	2-66	2.3.4			We find the following statement to be vague and uninformative: "The Johnson Valley to Parker Valley Race Corridor would be deleted and may be offset by additional "C" routes in the planning area outside of DWMAs and other ACECs that are identified as open "C" routes through the route designation process, consistent with TMA goals." **Are these additional corridors intended to reopen the Barstow-to-Vegas and Stoddard-to-Johnson Valley race corridors? These corridors were closed for good reason and based on numerous impact data; we know that BLM does not have new data showing increases in tortoise population densities or that the species is recovering. Therefore, there are no scientific data to support reopening these competitive corridors. Or, are there new data to show that these events would no longer impact tortoises and habitats in the same way that prompted their closure in the first place? In fact, there is growing scientific evidence of impacts from recreational use.**
104	2-66	2.3.4			**We appreciate that BLM proposes to reduce the linear distance of stopping, parking, and camping to within 100 feet, rather than 300 feet, outside DWMAs. That still leaves us with 204.69 square miles square miles ([200 ft + 12 ft] x 5280 ft x 5,098 linear miles, all divided by 5280^2) of denuded and deteriorated habitat. These 204.69 square miles do not include the square miles in several Open Areas—areas that tortoises can't occupy safely and have depleted food sources. (e.g., see Berry et**

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					al. 2013 for effects of denuded areas). ~~Further, if the number of open routes is doubled, the figures of denuded and deteriorated habitats increase substantially~~. ~~Under current management, about 36 acres would be affected per linear mile if all areas were used for stopping, parking, and camping out to 300 feet. Although the comparable acreage would ostensibly be 12 acres by restricting these activities to within 100 feet, by doubling the number of open routes, 24 acres per linear mile would still be impacted. The Final EIS need to clarify these impacts.~~
105	2-66 2-67	2.3.4			~~As mentioned elsewhere in regard to the following statement, "…and therefore were not evaluated under the designation criteria and considered while developing the 2005 WEMO FEIS route network,"~~ **~~we again emphasize that neither were these additional 5,338 linear miles of routes evaluated under the non-route network prescriptions of the West Mojave Plan. We note that the SEIS does not identify any additional mitigation and minimization measures to augment the conservation portions of the West Mojave Plan, indicating how it must be strengthened to counteract impacts associated with opening 5,338 linear miles of new routes to vehicle travel. We recognize it will be a challenge to implement meaningful measures to offset the severe loss, deterioration of habitat, exposure to predators, and deterioration of the food supply.~~**
106	2-67	2.3.4			In regard to the following statement, "In keeping with the **access focus** of Alternative 3 [emphasis added]," who in the BLM decided that Alternative 3 must have an "access focus?" **Why could Alternative 3 not be based on a "conservation focus?" We contend that the SEIS is substantially flawed by focusing on new vehicle access without giving the same, concomitant attention to conservation and management of natural resources and application of the Endangered Species Act and the Presidential Executive Order on Invasion of Non-native Species (1999).**
107	2-67	2.3.4			In regard to the following statement, "Routes in OHV Limited Areas which were "Open" or which were NOT designated in the 2006 WEMO Plan, and **which have no resource conflicts identified** [emphasis added], ~~**we contend that doubling the amount of vehicle access on open routes in tortoise habitats**~~

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					~~must be construed as a new resource conflict; to effectively double the number of open routes would also result in at least doubling the potential impact to sensitive resources. Even if the current level of vehicle use was maintained (which there is no evidence in the SEIS it will), distributing that use to a broader region will expose tortoises and their habitats to known vehicle impacts that would not exist "but for" the BLM's expanded route network.~~ The key problem here is the failure to address the severe and catastrophic decline of desert tortoises since 2004-2006, using USFWS reports and data.
108	2-69	2.3.4		2.3-7	Given that one of the triggers under Criterion 2 listed in Table 2.3-7 includes "Route within a DWMA designated for protection of desert tortoise" **how can BLM demonstrate in the Alternative 3 route network that there are fewer open routes per unit area inside DWMAs compared to outside DWMAs? This same question applies to Unusual Plant Assemblages, other Areas of Critical Environmental Concern, Mohave ground squirrel Core Areas, and all other triggers listed in Table 2.3-7.**
109	2-70	2.3.4		2.3-8	**~~As per Table 2.3-8, which indicates there is no allowable ground disturbance outside DWMAs, we formally recommend that the SEIS be modified to require a 1% allowable ground disturbance on all lands outside DWMAs, which is intended to offset the unforeseeable decision by the BLM to double the number of open routes over that of the 2006 network.~~**
110	2-70	2.3.4		2.3-8	**~~Since the SEIS fails to consider this new level of impact in regard to the 1% allowable ground disturbance in the 2006 West Mojave Plan, herein we formally propose that the allowable ground disturbance in all Mohave Ground Squirrel Core Areas and specific sensitive plant species ACECs be reduced to 0.5% to counteract the designation of 5,338 linear miles of new open routes.~~**
111	2-70	2.3.4		2.3-8	**We find it totally unacceptable to open Cuddeback Lake to unrestricted vehicle use, in part, because BLM has failed to identify how vehicles would access and leave the dry lakebed surfaces, or to divulge in the SEIS that this lake is fully contained in a DWMA and tortoise critical habitat. It**

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					has been our experience that new trails and routes will be developed from intensive unrestricted use of vehicles entering and using the lakes (see aerials of El Mirage dry lake as an existing example). This has already happened along 20 Mule Team Road where new staging areas and associated routes have appeared in the past several years, despite BLM's contention in the SEIS that there have been no new routes created since the 2005 inventory. Further, BLM has failed to analyze how fugitive dust created by unrestricted access to this lakebed with its load of toxic elements has already resulted in ancillary impacts from airborne dust to adjacent habitats vegetated by native scrub communities, particularly those occurring on the east side of the lake, downwind from prevailing winds. Department of the Interior scientists and other scientists have identified serious issues regarding windborne dust and fluvial deposits containing arsenic from the Rand Mining District into this part of critical habitat and draining into Cuddeback Lake (see Selzer and Berry 2005; Chaffee and Berry 2006; Foster et al. 2011; Kim et al. 2012, 2014).
112	2-72	2.3.4			In regard to the following statement, "Give special attention to the goals in special areas (WSA, ACEC, NRHP sites, Tribal Areas, Riparian Areas, **Special Recreation Management Areas**, etc.) [Emphasis added], we note that no SRMAs currently exist outside BLM OHV open areas in the West Mojave Plan area. **We note that the SEIS has not described how SRMAs would function and possibly result in additional impacts that would not occur "but for" that designation. The Final SEIS needs to analyze the likely impacts associated designating SRMAs and how that designation would have a cumulative effect associated with establishing Transportation Management Areas under this SEIS.**
113	2-72	2.3.4			As an affected interest concerned with the recovery of the desert tortoise, we formally protest BLM's pre-decision to "De-emphasize route closure as a primary means to minimize resource and use conflicts on the remaining routes selected for the network, where consistent with area goals." **We contend that BLM is obligated to emphasize route closure to satisfy its requirements under FLPMA, minimize sensitive species resource conflicts, and honor the conservation goals and objectives given in the non-**

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					motorized portions of the West Mojave Plan, ~~which did not envision 10,428 linear miles of open vehicle routes being proposed in 2015~~. BLM is also obligated to help recover the desert tortoise, not drive the species to extermination in this region.
114	2-73	2.3.4			**Which data are BLM using to identify areas that "…are not experiencing undue access-related impacts?" How is the BLM defining "undue impacts" in this case? Except for a few square miles in Wilderness Areas, cross-country vehicle tracks were observed on every single transect surveyed on more than 4,000 square miles of the West Mojave planning area. Areas adjacent to BLM OHV Open Areas, in particular, showed elevated levels of "undue access-related impacts." How were these West Mojave Plan data used to help BLM identify such areas, and how has BLM implemented actions required under Executive Order 11644? Subsequent to 2006, several papers have been published identifying unauthorized cross-country use (see Berry et al 2008, 2013, 2014; Keith et al. 2008 for examples).**
115	2-73	2.3.4			In regard to the following statement, "..and partially offset Johnson Valley OHV Area competitive event opportunities lost with the expansion of the Twenty-Nine Palms Marine Corps Air Combat Center (29 Palms Base)," **the EIS for the expansion of the Marine Corps base indicated that the expansion would have no appreciable impact on recreational vehicle activities. Also, the statement does not acknowledge that the Marines intend to co-use the expansion area 10 months out of the year. How can BLM use this SEIS to offset impacts of an unrelated activity (e.g., expansion of the Marine Corps base) by expanding recreation activities under the West Mojave route designation process? BLM is not obligated to offset the impacts of an unrelated project, and is unfairly promoting new vehicle competitive event impacts where the "mitigation" is not justified.**
116	2-73	2.3.4			**What does BLM mean by "sensitive areas" and "substantial evidence" in the following statement?** "Consider some linear and loop trail opportunities in sensitive areas that do not have substantial evidence of unauthorized use and include strategies that minimize unauthorized use and potential impacts to

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					sensitive resources." **Do "sensitive areas" refer to DWMAs, Mohave Ground Squirrel Habitat Management Areas, and ACECs? We note that "substantial evidence" is a subjective term that is open to interpretation by future BLM recreational planners. We find this entire goal and objective to be unacceptable because, in part, the "linear and loop trail opportunities" cannot be analyzed for their potential impacts.**
117	2-74	2.3.4			The conservation strategy developed for the West Mojave Plan did not anticipate that "Competitive motorized events would be allowed to occur outside of OHV Open Areas under Special Recreation Permit on routes specified for such use as identified in the TMP route network strategies." **We find this "goal and objective" to be unacceptable and too vague to be properly analyzed. As presented, future BLM recreational planners could use this wording to promote competitive events anywhere outside OHV Open Areas, which may include tortoise critical habitat and DWMAs. This goal should be eliminated from the Final SEIS.**
118	2-74	2.3.4			**What does BLM mean by "underserved motorized or non-motorized recreation types?" As written, this is a subjective value judgment and could include hill-climbs in sensitive habitats, corporate-level vehicle research and development, filming, etc. This goal and objective is unacceptable as an open-ended prescription that gives BLM recreational planners nearly unlimited opportunities to define "underserved … recreation types."**
119	2-74	2.3.4			**We find the following prescription to be unacceptable:** "Emphasize SPC [stopping, parking, and camping] adjacent to routes, consistent with network parameters, unless in heavily impacted or popular areas." **To reduce impacts to tortoises and their habitats, ~~particularly along a doubled number of open routes~~, the BLM should emphasize minimization of stopping and parking ON routes. As biologists, none of us parks off routes unless the area is bare of perennial vegetation from previous disturbances. Encouraging SPC in vegetated habitats out to 50 feet in DWMAs and out to 100 feet outside DWMAs will result in severe adverse impacts to the tortoise through damage to and loss of**

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					forage and cover sites, as it is; encouraging that is even worse.
120	2-72 2-74	2.3.4			**~~In the estimation of the Desert Tortoise Council, we find that increasing the existing route network from 5,098 linear miles by 5,338 linear miles to a total of 10,428 linear miles violates each of the following "Specific components of Alternative 3 to implement the planning goals and objectives:" 1a, 1b, 1d, 1e, 2c, 2e, 2g, 3b, 5b, 6b, 7a, and 10b. How would doubling the amount of open routes allow BLM to realize any one of these 12 specific components?~~**
121	2-86	2.4		2.4-1	**~~How has BLM determined "Total Open and Limited Potential Disturbance Acres from the Network" presented in Table 2.4-1? In the absence of an explanation, it is counterintuitive that 5,098 linear miles in the No Action Alternative would affect 190,474 acres (37.4 acres per linear mile) compared to 201,712 acres being affected by 10,428 linear miles (19.3 acres per linear mile) in the Preferred Alternative? Please explain how these acreages were derived; as presented, it would seem that they underestimate the impact associated with the Preferred Alternative (or overestimate the impact of the No Action Alternative).~~**
122	2-88	2.4			**~~We find that the following statement is erroneous, and misleads the reader to believe that the Preferred Alternative is more proactive by closing 2,000 more miles of additional routes than the No Action Alternative:~~** ~~"Alternative 3 includes a much larger network than the network approved under the 2006 WEMO Plan, but also proposes to close 2,000 more miles of additional routes than those that were designated closed in the 2006 WEMO Plan." According to Table 2.3-1, "All routes that were not identified for [sic] evaluated under the 2006 WEMO Plan and designated open or close~~ **~~would be treated as closed~~** ~~[emphasis added], pending future evaluation under the terms of the 2006 WEMO Plan."~~ **~~Considering the data presented in Table 2.4-1, when one combines the 2,398 linear miles closed and 7,214 linear miles "presumed closed" under the No Action Alternative, a total of 9,612 linear miles are effectively closed under the No Action Alternative compared to only 4,404 linear miles closed under the Preferred Alternative. This means that the No Action Alternative effectively closes 5,208~~**

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					~~more linear miles than the Preferred Alternative, not that the Preferred Alternative will result in 2,000 more miles than the No Action Alternative. This is an error and needs to be addressed and clarified in the Final SEIS.~~
123	2-88	2.4			~~Another way of saying the following, "Alternative 3 proposes to make available to the public, or to authorized users, 10,428 miles of motorized routes, and also proposes to address closure of 4,404 miles of routes" is that Alternative 3 "inflicts 5,338 linear miles of new open routes on tortoise populations that are in decline and habitats that are severely degraded, without providing a single new conservation mechanism to offset impacts associated with doubling the available route network." The first sentence is one of~~ **many, many examples of how this SEIS has been drafted to heavily bias the evaluation of the actual situation in favor of enhanced vehicle recreation use and against conservation. BLM has failed to provide a neutral, objective interpretation of impacts and benefits associated with the Preferred Alternative and applying new and existing information available since 2006.**
CHAPTER 3 – AFFECTED ENVIRONMENT					
124	3.1-3	3.1.1.1			In regard to the following, "Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats. Special attention will be given to protect endangered or threatened species and their habitats," **we contend throughout our comments that BLM fails to achieve this standard as required by 43 CFR 8342.~~1 by doubling the available vehicle route network without providing any additional conservation, whatsoever, in an equal amendment to the West Mojave Plan of 2006~~. This SEIS is significantly flawed in this manner.**
125	3.1-5	3.1.1.1			Since the CDCA Plan of 1980 was published including the following wording, "seriously threatened by air pollution, inadequate Federal management authority, and pressures of increased use, **particularly recreational use**, [emphasis added]" the desert tortoise has become federally and State listed. **Since 2004, USFWS (2014a) has found a 50% decline in tortoise populations of adult, breeding tortoises in the**

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					West Mojave. ~~How can BLM justify doubling the existing open route network in the face of these persisting declines, especially when routes contribute not only to vehicle-related deaths and injuries but also loss and deterioration of cover and food supply?~~ The data suggest that more routes should be closed, not opened. So, how has BLM justified the decisions in the SEIS? WHERE is the alternative that reduces impacts to this federally listed species by reducing the linear miles of route and road networks in an alternative (i.e., beyond the relatively minimal route closure presented in Alternative 2)?
126	3.1-5	3.1.1.1			For reasons given throughout these tables, we contend that the BLM has failed to realize either of the following two objectives in the Motorized-Vehicle Access Element of the CDCA Plan: "• Provide for constrained motorized vehicle access in a manner that balances the needs of all desert users, private landowners, and other public agencies. • When designating or amending areas or routes for motorized vehicle access, to the degree possible, avoid adverse impacts to desert resources." **First, where are the data to demonstrate that the existing 2006 route network is a constraint on vehicle access? ~~Second, how does doubling the open route network "avoid adverse impacts to desert resources?"~~**
127	3.1-8	3.1.1.1			As mentioned elsewhere with regard to the following statement, "Those lands were included in the 2012 inventories, and are part of the reason for the increase in the baseline from approximately 7,000 miles in 2006 to approximately 15,000 miles for the current SEIS," **how many acres of new lands were acquired for the intent of offsetting impacts, as would occur under State and federal incidental take authorizations for the desert tortoise and for the Mohave ground squirrel? Has BLM proposed routes across these mitigation lands? How is each mitigation parcel affected by each alternative? How can BLM justify increasing routes on lands acquired specifically for conservation to offset impacts?**
128	3.1-11	3.1.1.1			Given the following statement, "A pilot digital aerial photograph was used together with GIS digitizing equipment to identify 549 miles of existing routes of travel in the area," **how many of these 549 linear**

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					miles were designated as "open?" ~~How was the pilot study used to support or justify doubling the existing 2006 open route designation?~~ To be statistically valid, random samples or stratified random sampling should have been used. Was this done? We request copies of the method and the data.
129	3.1-15	3.1.1.3			We see from the following information, "• The mileage of non-motorcycle routes in higher density tortoise population areas was decreased from 439 miles to 384 miles; • The mileage of vehicle routes within ACECs was reduced from 427 miles to 406 miles" that there were reductions in higher density tortoise populations and ACECs, yet the SEIS now intends to double the available routes. **How did BLM consider higher tortoise density areas and ACECs in establishing the ~~10,428 linear miles in the~~ Preferred Alternative? How many more miles would occur in higher tortoise concentration areas and DWMAs as a result of the SEIS Preferred Alternative? Why aren't there additional reductions, as opposed to increases, given the current downward trend in tortoise densities?**
130	3.1-15	3.1.1.3			**~~In regard to the maps associated with the SEIS, we note that none of them show DWMAs, which were formally designated as ACECs with the 2006 Record of Decision on the West Mojave Plan. Why is this information not included in the SEIS? We feel that the absence of these designations on any of the maps is a fatal flaw with the SEIS, particularly for less informed reviewers who have no notion that such designations exist because the SEIS fails to publish them. In the absence of these maps, we cannot tell how the Preferred Alternative will or won't affect tortoise DWMAs.~~**
131	3.1-15	3.1.1.3			**~~Not only do the maps not show DWMAs, but also Section 3.1.1.3 fails to divulge that DWMAs were established for tortoises and Mohave Ground Squirrel Habitat Management Areas (MGS HMA) established for that species in the 2006 Record of Decision. This section is significantly flawed because it fails to divulge that these management areas are intended to protect and recover the two listed species and also misleads the reader to believe that doubling the linear miles of routes in such areas will not detract from, if not directly undermine, recovery of the two species. Although~~**

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					~~**DWMAs are mentioned in the discussion relative to grazing, there is no mention of how those designations were used to reduce the number of routes in DWMAs and MGS HMA areas.**~~
132	3.1-18	3.1.1.3			~~In regard to the following deficiencies, "The Court ruled that the BLM's rational for making their route designations was not complete, and did not address the requirements of 43 CFR 8342.1. The Court also cited specific resources (soils, cultural resources, Unusual Plant Assemblages and riparian areas, Mojave fringe-toed lizard, and air quality) for which analyses were not complete, and needed to be re-visited,"~~ ~~**herein we contend that the SEIS fails to evaluate the adverse impacts of doubling routes on both the desert tortoise and Mohave ground squirrel, since no additional conservation (over that provided in the 2006 Record of Decision) is proposed to offset the impact of doubling route access in these critical areas.**~~
133	3.1-20	3.1.1.5			**Can BLM confirm in regard to the following statement, "These applications include solar, wind, and energy transmission projects; installation and operation of communications towers and pipelines; access to mining operations and exploratory activities, and permitted recreation events" that neither solar nor wind projects have been developed in DWMAs and tortoise critical habitat since the 2006 Record of Decision on the West Mojave Plan? If so, is it true this prohibition has been in respect to recovering the two listed species? Why then would a multitude of new routes be proposed for these sensitive areas?**
134	3.1-21	3.1.2			**Elsewhere BLM has indicated that the pre-1980 route data base is too unreliable to be used to establish a constrained network, yet in the following statement, "In general, the existing route network, most of which was in place before 1980, was primarily developed in response to land use needs and social and economic factors," seems to indicate that the data are sufficient to justify such a statement. If, "the existing route network, most of which was in place before 1980," is true, why were 8,000 linear miles added to the 7,000 linear miles identified for the West Mojave Plan? Isn't this misleading the reader in a pro-recreation direction at the expense of conservation and**

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					recovery?
135	3.1-22	3.1.2.1			~~Given the following statement, "Each of these amendments [WEMO Plan Amendment] has evaluated current and future land uses, including OHV, other recreational uses, and livestock grazing for their potential to impact those resources, and placed constraints on those uses in order to protect resources,"~~ **~~the SEIS has failed to re-evaluate conservation of desert tortoise and Mohave ground squirrel to determine if adverse modification of critical habitat will result by doubling available open routes in tortoise habitats. How does the SEIS propose to strengthen threatened species conservation to offset twice the number of available routes?~~**
136	3.1-22	3.1.2.1			~~In regard to the following statement, "Similarly, the 2006 WEMO Plan considered the existing network [of 5,098 linear miles] within the framework of the resource protection goals of the Plan,"~~ **~~the SEIS has failed to consider how the "resource protection goals of the Plan" must be strengthened to offset the new influx of open routes in essential tortoise habitats, including critical habitat designated in 1994.~~**
137	3.1-22	3.1.2.1			In regard to this statement, "In considering these applications, **BLM is required by NEPA to evaluate impacts to sensitive resources** [emphasis added], as well as alternatives which can avoid, reduce, or mitigate impacts," **where are the results of BLM's NEPA evaluation? Do these data show there have been impacts to sensitive resources? As reported by USFWS (2006), 35 of 148 carcasses (24%) found during West Mojave Plan and distance sampling surveys where the cause of death could be ascertained, had been crushed by vehicles. Why aren't these data included in this section?**
138	3.2-9	3.2.4			In regard to the following statement, "In recent years, good monitoring data has led to reclassification requests to the USEPA for most of the region," **where are the air quality stations collecting the data that allows BLM to make this statement? Air quality is exacerbated when native soils are impacted by cross-country vehicle travel.** ~~**Can BLM ensure the public that doubling the route network will not result in higher incidences of cross-country vehicle travel, which in turn will result in degraded air quality?**~~ **The proposal alone to open Cuddeback Lake for unrestricted use will reduce air**

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					quality and contribute to airborne toxicants such as arsenic. ~~How does BLM propose to monitor air quality to see if doubling the routes does not result in poorer air quality?~~ Will monitoring stations be set up in the desert to provide both baseline and ongoing data collection, and if so, how often will they be checked to facilitate an adaptive management approach?
139	3.2-9	3.2.4		3.2-2	**~~We note in this table that there are five "Attainment" determinations versus 14 "Non-attainment" determinations. Since this represents impacts under current management, will not BLM's Preferred Alternative with twice the linear length of open routes result in even more non-attainment determinations? How does BLM propose to monitor attainment?~~**
140	3.2-12	3.2.4			**How much of the West Mojave planning area is within the San Bernardino County PM_{10} Area, which is identified as non-attainment? ~~Did BLM consider this non-attainment area when it decided to double the available open route network in this area?~~**
141	3.2-12	3.2.4			Given that "The Owens Valley planning area is one of five serious federal non-attainment PM10 planning areas in the nation," is in direct response to windblown dust off Owens (dry) Lake, **how can BLM propose to open Cuddeback Lake to unrestricted vehicle use? How does BLM plan to monitor new dust emissions if this ill-advised proposal is implemented? How will vehicle impacts, tortoise and Mohave ground squirrel populations, and dust impacts to Unusual Plant Assemblages be monitored in the vicinity of this lake if unrestricted vehicle use is authorized, given the issues associated with arsenic in soils and airborne (see Selzer and Berry 2005; Chaffee and Berry 2006; Kim et al. 2012, 2014)?**
142	3.2-13	3.2.5			**Although we appreciate that BLM is working with local air quality management districts to monitor air quality, we note that the 46 monitoring stations have been focused on OHV open areas. Since the SEIS does not affect routes in open areas, ~~but doubles available open routes elsewhere~~, how are these monitoring stations capable of measuring air quality in desert lands not associated with open areas? Does BLM pan to produce new monitoring stations not associated with open**

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					areas?
143	3.4-3	3.4.3.1			~~**Please note that Special Status Species are discussed in Appendix C, not D as given in this and several other sections.**~~
144	3.4-3	3.4.3.1		3.4-2	**How were the acreages derived in this table? Are we to interpret these data to mean that desert cymopterus, for example, occupies 724.1 acres in the Black Mountain subregion? How were these acreages derived? Barstow woolly sunflower ranges from as far east as Barstow, north onto Coolgardie Mesa, west to the Hyundai Test Track south of California City, and southwest onto Edwards Air Force Base, which covers several thousand square miles, yet Table 3.4-2 states it occurs on 4,279.3 acres? Based on what? We find that none of these acres is likely to accurately reflect occurrences of the special status plants. What techniques were used to derive these figures, were statistically valid techniques used, and are they published anywhere? Who derived and quality checked these figures?**
145	3.4-57	3.4.3.2		3.4-3	**How were the acreages derived in this table? How can BLM determine that 0.1 acre of habitat in the Barstow subregion would be affected for such a wide-ranging species as the golden eagle? This is also true for bat species; 4.9 acres of fringed myotis habitat affected in Afton Canyon? It is false to report that desert tortoises are restricted to critical habitats; whereas these may be "easy" acreages to determine using GIS technologies, this table in no way comes close to estimating the acres of tortoise-occupied habitats that may be affected. We find that none of these acres accurately reflects occurrences of the special status animals. Who derived these figures, what techniques were used, and where are the methods presented or published?**
146	3.4-63	3.4.3.2			**Given the description for Mohave ground squirrel, someone unfamiliar with the geographical locations listed on this page would not understand that the entire range of the species is in the West Mojave, ~~and therefore subject to BLM's proposal to double the availability of open vehicle routes~~. BLM should clearly state that the species entire range is within the subject planning area, that it is**

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					rare and endemic to California, and receives State protection.
147	3.4-64	3.4.3.2			The following statement, "Recent (after 1990) records from the CNDDB and 2005 West Mojave Plan Mohave ground squirrel transect data and other California Department of Fish and Wildlife (CDFW) data include location occurrences ranging from Inyo [County] in the north to **3 miles southwest of Rabbit Lake in the south** [emphasis added]," **suggests that the BLM author of this section was not a biologist. Although several biologists are listed as preparers in Table 6.2-1, to what extent were they involved? At the time the SEIS was drafted, Dr. Larry LaPré was working as the CDCA's lead biologist. When we contacted him on 5/13/2015, he indicated he never reviewed the SEIS or was asked to review the document. On 15 May 2015, Lorenzo Encinas, BLM Biologist in Barstow, indicated he was not involved in the SEIS, although he is listed as a preparer in Table 6.2-1. Only Chris Otahal (BLM Biologist in Barstow personal communication on 5/15/2015) indicated he was highly involved. We find there are numerous places in the SEIS where the biological "analysis" is flawed for apparent lack of biological knowledge by the author(s). For example, no MGS have been found near Rabbit Lake since 1990.**
148	3.4-64 3.4-65	3.4.3.2		3.4-4	**As given above, we find there is no description for how these acreages were derived, and question the knowledge of staff that would report Mohave ground squirrel occurrence down to a tenth of an acre. This "analysis" appears to be the product of a GIS specialist who may or may not have had any biological training. It is apparent that knowledgeable biologists were not involved in the final formulation and authorship of this SEIS. ~~Why, for example, wasn't Dr. Larry LaPré asked to review and comment on the Draft SEIS?~~**
149	3.4-66	3.4.3.2			**The following statement is inaccurate and disingenuous: "Threats to the Mohave ground squirrel would not change from the previous analysis provided by the 2005 WEMO Final EIS (BLM 2005) within the planning area," in particular because this SEIS would produce an impact to Mohave ground squirrels that was not envisioned by the biologists writing the threats analysis for the 2005**

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					West Mojave Plan.
150	3.4-79	3.4.3.2			The following statement is inaccurate and disingenuous: "The information from the 2005 WEMO Final EIS (BLM 2005) is supplemented by the following updated information from the DRECP Baseline Biology Report (March 2012). **All other background information for this species would not change** [emphasis added] from the previous analysis included in the affected environment of the 2005 WEMO Final EIS (BLM 2005) and is not discussed further in this supplemental EIS." **This Draft SEIS was published in March 2015. Given that three years have passed since the DRECP Baseline Report was published in March 2012, new information not included within the DRECP Baseline Biology Report should be included within the SEIS analysis. Such information includes several references provided herein (some of which document the severe decline of tortoise populations) as well as all the comments on the Draft DRECP. Since the SEIS analysis relies on information provided in the Draft DRECP, we expect the SEIS will be updated based on comments on the Draft DRECP. Will the BLM update the SEIS text based on the comments on the Draft DREPC? Additionally, the statement "would not change from the previous analysis" is made at least 22 times in Chapter 3; this related text should also be updated based on new information provided since the 2005 WEMO Final EIS as well as comments submitted on the Draft DRECP.**
151	3.4-81	3.4.3.2			**The statement** "…historical information for the Mojave population densities or abundance does not exist to provide a baseline for population trends (USFWS 2008e)" **was taken out of context and misused**. Long-term trend data have been available dating back to 1979-1980 from long-term desert tortoise study plots in the West Mojave Desert and from strip transects for relative densities. Trends obtained from these and other data sources were used to justify federally and state-listing of the desert tortoise as threatened. However, these data, while of high quality and site specific, are not the kinds of data for assessing trends throughout a geographic range for delisting the tortoise. For such trend data, the USFWS determined that distance sampling throughout critical habitat could serve the purpose, when focused on adult tortoises

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					only. The USFWS began testing the method in 2001 and now over 10 years of such trend data are available. **The selective use of the USFWS 2008e reference in this manner is a good indication that the writers of the SEIS have insufficient understanding and knowledge of the federally threatened tortoise to prepare this SEIS and alternatives**.
152	3.4-81	3.4.3.2			**With regard to the following statement,** "specific management actions over a 23-year monitoring program have not demonstrated a substantial positive effect on populations," **fails to acknowledge that tortoise populations inside the fenced Desert Tortoise Research Natural Area have stabilized, increased, and adult populations were, in 2011, significantly higher inside the fenced Natural Area by > 4 times than in adjacent critical habitat (Berry et al. 2014). In addition, death rates were lower inside the fence than outside. The higher densities of adult tortoises and lower death rates inside the fence are due, in part, to the elimination of off highway vehicles and sheep grazing, which are precluded from the area by a perimeter fence. The amount of surface area disturbed by vehicle tracks was 11.4% higher in adjacent critical habitat than in the Natural Area. In critical habitat, tortoise sign was negatively associated with vehicle tracks. Deaths of tortoise from vehicles are described in this study.**
153	3.4-81	3.4.3.2			We note in the USFWS' recent status review (USFWS 2014b), that tortoise populations in the West Mojave have declined the most of any within the listed range, at a rate of -9.8%, and that "the relative number of smaller desert tortoises is about half what it was in 2001." They also report that "Increased human access can accelerate illegal collection and release of desert tortoises and their deliberate maiming and killing, as well as facilitate the spread of other threats associated with human presence, such as vehicle use, garbage and dumping, and invasive plants;" and "increases in human access can accelerate illegal collection and release of desert tortoises and deliberate maiming and killing, as well as facilitate the spread of other threats associated with human presence, such as vehicle use, garbage and dumping, and invasive weeds." **Given these observations, shouldn't the BLM be decreasing routes in the West**

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					Mojave instead of increasing them? What does the BLM propose to do to offset increasing all of these declines as a result of increasing the number of open routes?
154	3.4-84	3.4.3.2			**The following quote displays historical information, prior to the catastrophic population crash that occurred between 1990 and 1992: "It [DTRNA] has one of the highest known densities of desert tortoises per square mile in the species' geographic range (California, Utah, Nevada, Arizona and northwest Mexico). Tortoise populations are from 100 to 200 per square mile in some parts of the DTNA." If this quote is to be used, the frame of reference should be used, drawing on such phrases as "in 1989" and changing the verbs to past tense. THEN the writers can add the more recent data about the DTRNA.**
155	3.4-84	3.4.3.2			~~**We note that BLM's intent to double the amount of open routes in the West Mojave renders the following statement incorrect:** "Threats to desert tortoises within the WEMO Planning Area have not changed from the previous analysis provided by the 2005 WEMO Final EIS (BLM 2005) and associated (USFWS) 2006 Biological Opinion, except as discussed herein." **BLM is obligated to describe how doubling the available route network must be expected to further impede the recovery of the desert tortoise in the West Mojave Recovery Unit.**~~
156	3.6-1	3.6.1			**Under Executive Order 11644, isn't BLM obligated to repair "hot spots," as mentioned in the following statement**: "Although most recreational activities are widely dispersed, certain activities have "hot spots" that have been established over time?" **If so, how many areas have been protected from degrading uses and effectively reclaimed?**
157	3.6-2	3.6.1			**We understand that "casual uses" in the Cuddeback Lake region can no longer be described as "casual;" recent degradation of desert tortoise critical habitat along 20 Mule Team Road continues in spite of BLM's recent attempts to sign closed routes with red carsonite "closed" signs; habitats along Lockhart Road southeast of Cuddeback Lake have been heavily impacted for years. BLM's intent to open this lakebed to unrestricted vehicle use will predictably exacerbate the problems,**

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					which are already out of BLM's control. It would seem that BLM is eliminating a problem over which it has exercised no control by opening areas within tortoise critical habitat as needing no control; i.e., designating them for "unrestricted use." Designating Cuddeback Lake as unrestricted will predictably draw recreationists directly from the Spangler Hills Open Area or from other areas, through occupied tortoise habitats, and have a major impact. It is naive to believe that impacts would be restricted to the non-habitat lakebed surfaces. One only has to look at the report on the El Mirage Dry Lake and recreation area by Keith and Berry (2005) to see what occurs and can occur.
158	3.6-2	3.6.1			**Insofar as Cuddeback Lake is designated tortoise critical habitat, within the Fremont-Kramer DWMA and yet one of the most heavily vehicle-impacted areas in the West Mojave, we fully agree that "Past and current levels of use are not currently consistent with the access designation for the surrounding area," and that Cuddeback Lake should be officially designated as closed to all but the several open routes that currently exist.**
159	3.6-1 3.6-3	3.6.1			**We find the discussion in Section 3.6 to be devoid of any impact analysis associated with recreational vehicle use. Although "hot spots" are mentioned as desirable destinations for recreationists, no mention of their devastating effects on tortoises and occupied habitats is mentioned. One of the primary "patterns of use" that we conservationists and scientists observe is the prevalence of cross-country vehicle travel, yet this serious impact is not even mentioned (e.g., Berry et al. 2008, 2013, 2014; Keith et al. 2008). Since Goodlett and Goodlett (1993) found that impacts were relatively heavier along open routes, we must refer BLM to these data as clear evidence that ~~doubling~~ open routes will predictably lead to route proliferation and cross-country vehicle uses where they are not currently encouraged for lack of proximity to open routes.**
160	3.6-4 3.6-17	3.6.1		3.6-1	**We protest BLM's characterization of "Administrative Settings" pertaining only to BLM Recreational Settings. Many of these areas are in tortoise critical habitats and DWMAs, which are**

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					also "Administrative Settings." Someone new to the West Mojave Desert would look at this table as a tour guide to recreational vehicle use with no knowledge that these areas are also tortoise habitats, including critical habitats. We feel strongly that the table must be amended to show protective Administrative Settings and protected statuses so that the reader is not given a one-sided impression that all areas have a recreational focus.
161	3.6-18	3.6.1			**Where are the data that support the following statement:** "However, dispersed OHV recreationists in Open Areas generally follow a system of routes created over time that provide for touring at reasonable speeds that minimize likelihood of breakdown or vehicle damage?" **Were these "created" routes authorized or unauthorized?**
162	3.6-21	3.6.2.2			The following statement is incorrect, biased, and misleading: "The expansion of the Twenty-Nine Palms marine base resulted in an additional withdrawal of 152,500 acres, of which 98,547 acres are public land that was available to motorized and non-motorized recreational use. This is the loss of 98,547 from the largest OHV Area in the U.S." **As BLM must be aware, OHV use in this area is unrestricted and the same as without the expansion for 10 months out of the year; there are only two months when military maneuvers will preclude vehicle access to the area.**
163	3.6-32	3.6.3.1			We note in the following statement, "Motorcycle touring provides **a unique opportunity to get off the beaten path** [emphasis added] and experience areas of the WEMO Planning area that are not accessible to other motorized users," **that the "beaten path" is where vehicles are supposed to remain but often do not, resulting in unauthorized use. All surveys performed throughout the West Mojave between 1998 and 2000 (BLM 2005) and later in studies funded by the BLM and the State of California's Dept. of Parks and Recreation (e.g., see Keith et al. 2008, Berry et al. 2013, 2014) show evidence of cross-country vehicle traffic. ~~BLM stands to facilitate more "off the beaten path" use in broader areas with this ill-conceived proposal to double the amount of open routes~~.**

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164	3.6-35	3.6.3.1			**What are the data that support the following statement: "Compliance has generally improved since the implementation of the CDCA plan?" The West Mojave Plan surveys conducted between 1998 and 2000 showed ubiquitous cross-country vehicle travel, and "spill over" from open areas into all adjacent areas where vehicles should have been restricted to designated open routes. Please clarify the database used to make such statements, particularly in light of the provided statistics that show increased vehicle use in all but motorcycle use since 2008. We present, as evidence, the following publications as examples: Keith et al. (2008) and Berry et al. (2013, 2014).**
165	1-6 and 3.6-35	3.6.3.1			Given the following statement on Page 1-6, "Most of the primitive routes in the current inventory are not in the current designated motorized network as approved in the 2006 WEMO Plan and, as a result, if currently still in use they are primarily an indication of unauthorized use," **how is this consistent with the statement in this section that compliance is improving? How is "primitive route" defined?**
166	3.6-37	3.6.3.1			We also refer to the following statement, "Much evidence of the routes that were not included in the approved network still remains on the ground, due to their historic use," as evidence that there continues to be long-lasting, residual effects of routes that are currently designated as closed. **What does "historic" mean here? How was historic determined and what was the methodology? Has BLM had any success in camouflaging these routes so they are not visible to users willing to travel on closed routes?**
167	3.8-1	3.8.1			~~In the following statement, "A third effect of the authorization of new routes associated with land uses is the potential for proliferation of associated unauthorized routes," **BLM admits that authorization of new routes – in this case 5,338 linear miles of new open routes – will result in proliferation of both illegal routes and unauthorized cross country vehicle travel. Was this foreknowledge considered in doubling the available route network?**~~
168	3.10-3	3.10.4			We suggest that the following sentence be modified by the italicized wording at the end: "As the state's population grows, more visitors will be attracted to public lands for recreation in natural landscapes, ***and***

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					***with the increase, BLM will need to increase its protection of rare biological resources, including the desert tortoises and their habitats in order to satisfy federal regulations*.” The SEIS is currently structured to accommodate increased human presence without providing any clear way of minimizing the impacts of increased human use on imperiled resources.**
169	3.11-8	3.11.3.3			**Assuming BLM used ACEC designations to minimize the number of new open routes, was this minimization criterion applied to DWMA-ACECs established in 2006 to conserve and recover the desert tortoise? ~~Why weren’t these largest of the ACECs in the West Mojave Desert not delineated on maps showing newly proposed open routes?~~**
CHAPTER 4 – ENVIRONMENTAL CONSEQUENCES					
170	4.1-1	4.1			**The following pair of sentences refer to the Preferred Alternative and Alternative 3 respectively and fail to acknowledge the No Action Alternative, which is to maintain the current network that was derived as an integral part of the West Mojave Plan as it was formulated in 2005 to balance conservation with other uses:** “In the case of these resource areas, a larger network can have a beneficial effect by expanding means of access, recreation opportunities, and access to commercial uses of the public lands. In contrast, reducing the size of the network can adversely affect these resource areas by reducing access, and can impact these and other resources by changing use patterns.” **Given that the existing route network is already identified and signed as open or closed, the Desert Tortoise Council prefers the No Action Alternative among those presented. ~~We believe that the Preferred Alternative is fatally flawed because doubling the existing open route network is in no way whatsoever compensated by adequate added conservation.~~ Additionally, the SEIS is wholly deficient because no Alternative is presented to substantially reduce the existing route network (Alternative 2 notwithstanding), essential for stabilizing the existing and catastrophic declines in desert tortoise populations.**

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171	4.1-2	4.1.2			**In regard to the following approach, "The second acreage calculation was conducted to quantify the areas that may potentially be affected by stopping, parking, and camping adjacent to motorized routes," this is a simplistic and unrealistic approach to judging impacts because it does not address illegal cross-country vehicle traffic that is associated with a majority of roads in the West Mojave. Throughout the SEIS, BLM naively assumes that recreational vehicles stay on roads and routes, which is simply not the case (see impact data in the 2006 FEIS for the West Mojave Plan). Goodlett and Goodlett (1993) found that vehicle use adjacent to open routes did not began to diminish until a distance of about 225 feet, which means that in the Rand Mountains area, the physical impacts of use adjacent to open routes is about 550 feet wide. These are the data in available literature that should be used; not the regulatory distance of 50, 100, or 300 feet. We submit that the regulatory distances used to measure impacts (1) assume that everyone is compliant, which is not the case; (2) actual impacts remain unknown, but in one study, are 550 feet wide; and (3) ~~given the lack of data, BLM is not able to estimate or understand the ramifications of doubling the open route network~~. Since 2006, reports and papers have been published or made available on unauthorized use and are new data that must be considered (e.g., Keith et al. 2008; Berry et al. 2013, 2014).**
172	4.1-4	4.1.2			**In regard to the "interdisciplinary team of technical specialists," did qualified BLM or other biologists help analyze impacts? Which specific conservation measures given in the SEIS were identified by these biologists?**
173	4.1-5	4.1.3		4.1-1	In regard to the following bullet, "As other agencies and jurisdictions acquire lands within the planning area (e.g., OHV Division, Kern County Acquisition, CDFW mitigation lands) the adopted transportation strategies in this Plan Amendment may need to be adjusted accordingly," **would this adjustment include a reduction in routes on newly acquired lands? Did BLM reduce the number of routes on specific management parcels deeded to them, including Catellus lands, within the planning area? Please provide a map of all mitigation lands for the desert tortoise and Mohave ground squirrel and**

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					include the routes proposed for use across these lands.
174	4.1-5	4.1.3		4.1-1	**Has BLM's current "programs of signage, mapping, outreach, monitoring, and adoption of the stipulations" worked to curtail illegal use of closed routes and proliferation of new illegal routes for the 5,098 linear miles? ~~And, if not, how does BLM propose to minimize impacts on a route network twice that size?~~ How many signs have been vandalized (e.g., shot up and/or pulled out of the ground)? Please provide annual monitoring data for signs and unauthorized use (tracks, new routes, use of closed routes) for the period 2006 through 2014 with locations (route number, county, UTMs). How will the lack of rangers in the BLM's Ridgecrest Field Office be addressed in the Final SEIS?**
175	4.1-5	4.1.3			**We find that the following statement is misleading and inaccurate, "Any variation in resource impacts based on an increase in the total miles available for use in the WEMO planning area is anticipated to be offset by the intensity of use on a smaller network," because the SEIS already admitted on Page 1.6 that many closed routes continue to be used in spite of BLM's signage and law enforcement programs. Where in the SEIS is the documentation of citations issued by BLM law enforcement to users found illegally driving on closed routes? We request that BLM monitoring data for each ranger sector or similar be provided, including dates, objective of monitoring, and findings.**
176	4.1-6	4.1.3			In regard to the following statement, "these decisions are expected to have no adverse effect on resources," **is BLM suggesting that existing recreational uses are not having adverse effects on resources? Certainly if adverse effects are occurring on a route network of 5,098 linear miles, BLM's Preferred Alternative would introduce and authorize widespread adverse impacts along routes that are currently designated and signed as closed?**
177	4.1-6	4.1.3			In regard to the following statement, "The decision eliminating the language that limits the route network to existing routes is necessary to bring the WEMO Plan into conformance with BLM regulations and

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					guidance which require BLM to consider, and potentially authorize new routes (routes where no linear pathway currently exists) when needed to provide access to authorized land uses, or to address other land management needs," **are we to understand that ~~even doubling the existing route network is not enough; that~~ brand new routes are also anticipated? We also note that the WEMO Plan is already in conformance with the CDCA Plan insofar as it resulted in formal land use plan amendments.**
178	4.1-6	4.1.3			**~~Given that the Preferred Alternative would double the size of the open route network, how can BLM justify the following statement, "…the overall size of the network would not affect regional-scale resources," particularly since the non-motorized, conservation aspects of the West Mojave Plan are not strengthened or augmented in the SEIS?~~ What about natural resources affected by the invasion of non-native plants on vehicle tires? There are many topics that the BLM needs to address in the Final SEIS, objectively and using the latest information.**
179	4.1-7	4.1.3			We agree with the following statement, "Among the alternatives, the more routes that are closed the greater the beneficial impact on certain resources, including air quality from lower levels of wind erosion of disturbed areas, soil resources which would no longer be compacted, vegetation, and wildlife resources," **and would add that there is a great beneficial impact of not designating existing routes as open. How many fewer acres would not be subjected to newly authorized impacts if the No Action Alternative was adopted? So, it follows that "the magnitude of the beneficial impact for each alternative would be roughly proportional to the number of routes" that are not newly designated as open, which is not identified or discussed in this section.**
180	4.1-8	4.1.4		4.1-2	**If one considers the ancillary impacts documented by Goodlett and Goodlett (1993) along open routes, which was 550 feet wide, we find that 996,200 acres OR 1,557 square miles OR 43 townships are negatively affected by intentional vehicle use in open desert habitats adjacent to 14,943 linear miles of existing routes. So, given that cross-country vehicle travel is a well documented impact (BLM 2005), why is BLM restricting calculations of impacts to only "stopping, parking, and**

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					camping?" Continued use is a persisting, spreading impact, as vehicle travel frequently is added parallel to and adjacent to established roads and routes.
181	4.1-8	4.1.4			"This is [also] a problematic acreage to quantify in the baseline" **because of the widespread, unauthorized use of cross-country vehicle traffic that is not, as BLM alleges on Page 1-15 in the SEIS , confined to designated OHV open areas (see Maps 3-14 and 3-17 in the West Mojave Plan). What does BLM's, court-mandated monitoring data show about cross-country vehicle travel by motorcycles, ATVs, SUVs, and other types of vehicles? Are all visitors staying within the 12-foot widths of open routes in the West Mojave? ~~If not, how can any realistic impact be quantified, and how then can BLM accurately judge the impacts associated with doubling the available open route network?~~**
182	4.1-8	4.1.4			**The following statement is predicated on the false assumption that all stopping, parking, and camping is contained within 50 feet of open routes: "the potential area of disturbance has been reduced in the DWMA ACEC areas, and the reduction occurring in these areas can be quantified." Where are BLM's data that show compliance is within 50 feet of open routes in DWMAs? ~~And, in the absence of such data, how can BLM accurately assess the impacts of doubling the available open route network?~~**
183	4.1-9	4.1.4			**Are we correct in interpreting the following statement to mean that tortoises are absent from rocky areas? "Rocky mountainous areas and playas within a DWMA are exceptions?" Tortoises commonly occur in many rocky areas throughout the West Mojave (e.g., Berry et al. 2006, 2012, 2013, 2014; numerous other documents). Claiming that they do not occur in rocky terrain is yet another red flag that the BLM did not consult knowledgeable biologists about the impacts of recreational vehicles on tortoises and their habitats.**
184	4.1-10	4.1.4			"Desert Linkages (Source: SC Wildlands)" is listed on page 4.1-10 as a primary data source used in the analysis and impact evaluations. However, there is no description of how these data were used in the

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					analysis. Indeed, this is the only location that "Wildlands" appears in all of Chapter 4 and it does not appear anywhere in Chapter 3. It does not appear that this information was used in the analysis. **At a minimum, a complete analysis would describe how connectivity throughout the planning area would be impacted by the implementation of each proposed alternative, and the percentage (and total miles) of routes and open areas within linkages should be identified. Figures showing these areas should also be provided. Additionally, we refer the BLM to comments submitted by SC Wildlands on the Draft DRECP (docketed 23 Feb 2015, TN 74777, available online at http://www.drecp.org/draftdrecp/comments/SC_Wildlands_comments_2015-02-23.pdf), which provides a detailed discussion of how the proposed project would impact connectivity. The approach employed by SC Wildlands in their comments should be used to analyze the impacts that would result from each alternative analyzed in the SEIS. While the "Impact Analyses and reported acreages [in the Draft DRECP] are completely nebulous" (SC Wildlands on page 4 of their comments), we note that *no* such connectivity analysis is provided in the Draft SEIS.** **For these reasons, the SEIS is woefully deficient. As such, the SEIS should be republished with a complete analysis in Draft form, thereby allowing the public their first opportunity to provide comment on a *complete* analysis.**
185	4.1-9 to 4.1-12	4.1.4			We note that the list of GIS layers fails to identify several important data sets included in the FEIS of the West Mojave Plan. **We contend that the analysis is flawed until which time BLM also identifies "High Density Tortoise Sign Counts" (Map 3-8 in BLM 2005) and "Distribution of Recreational and Residential Vehicle Impact Regions (1998 – 2002)" (Map 3-14 in BLM 2005). Would not BLM want to close or not designate as open existing routes where the last high densities of tortoises remain, or where data show illegal vehicle use adjacent to OHV open areas and residential neighborhoods is prevalent and unmanageable?**

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186	4.1-12	4.1.4.1			In regard to the following assertion, "the language does not appear to conform to the FLPMA requirement to consider and authorize administrative routes to support access for newly authorized rights-of-way such as power facilities and transmission lines, weather stations, communications sites, mining claims, or range improvements," **Section 4.1-6 on Page 4.1.3 states that BLM maintains the right to create new routes, so in our interpretation, there is no regulatory requirement that new routes cannot be created because they did not exist prior to 1980. Is this interpretation correct? And, if so, what is the point of the statement here and elsewhere?**
187	4.1-16	4.1.4.1			**We feel that, "…access on some features that are currently used by motorized vehicles would continue to be physically eliminated per those priorities," is entirely appropriate and part of BLM's responsibility to close these routes that are being illegally used.**
188	4.1-19	4.1.4.3			**In the following statement, "the Stoddard Valley-to-Johnson Valley and Johnson Valley North Unit-to-South Unit Competitive Event Connectors would be available" for what? Unrestricted speed events? The Stoddard to Johnson route was specifically eliminated from the CDCA Plan because of its impacts on the Ord-Rodman DWMA and Critical Habitat Unit through which that corridor runs. Given continued declines in tortoise densities in the West Mojave, how can BLM reverse a decision that was made in light of a route network of 5,098 linear miles? So, ~~not only is BLM intending to double routes~~, it has also decided to reintroduce competitive race events into tortoise critical habitat? Please confirm our suspicion: Isn't the "Johnson Valley North Unit-to-South Unit Competitive Event Connectors" the same corridor that was eliminated in 1989 when the Barstow-to-Vegas Race? Would this re-establish the Barstow-to-Vegas corridor under a new name that no one recognizes?**
189	4.1-19	4.1.4.3			**We find the following proposal to be unacceptable: "The Johnson Valley to Parker Valley Race Corridor would be removed and may be offset by additional routes in the planning area that are identified as competitive use open routes through the route designation process." It is unacceptable**

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					because (1) it gives BLM recreation planners unrestricted freedom to identify these routes in some future administrative manner that will not receive full NEPA analysis and public input; and (2) since the routes are not specifically identified in the SEIS, we are unable to assess the impacts that are likely to result. Given these factors, we believe this proposal must be removed from Alternative 3 and any other future Alternatives.
190	4.1-19	4.1.4.3			**The proposal to "… identify a specific route for the competitive-event connector between the remaining Johnson Valley OHV Recreational Area and the Stoddard Valley OHV Open Area, with appropriate mitigation measures" fails to reveal that this new raceway would bisect the Ord-Rodman DWMA and Critical Habitat Unit. ~~In the face of doubling the available open route network,~~ how can BLM further propose a raceway through these critical habitats that are essential to tortoise recovery? We contend that the proposal must be construed as adverse modification of critical habitat, is ill-conceived, and must be removed from Alternative 3 and any other Alternatives appearing in the Final SEIS.**
191	4.1-19	4.1.4.3			**The following statement is severely misleading: "This connector was adopted in the WEMO." The reason for this assertion is that the connector was identified as a point-to-point, noncompetitive corridor with numerous minimization measures like limited speeds, prohibition against riders passing each other, etc. In fact, this connector was eliminated as a competitive event corridor in the West Mojave Plan, not "adopted." Now that Alternative 3 would amend the use of this non-speed corridor to become a raceway through tortoise critical habitat, claiming that it is in the West Mojave Plan is false and misleading. The proposal must be dismissed because it erroneously presents a new raceway as something adopted by West Mojave planners, which it was not.**
192	4.1-19	4.1.4.3			We note that the following conclusion is given in the West Mojave Plan Record of Decision (Section 4.e. page 16 in BLM 2006), "The popularity of vehicle recreation in the Rand Mountains necessitates the establishment of a visitor use permit program. Without stricter control of visitor use and management of

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					the routes of travel, **BLM will not be able to meet the requirements of the biological opinion for the West Mojave plan** [emphasis added].” **So, if BLM eliminates this necessary education program as proposed in the Preferred Alternative, how will it meet the requirements of the biological opinion?**
193	4.1-20	4.1.4.3			**We contend that “PA VIII: Dry Lakes,” specifically opening Cuddeback Lake to unrestricted vehicle play, must be denied because (1) it would encourage route proliferation in adjacent tortoise critical habitats as riders access and leave the lake; (2) it contributes to existing unmanageable conditions over which BLM has no control, including unacceptable cross-country vehicle use along 20 Mule Team Road and Lockhart Road; (3) the SEIS fails to acknowledge or analyze the introduction of fugitive dust into adjacent habitats (consider the impacts of a single film, “Holes,” in 2003); and (4) cumulatively, these impacts must be construed as adverse modification of critical habitat. See references on windborne and wash borne toxicants, such as arsenic (Selzer and Berry 2005; Chaffee and Berry 2006; Foster et al. 2011; Kim et al 2012, 2014). Neither Chapters 1, 2, 3, nor this part of 4, inform the reader that this lake occurs in the middle of a DWMA and Critical Habitat Unit.**
194	4.1-20	4.1.4.3		4.1-5	~~**Throughout previous chapters in the SEIS, BLM indicates the Preferred Alternative open routes would be 10,428 linear miles; why is it given as 10,149.7 linear miles in this table, which is 278.3 linear miles less than reported elsewhere?**~~
195	4.1-24	4.2.1.1			~~Given that “The entire WEMO Planning area occurs or exists in air basins that are currently designated as non-attainment for the California 24 hour and Annual PM10 standard, and most of the planning area is also designated as non-attainment with respect to the federal 24 hour PM10 standard,” and “The entire WEMO Planning area occurs in non-attainment areas for the state 1 Hour and 8 Hour ozone standard, and some portions of the planning area are designated as non-attainment with respect to the federal 8 hour ozone standard,”~~ ~~**and that OHV use is a significant contributing factor (Section 3.2.4), how does BLM justify doubling the available open route network from 5,098 linear miles to 10,428 linear**~~

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					~~miles, which will predictably exacerbate air quality that is already at non-containment levels?~~
196	4.2-1	4.2.1.1			**In regard to the following statement**, "The 2005 WEMO FEIS analyzed the air emission impacts associated with the 5,098 mile route network evaluated in that FEIS, and concluded that OHV route designations and OHV competitive events would result in a decrease in PM10 air emissions in both the short- and long-term, due to stabilization of closed routes and elimination of various speed events in DWMAs and other areas," **what is the evidence that stabilization has occurred? Where are the data? Data in published papers and reports indicate substantial unauthorized activity (e.g., Keith et al. 2008; Berry et al. 2013, 2014). Will ~~doubling the available open route network,~~ introducing competitive events, and destabilizing the desert with open routes reverse all the advantages of the 5,098 linear mile network?**
197	4.2-1	4.2.1.1			**~~Given that the Preferred Alternative would double the open route network and have no additional effect on OHV open areas, isn't the judge's concern, "the Court held that BLM only analyzed the impact of air emissions on open routes, but did not analyze the impacts of OHV emissions that would occur within OHV Open Areas," now reversed? Where in the SEIS does the BLM analyze the impact to air quality of 10,498 linear miles of open routes? What about the analysis of open routes for all Alternatives in tables?~~**
198	4.2-2	4.2.1.2			**~~Based on empirical data collected by Goodlett and Goodlett (1993), we see that one study in the Rand Mountains found a band of impacts 550 feet wide around a given open route. Since, "new disturbance created by newly developed routes in previously undisturbed areas would result in increased wind erosion, and therefore an increase in indirect particulate emissions or fugitive dust," and ancillary impacts are known to be associated with open routes, we suggest that even though the roads are purported to exist, BLM's authorization of 5,338 linear miles of new open routes will result in new widespread disturbances. We contend that BLM is facilitating illegal activities by doubling the open route network.~~**

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199	4.2-2	4.2.1.2			**Throughout Chapter 3, BLM provides data that recreational vehicle use of the desert is increasing and that a larger route network is needed. In Section 4.2.1.2, BLM is suggesting that more routes will not result in a higher volume of use, which is speculation. However, they fail to note that a widely distributed network of routes will introduce vehicle impacts associated with both legal and illegal uses to a much wider area and therefore affect tortoises and occupied habitats that are currently not in close proximity to an open route. ~~In this case, more tortoises and more tortoise home range areas will be affected by doubling the route network, even if the volume does not increase.~~ More tortoise forage plants will be affected negatively, and the disturbance from vehicle tracks and use will enhance the growth of alien annual grasses (Brooks and Berry 2006), which are not a good source of food for desert tortoises and have, in experimental studies, caused weight loss (see Hazard et al. 2009, 2010). This proposal will ensure that more tortoises and tortoise habitat will be negatively affected because a broader area is affected. The SEIS has not considered or analyzed this foreseeable impact. With growing human populations in southern California and in desert cities (see U.S. Census 2000 and 2010 and compare data for cities, towns and settlements in the West Mojave), recreation vehicle use can be expected to increase.**
200	4.2-2	4.2.1.2			**~~Since "The MDAQMD report provide[d] in Appendix D concluded that the thousands of miles of maintained and unmaintained unpaved roads and tracks in the WEMO Planning Area is [sic] a primary contributor to regional dust problems," why does BLM ignore this study and inexplicably choose to double the open route network? Isn't this promoting a problem that can be avoided by staying with the No Action Alternative?~~**
201	4.2-8	4.2.1.3			**The following statement, "Competitive events may authorize large numbers of vehicles traveling at a high rate of speed, which has the potential to increase fugitive dust emissions in the local area. While these emissions may be substantial, they will also be localized and short in duration [emphasis added], and are similar to the effects from non-competitive organized events," is not**

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					supported by data. The many open literature publications by J. Belnap et al., a U.S. Geological Survey senior scientist, do not support this contention. Once soils are loosened by cross-country vehicle traffic, wind erosion may occur for many years afterwards, resulting in the creation of sand dunes many miles downwind of the actual impact. The lack of scientific references with many of BLM's generalized and speculative statements, such as this one, leaves us to conclude that these are opinions, not observations supported by a multitude of available scientific data.
202	4.2-8	4.2.1.3			**With the following statements,** "Cuddeback lakebed currently receives substantial use and its soil crusts are highly modified from past use. Therefore, its continued use may have an adverse impact on air quality by the direct impacts to the lakebed, as well as by facilitating additional intensive recreational use on the lakebed and on the access routes to the lakebed that are located elsewhere in the area," **the reader needs to understand that in these statements the BLM is acknowledging unacceptable levels of wind-blown dust even under the No Action Alternative where vehicle use is ostensibly restricted to a few routes. This being the case, how can BLM recommend that the same lake be open to unrestricted vehicle use, which will exacerbate the problem that is already identified as significant even under the No Action Alternative? The statement that the "Cuddeback lakebed …soil crusts are highly modified from past use.." is questionable, because after rains that fill the lakebed, much, if not all of the crust, is re-established.**
203	4.2-14	4.2.1.5			In regard to the following statement, "The decision to adopt a Johnson Valley to Stoddard Valley Competitive Event Corridor would result in more intensive emissions along the designated route, and may increase limited access area use that otherwise might occur within the OHV Open Area," **BLM should also acknowledge the use-inducing impacts of designating such a corridor. Following a competitive event along this corridor, which bisects the Ord-Rodman DWMA and Critical Habitat Unit, participants are likely to revisit the site when no particular event is scheduled. There is also a perception issue of identifying the corridor for competitive events, which would predictably attract**

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					prospective participants to visit the corridor to practice their skills and familiarize themselves with the route and area. Assuming the BLM will monitor the competitive events, we note that there would be no monitoring of these ancillary impacts that will occur before and after the events. These predictable impacts are likely to contribute to poor air quality that is not described in the SEIS.
204	4.2-16	4.2.1.5			**~~The following statement is incorrect, "Measures such as limiting new ground disturbance in DWMAs," because doubling the linear miles of open routes will introduce "new ground disturbance" to DWMAs by vehicles that start out on an open route but then stray off them to travel cross-country. Even under the No Action Alternative, more impacts are occurring from unauthorized vehicle use.~~**
205	4.3-4	4.3.1.2			**In this section BLM states that both water and wind erosion may be somewhat more prevalent in areas with greater than 10 percent slope. Are there studies or specific data that support this conclusion and this particular slope? What about differences in parent rock, soils, and surficial geology? Many areas greater than 10 percent slope are very rocky and restrict the "average rider" to existing routes (although some motorcyclists and technical rock climbers look for steeper slopes to practice off-road maneuvers, which are supposed to be illegal outside OHV open areas). We believe that wind erosion, in particular, may be a major issue in areas where the slopes are less than 10 percent (see Nakata et al. 1976). Such areas provide fewer topographical restrictions to riders who are willing to drive cross-country over these gentler slopes. Given these observations, how does this affect BLM's focus on increased erosion in areas with slopes greater than 10 percent?**
206	4.3-2 to 4.3-8	4.3.1.2			**We note that this section stops short of talking about the promotion of non-native weeds, which is supported by cross-country vehicle travel. We ask that the section be amended to identify this well-studied effect (e.g., Brooks and Berry 2006). We also need to see a section on how this SEIS is going to comply with and advance the purposes of the Presidential Executive Order on Non-native plants (1999).**

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207	4.3-9	4.3.1.3			**In regard to the following statement, "Under the No Action Alternative, none of the proposed plan amendment decisions would be adopted." ~~While we like this idea and support the No Action Alternative over the others, because the existing open route network is maintained at 5,098 miles instead of 10,428 miles and Cuddeback Lake is maintained as a restricted vehicle area.~~ The No Action Alternative is so much better for the recovery of desert tortoises than the Preferred Alternative. And, "By not adopting these decisions under the No Action Alternative, these potential beneficial effects would not be achieved," we note that the adverse effects far outweigh the beneficial impacts identified. That being said, none of the alternatives go far enough and draw sufficiently on BLM's own funded scientific studies to protect the desert tortoise and allow this species and its habitat to stabilize and recover. If the No Action Alternative has not worked during the last several years, then the BLM should be looking at emergency closures in critical habitat and a reduced road network. Too many adult tortoises are dying from vehicle kills and too much prime forage is lost from the existing route network.**
208	4.3-11	4.3.1.3			**The adverse effects from soil erosion, ~~doubling the open route network,~~ and promoting OHV open area-level impacts on Cuddeback Lake far outweigh** "Measures such as limiting new ground disturbance in DWMAs, disguising closed routes, and limiting stopping and parking to 50 feet or less from route centerlines in DWMAs and 300 feet outside of DWMAs reduce soil compaction or disturbance in currently undisturbed areas, thus minimizing the potential for soil loss or indirect effects to other resources in new areas as compared to pre-2006 conditions before these limitations were enacted." **~~BLM fails to acknowledge that opening 5,338 new linear miles of routes will dislodge soils, result in compaction, etc. to areas where no open routes are currently designated, even if the amount of vehicle use does not increase.~~**
209	4.3-15	4.3.1.5			**As mentioned before, "Because the locations of replacement [competitive] routes are not known," we contend that they are not a legitimate part of the SEIS, because the lack of locations does not**

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					allow us to comment on BLM's analysis (or lack thereof) of impacts. As written, BLM recreation planners may establish competitive race routes through DWMAs and tortoise critical habitat without additional public input, which we find unacceptable.
210	4.3-15	4.3.1.5			**The following statement is contrary to what BLM says elsewhere in the SEIS (see Section 4.2.1.3): "In general, the lakebeds are flat, and *therefore are not prone to soil erosion* [emphasis added], so motorized use of vehicles on the lakebeds is not expected to have soil resource impacts." Really? The statement in Section 4.2.1.3 says: "Cuddeback lakebed currently receives substantial use and its soil crusts are highly modified from past use. Therefore, its continued use may have an adverse impact on air quality by the direct impacts to the lakebed." So, which of the contradictory statements is true? Lakebed soils are a source of air pollution and this is documented in the literature. The fine soils from a dry lake bed or playas become airborne easily, especially when disturbed, and thus the substantial literature, environmental problems, lawsuits and required mitigations associated with Owens Lake.** **We find that BLM's rationale that erosion will not occur in areas below 10 percent slope is unsubstantiated, and indicates the "analysis" is flawed and deficient. Regardless of percent slopes, opening new routes in areas where no legal routes currently exist will damage or destroy cryptobiotic soils and dislodge soils that are currently not prone to windblown and water erosion. Where in the SEIS is this impact actually analyzed? It seems that BLM assumes all vehicles will remain on newly established open routes (even though these are a source of dust plumes that can be seen from space), and that erosion will not occur in vehicle-impacted areas less than 10 percent slope. How do BLM geologists and climatologists justify this assumption?**
211	4.3-15	4.3.1.5			**We find it unbelievable that BLM makes the following statement relative to PA IX: "There are no soils in this area [Rand Mountains] which are prone to erosion. Therefore, eliminating the permit**

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					requirement would not have any impact on soil resources." Which data are BLM using to make such a blatantly unsubstantiated statement? How do BLM geologists and climatologists justify this statement? Hasn't BLM read the literature on seed banks in the top few centimeters of soil, research conducted by Department of the Interior scientists, among others?
212	4.3-31	4.3.3.1			~~In regard to the following statement, "The assessment identified a total of 152 route features that intersected within a 100-meter buffer of these areas,"~~ **~~are these part of the existing 5,098 linear miles of open routes or part of the Preferred Alternative's expanded route network? How many more riparian areas may be at risk by providing additional access under the Preferred Alternative?~~**
213	4.4-1	4.4			As with several other comments, "Table 4-26 of the 2006 WEMO Plan presented general assumptions regarding the impact of motorized vehicle access on wildlife, with a focus on the desert tortoise. These assumptions **have been reviewed and revised** [emphasis added] for the WMRNP, as shown in Table 4.4-1," **did BLM or other qualified biologists review and revise the detailed analyses of the 2005 FEIS for the West Mojave Plan? ~~Can you please provide their evaluation and indicate how it was used to support doubling the open route network envisioned by the Preferred Alternative?~~**
214	4.4-2	4.4.1.1			**We note that both USFWS and CDFW use California Native Plant Society's (CNPS) special status listing standards to identify rare plant species. Does BLM acknowledge CNPS' listing structure? Are there List 1B plants, for example, that would be protected by USFWS and/or CDFW but not by BLM? Please include such a list in the Final SEIS and identify actions to be taken to protect these plants.**
215	4.4-3 to 4.4-5	4.4.1.2			**Although brief, BLM does an adequate job of identifying numerous deleterious impacts associated with vehicle impacts; more so than many other sections, references are also provided. ~~Yet in light of these impacts, BLM has decided to double the amount of open routes? Does this mean that BLM acknowledges these impacts and then finds them acceptable to the point of doubling their potential distribution?~~ Having identified the seriousness of the impacts, wouldn't it have been better to**

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					maintain the smaller network or reduce it, especially given the extremely serious plight of the desert tortoise? BLM is obligated to identify impacts in the SEIS, which it does, but then BLM takes no responsibility in using the latest available science and data to recognize what impacts can be avoided or minimized.
216	4.4-6	4.4.1.2			Assuming BLM has followed the court order to identify closed routes with red carsonite signs and vertical mulching and "All alternatives include an immediate strategy of signing closed routes and providing educational information for the public, which will result in a moderate level of compliance of the route network," **does BLM intend to remove signs from those closed routes that would be newly identified as open?**
217	4.4-6	4.4.1.2			**Given the following, "When placed in context of other developments within the West Mojave, including … DRECP strategies," and the timing of this SEIS, can we assume that the SEIS was written based on a Draft DRECP that envisioned renewable energy development on both private AND public lands? If so, we contend that the SEIS has not analyzed the actual, anticipated impacts of a DRECP that would focus renewable energy development on public lands managed by BLM. This deficiency in the SEIS must be addressed, including many aspects of the DRECP that would affect route designation, including eliminating Multiple Use Classes, creating Special Recreational Management Areas, disposing of all BLM lands from Development Focus Areas, etc.**
218	4.4-8	4.4.1.2			~~**How can the following statement be made when the Preferred Alternative would result in the opposite of all these identified beneficial impacts?** "The beneficial, direct impacts include the establishment of large, unfragmented habitat blocks, strategies to block up public lands in those areas, measures to reduce tortoise mortality, measures to minimize disturbance impacts to conserved lands and measures addressing unique components of diversity, such as endemic species, disjuncts and habitat specialists." **We contend that doubling the open route network from 5,098 linear miles to 10,498 linear miles will result in increased habitat fragmentation, elevated and more widely dispersed**~~

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					~~tortoise mortality, loss of tortoise forage, loss of cover of shrubs needed by tortoises, loss of tortoise habitat, increase in invasive non-native annual herbs and grasses, and added distribution of disturbance related impacts to endemics compared with the smaller, No Action Alternative open route network.~~
219	4.4-27	4.4.1.5			**We disagree with the following statements for the reasons that follow**: "In general, the lakebeds are unvegetated, and are not associated with sensitive vegetation communities, special-status plants, or UPAs. Therefore, this decision would not have any direct effect on vegetation resources on the lakebeds." **Designating Cuddeback Lake for unrestricted vehicle travel will have the predictable impact of attracting more users to the lake, which will impact an unknown number of linear miles and associated acreages by recreationists entering and leaving the lake through areas, all of which are vegetated. These new users will likely serve as vectors for the introduction of new non-native weed species into non-lake bed areas. The statement does not acknowledge that the increase in fugitive dust will have adverse impacts on vegetated lands downwind and in the vicinity of the lake, all of which is designated as tortoise critical habitat. The statement does not deal with arsenic and other elemental toxicants, airborne as dust or transported by water and vehicle use in washes and on the lakebed, as well as distributed additionally on vehicles and tires.**
220	4.4-46	4.4.2.2			**We fully agree with the following statement and believe that it undermines BLM's conclusions elsewhere that more routes will not attract more use or promote more impacts:** "Motorized vehicle impacts are generally proportionate to the number of existing routes in an area. Both allowed uses (e.g., vehicle use that remains on existing roads) and prohibited uses (i.e., cross-country travel outside BLM Open Areas, dumping, vandalism, collection) are more likely to occur where roads are relatively more common."
221	4.4-47	4.4.2.2			**We contend that none of the five bulleted "Desired Results" listed in Section 4.4-1 is compatible with ~~doubling the open route network and~~ opening Cuddeback Lake to unrestricted vehicle travel**

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					for the following reasons: **● Tortoises that live in areas where no open routes currently exist would be exposed to new vehicle impacts ~~and the extent of the impact would be twice as prevalent with BLM's authorization of 10,428 linear miles of routes compared to 5,098 linear miles~~. The impact may be substantially higher through synergism with other anthropogenic uses (trash, loss of forage, loss or deterioration of habitat).** **● ~~How can BLM state that doubling the open route network by 5,338 linear miles would not result in increased degradation of both occupied and suitable habitats? Since BLM would authorize new use on closed routes, and all routes (closed or open) are associated with cross-country vehicle travel in adjacent areas, how is BLM's "Desired Results" to be achieved by introducing 5,338 linear miles of new routes where they are currently not available for legal use?~~** **● ~~The third bullet is perhaps the hardest to understand. Unfragmented habitats, by definition, are not fragmented by linear impacts, particularly roads. Opening 5,338 linear miles of new routes, unless they are all within 100 feet and parallel to other open routes, has to result in far more habitat fragmentation than exists under the No Action Alternative. How can BLM conclude that doubling the available open route network would not result in significant increased fragmentation? This is a grievous flaw in thinking and suggests that the writers don't understand science and the concept of habitat fragmentation.~~** **● ~~Whereas the last two bullets pertain to "route closure," we note that the real problem is opening 5,338 linear miles of new open routes. Under the No Action Alternative, BLM is required to close 10,000 linear miles of routes that are not designated as open. Claiming that closing a fraction of the routes, which is currently required, is both disingenuous and misleading. If the Desired Result is to close routes, implement the No Action Alternative; don't open 5,338 linear miles of new routes.~~**

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222	4.4-50	4.4.2.2			**The discussion given on Pages 4.4-50 and 51 would be strengthened by discussing the seasonality of Mohave ground squirrel activity, which is markedly different from desert tortoise and many other species activity patterns. This would be pertinent if and when BLM would allow competitive events to occur in the Spangler Hills area. Any racing activities between January and late August (in good rainfall years) may result in crushing Mohave ground squirrels. We therefore recommend that competitive events be restricted to November and December, which would avoid both Mohave ground squirrels and the tortoise-activity period in September and October.**
223	4.4-56 to 4.4-71	4.4.2.3 to 4.4.2.6			**We appreciate that these linear miles and acreages are given but find it difficult to compare impacts among alternatives. We recommend that there be a table in the Final SEIS that provides all the data in one place to facilitate comparison among alternatives. ~~In this way, everyone can readily see relative to wildlife corridors that the Preferred Alternative would result in 1,845 more linear miles of Motorized Routes compared to the No Action Alternative; 2,750 more acres of Direct Route Acreage; 7,500 more acres associated with stopping, parking, and camping. Similarly, within tortoise critical habitat, the Preferred Alternative would result in 614 more linear miles of Motorized Routes, 1,034 more acres of Direct Routes, and 10,545 more acres of stopping, parking, and camping compared to the No Action Alternative~~. How has BLM judged that these increases would be compatible with tortoise conservation and recovery? ~~Given that tortoises have declined by 50% in the West Mojave between 2004 and 2012 (USFWS 2014a) with 5,098 linear miles of vehicle open routes, how much more of a decline is anticipated, and judged acceptable to the BLM, if 10,498 linear miles of routes are open under the Preferred Alternative?~~**
224	4.4-56 to 4.4-71	4.4.2.3 to 4.4.2.6			**As previously mentioned, these impacts are based on a naïve assumption that vehicles will remain on open routes, in spite of numerous data to the contrary, or that camping would actually be restricted to within 50 feet of open routes in DWMAs. As reported, Goodlett and Goodlett (1993) found that impacts occurred out to 225 feet either side of both open and closed routes in the Rands**

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					Mountains area. These are the types of data BLM needs to use to report actual or anticipated impacts, not based on "regulatory requirement" impacts.
225	4.6-1	4.6.2			In regard to the following statements, "Because solitude in the planning area is a major attraction for many recreationists, increases in the density of users in any given area is generally considered an adverse impact to the recreation experience. In contrast, increases in the size of the network would be considered beneficial, as recreation users would be more widely dispersed," **wouldn't the larger, expanded open route network also mean there are fewer isolated places, not proximate to newly established open routes, which would be construed as an adverse impact on solitude? How does BLM define "solitude" and "dispersed" in regard to the spaces envisioned? What is the ideal spatial character BLM seeks to provide? We believe BLM's rationale is seriously flawed here. How can solitude be achieved with all those new open routes and the noise created by the vehicles? Such areas as might exist where solitude can be experienced would be drastically reduced with the increased open route network.**
226	4.6-3	4.6.2			The following statement, "A large reduction of the size of the available network would generally cause an increase in the number of recreation users in the areas that remain available," **naively assumes that recreationists are restricting travel to open routes, which they are not (see Section 1.1.4 in the SEIS).**
227	4.6-12	4.6.5			**We find the following statement to be erroneous because elsewhere in the SEIS BLM says this corridor has not been used since the tortoise was listed in 1990: "The elimination of the Johnson Valley to Parker route would be a direct, adverse impact to recreation for participants in those events."**
228	4.11-17	4.11.5			Referring to the following statements, "Alternative 3 would also designate Cuddeback, Coyote, and Chisholm Trail Lake Lakebeds as open to motorized use. In general, **these lakebeds are not Special Designation areas** [emphasis added]. Therefore, this decision would not have any direct effect on Special

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					Designation areas associated with the lakebeds," **this is simply not true for Cuddeback Lake, which is fully included within the Fremont-Kramer DWMA and Critical Habitat Unit. The dry lake bed was not excluded from the DWMA designation, and for the many reasons given herein, designation of this lake for OHV open area-like impacts will affect both the lakebed and adjacent areas, all of which are inside the DWMA and therefore within a Special Designation area.**
229	4.11-17	4.11.5			**Here and elsewhere in regard to the following,** "Because the locations of replacement routes are not known, impacts of those routes to Special Designation areas would be considered through the route designation process," **we contend that BLM cannot provide for unspecified designation of new competitive routes in this SEIS without identifying those routes, which could impact DWMAs and tortoise critical habitat areas. Would such "route designation process[es]" receive environmental review at the level of a new SEIS? If not, we contend in no way can this SEIS designate "replacement routes" without identifying where such routes may occur.**
230	4.11-18	4.11.5			**In regard to the following,** "Not requiring a visitor to complete an educational orientation program before visiting an area may result in an indirect impact if the visitor is unaware of the special resources within the particular area. These impacts may be overcome through other educational mediums and materials such as kiosks and brochures," **where in the SEIS is BLM's proposal and plan to monitor the effects of removing current protections from this portion of the Fremont-Kramer DWMA? What are the thresholds at which BLM will determine that removing existing education programs is having an adverse effect and what are the remedial measures? Would current management be reinstated if BLM's monitoring reveals unacceptable impact levels, which the SEIS also fails to identify?**
231	4.11-22	4.11.5			~~**We disagree with the following statement, which does not acknowledge impacts that would be associated with establishing 744 linear miles of new open routes in DWMAs**: "Measures such as limiting new ground disturbance in DWMAs, disguising closed routes, and implementing stopping and~~

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					parking limits of 50 feet from route centerlines in DWMAs and 100 feet from route centerlines outside of DWMAs would reduce soil compaction or disturbance in currently undisturbed areas, thus minimizing the potential for impacts to biological, cultural, scenic, and other resources for which special designations were made." **First, if 744 linear miles of new open routes are established in DWMAs, these new routes will not minimize impacts; they will promote them. Second, it is already current management to limit stopping and parking to within 50 feet of open routes, so this is not new to Alternative 3. Establishing 744 linear miles of new open routes in DWMAs is, itself, a significant increase over the current route network, which we contend is not compatible with tortoise recovery.**
232	4.14-5	4.14.2		4.14-2	**That BLM lists "Multiple land owners, including federal, State, County, and private" as being affected by development of the Desert Renewable Energy Conservation Plan is clear evidence that this SEIS has not been prepared to address the BLM-only direction that the DRECP has taken since February 2015. Nor is the DRECP now being considered as a HCP and NCCP permitting process, as listed in the last column of Table 4.14-2. The Final SEIS must reanalyze the route network designation process relative to the BLM-only alternative now being considered by the DRECP.**
233	4.14-7	4.14.2			Perhaps one of the most important relationships between the conservation strategy developed in 2006 for the West Mojave Plan and designation of 5,098 linear miles of open routes is captured in the following two sentences: "The WEMO Plan approved in 2006 is a federal land use plan amendment that presents (1) a comprehensive strategy to conserve and protect the desert tortoise, the Mohave ground squirrel (MGS) and over 100 other sensitive plants and animals and the natural communities of which they are a part. The 2006 WEMO Plan also adopted an off-highway vehicle (OHV) travel management network and general strategy in support of this biological objective." **In 2005, these two aspects of the plan were developed simultaneously and considered mutually compatible. The fatal flaw with the SEIS' Preferred Alternative is that it would designate 10,428 linear miles of open routes (5,338 more linear miles**

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					~~than in 2006) without providing a single new conservation component to the 2005 West Mojave Plan. The West Mojave Plan was written based on 128 specific conservation measures, which were discussed in 55 public meetings over a 2.5-year period. Not a single meaningful conservation measure has been added to current management to offset the impacts of doubling the open route network.~~
APPENDIX G – WEMO TRAVEL MANAGEMENT PLAN IMPLEMENTATION					
234	N/A	IV			**Although the Desert Tortoise Council clearly prefers the No Action Alternative or Alternative 2 instead of the Preferred Alternative, we recommend that all closed signs currently along the existing route network remain in place until which time they are exchanged for open signs; please do not remove closed signs until open signs are substituted as needed.**
235	N/A	IV			We note in Section IV that none of the four bullets indicates the BLM will sign closed routes as closed. **Is this an oversight, or does BLM not intend to sign closed routes as such?**
236	N/A	V			Currently, BLM's Desert Access Guide Maps – DAG Maps – are an excellent resource to publish available routes of travel. **Do the current DAG Maps show routes that are both open and closed, or only designated-open routes? Does BLM plan to update DAG Maps to reflect those routes that will be open as a result of the Record of Decision associated with adoption of the Final SEIS?**
237	N/A	VI			This section is disappointing in its lack of baseline information or actual proposals. **How many rangers are currently employed by BLM in the affected planning area, in both Ridgecrest and Barstow resource areas, to cover the existing 5,098 linear miles of open routes? ~~Since BLM is planning to double the linear miles of open routes, will there also be a concomitant increase in law enforcement to cover twice the size of the existing network? The SEIS fails to divulge any of this information, or to indicate how law enforcement, which cannot effectively enforce 5,098 linear miles will be able to enforce a network twice that size, which must be addressed in the Final SEIS.~~**

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238	N/A	VII			We appreciate that BLM intends to rehabilitate closed routes as given in this section. **How does BLM plan to prioritize route closure? Will all designated-closed routes be rehabilitated? How does BLM plan to publicize route rehabilitation and subsequently monitor success of the closures? These and other aspects are missing from this section and must be included in the Final SEIS.**
239	N/A	X			We note that BLM currently monitors road-induced mortality of tortoises in an unfocused, opportunistic manner. Does BLM plan to perform focal surveys, particularly in DWMAs, to determine how many tortoises are being crushed along its designated open routes?
240	N/A	XI			**Given the following statements**, "The inventories for this project have identified almost 15,000 miles of routes in the planning area. This is over 7,200 miles of additional on-the-ground linear features (aka routes) identified through the 2012 field monitoring and aerial photo review that had not been addressed, but appear to have been identifiable at the time of the 2006 WEMO Plan**." First, we request a description of the methodology and list of individuals involved in the analysis of pre-1980 routes using aerial photos and the 2012 field monitoring aerial photo reviews. Specifically, we request the photo sources and specifications when and how taken, photo numbers and current availability on the web or in offices; methods for determining what is a road or route, what is not, what is an ephemeral stream channel and what is not; where the data are summarized and stored; availability to view the data; qualifications of individuals conducting the analysis; and any written reports or notes associated with these methods and determinations.** ~~**Where are the additional conservation measures, augmenting those identified in the 2006 West Mojave Plan, intended to offset the impacts of this newly-identified impact? Unfortunately, there is nothing new given in the text of the SEIS, and now we see that there are also no new conservation measures identified in the implementation strategy (like increasing ranger patrols) to cover doubling the available open route network.**~~

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241	N/A	XI			**Is the following statement an indirect way of saying that BLM retains the right to open any route showing use, which may include closed routes, and routes that are newly created after adoption of this excessive open route network?** "If linear features are found on the ground that show signs of use but were missed in the inventory process, and through document review can be determined to have existed at the time of initial project development they will be added to the route system, and evaluated through the route designation process to determine whether they should be designated as available for use or not." **If so then ~~not only is BLM doubling the length of open routes, it~~ [BLM] may also continue to open routes without any additional input by the conservation public. Is this statement meant to say that only routes that were not evaluated will be placed in the database but not actually added to the open road network? We find these open-ended, unrestricted statements giving BLM unlimited authority to designate any route it chooses as "open," including designating competitive race routes without additional public input, is unacceptable and should be removed from the Final SEIS or clarified to assure readers that this is not the case.**
242	N/A	XI			With regard to the following statement, "New route networks on acquired lands would be required **to facilitate conservation programs** [emphasis added] and be complimentary to the network resulting from alternative implementation," **we note that the goal of conservation lands is to remain unfragmented, to recover listed species, and protect special status species, not to be complementary to existing route networks. As with the previous comment, we interpret this statement to mean that future BLM recreational planners will maintain the right to create an excessive number of open routes on lands that are acquired for conservation and should have a focus to recover listed species and protect habitats.**
243	N/A	XI			Importantly, in regard to the following statement, "Finally, **as additional information becomes available within the WEMO Plan Area** [emphasis added], the BLM will manage the designated routes for the protection of cultural and natural resources, including desert tortoise," **we are pleased to inform the**

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					BLM that new information HAS become available; that there are 7,200 more linear miles of routes in the West Mojave than were known in 2006, and that BLM now better understands the full potential of vehicle routes to impact desert tortoises and occupied habitats. ~~We find it disconcerting and unacceptable that BLM has used this available new information as an "opportunity" to double the open route network rather than implement additional measures and restrictions to protect tortoises and habitats.~~ We view this new information as an opportunity to better understand the full extent of the impact, ~~not as an opportunity to authorize the unforeseen impact by designating twice as many miles of open routes, which we find unacceptable~~. Instead, the BLM should be dedicated to recovering the tortoise through reducing the impacts of these routes through closures.

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