

July 17, 2010

## **ASA DRAMP Comments**

### **General Comments**

- This draft document does not include all the available documentation on the status of the *Astragalus magdalenae* var. *peirsonii* (PMV). All the available scientific documents about the PMV should be included in this Draft Recreation Management Plan (DRAMP), as the primary restrictions on recreation proposed in this document is based on the presence of the PMV in the recreation area. Therefore ALL pertinent information that has been published on the PMV must be included to allow the public to make an informed decision on the validity of the claims and on Bureau of Land Management's (BLM) proposed restrictions on recreation.
- The DRAMP proposes to restrict camping in Dunebuggy Flats (DBF) when a certain rainfall threshold is met, presumably to provide additional protection for the PMV. However, neither the camping closure nor the rain threshold which would trigger it are supported by technical studies or related data. A proposed camping restriction of this magnitude must have some scientific basis before it can be considered for adoption and implementation. For example, BLM must demonstrate why it believes the proposed rainfall threshold is correlated to increased PMV production. Likewise, BLM must demonstrate why it believes the proposed camping restriction is needed during these rain events to ensure PMV reproductive success. So far, no such demonstration has been made. As a result, the proposed camping closure in DBF should be removed from consideration.
- The DRAMP proposes to eliminate camping on the east side of the ISDRA from Wash 25 to Wash 69. According to the RAMP, this closure is necessary to protect the microphyll woodland habitat that exists in this area. While we recognize the value in protecting this important

habitat type, the proposed camping closure is too large and not supported by technical evidence. Specifically, there is no data showing that camping in the microphyll woodland has damaged the habitat or otherwise affected the species that use or reside in the habitat. The only evidence provided in support of the proposed closure is the PRBO Bird Study, attached as Appendix O to the RAMP. This study did not address camping impact; instead, it focused exclusively on OHV-related impacts. In addition, the Bird Study, by its own admission, is fraught with methodological defects. (See discussion of Appendix O, below.) Moreover, the study's authors acknowledge that, although the microphyll woodland in the open area is not as dense as that in Wilderness Area, it nevertheless supports a great many birds species and is considered high value habitat, even with continued recreational use. The study also determined that the microphyll woodland in the Wilderness Area contained an unusually high number of birds, a finding which, according to the study's authors, may have been caused by surveyor error. For these reasons, it is unfair and scientifically misleading to suggest that the microphyll woodlands in the open area have somehow been damaged by recreational uses. There is no valid scientific data to support such the closure proposed in Alternative 8 of the RAMP. Please provide any relevant peer reviewed scientific data that would support such a closure. If no such data exists, the proposed camping closure at Washes 25 through 69 should be eliminated from further consideration.

- In the Mammoth Wash area, the closure of critical habitat (CH) to OHVs will result in a barrier between the east and west side of the open areas, increasing the chance of incursions into the CH. To address this problem, BLM should establish two or three vehicle paths or corridors through this CH area to allow vehicles to travel between the east and west open areas. Without designated connecting corridors, OHVs may travel through the CH areas at many different locations, potentially affecting PMV recovery efforts. A designated corridor, by contrast, will become the preferred route, sharply reducing unauthorized incursions into CH.

- In the south dunes adjacent to the DBF campground, the CH creates a barrier between the Sand Highway on the west and the open area on the east. This barrier may result in incursions through the CH. As in the Mammoth Wash area discussed above, this problem could be eliminated by establishing a couple of travel corridors through this CH area at selected locations. These will allow for vehicle connections between the sand highway and the east open area. In addition, the travel corridors would permit emergency vehicles to access the open areas. Without designated connecting corridors, OHVs may travel through the CH areas at many different locations, potentially affecting PMV recovery efforts. A designated corridor, by contrast, will become the preferred route, sharply reducing unauthorized incursions into CH.

### **Comments on specific sections of the DRAMP**

- **Page 1-2 Section 1.1.1**

- According to the RAMP/EIS, "*BLM seeks to provide a comprehensive management plan to . . . manage the Planning Area for recovery and delisting of the Peirson's milk-vetch (PMV; *Astragalus magdalenae* var. *peirsonii*) .....*" . However, the RAMP/EIS does not explain what constitutes "recovery" of the PMV. As there is no Recovery Plan for this species, BLM and the United States Fish and Wildlife Service (FWS) should articulate some criteria which, if met, would indicate that the PMV has recovered and may be considered for delisting.
- To the extent that BLM or FWS have identified recovery criteria for the PMV, please identify the technical data from which these criteria were derived.
- There is no Environmental Species Act (ESA) requirement to close areas that the FWS has designated as CH for the PMV. Therefore, the RAMP/EIS must provide a rationale for closing all PMV CH to recreational use. That is, BLM must explain why the closures are necessary to the conservation and recovery of the species.

- **Page 1-3 Section 1.2**

- The BLM states "*Although not a part of the ISD SRMA, this Limited Use Area ERMA is included as a part of the Planning Area.*"
- If the " Extensive Recreation Management Area" (ERMA) around the ISDRA is governed by the "Northern and Eastern Colorado Desert Coordinated Management Plan" (NECO) , which route designation will hold sway, the NECO designation or the one proposed in the DRAMP? The legal route designations for the NECO area include the travel in navigable washes and the ability to camp within 300 feet of a designated route in the limited use areas of the NECO plan. Will these rights and restrictions be honored in the RAMP?
- Will BLM be required to amend the NECO plan to ensure consistency with the RAMP?
- Please explain if the navigable washes in the ERMA will continue to be available for OHV use. Also, will camping still be available within 300 feet of legal routes in this area?

- **Page 1-3 Section 1.2**

- Per this section a permit and a permit fee is required for the entire planning area, including the NECO ERMA. As there is no legal OHV access from this ERMA to the ISD "Special Recreation Management Plan" (SMRA), please explain how a fee can be charged for access to the ISD SRMA.
- Also, as it is legal to recreate in the NECO without paying a recreation fee, please explain how visitors that are not recreating at the ISD SRMA will be excluded from the requirement to pay the ISD SRMA recreation fee.

- **Page 2-65 Section 2.3.14.3.2 (Limited RMZ)**

- "*The Limited RMZ would be managed for its limited motorized recreational opportunities and for natural qualities. There are*

*three potential types of limited opportunities in the RMZ. The Limited RMZ is also managed under the NECO and WECO plans where OHV travel is permitted on designated routes.” The RAMP must add navigable washes to the list of places where OHV travel is allowed in the limited use area of the NECO plan.*

- **Page 2-68 Section 2.3.14.4 (Limited Areas)**

- This section quotes the "California Desert Conservation Plan' (CDCA), which allows camping within 300 feet of the centerline of a route in Limited Use areas. Does this CDCA camping policy apply to the Ted Kipf Imperial County road? If not, please explain why not?
- Ted Kipf road is listed in Table 2-15 as a route of travel. As this area may see increased camping use with any the periodic closure of the Dunebuggy Flats campground, the RAMP should clearly state that camping is allowed along this route.

- **Page 3-148 Section 3.18.4.3 On-Site Vendors**

- This section describes the on-site vendor situation as it currently exists. The vendor definitions are those contained in the 2003 RAMP.
- Appendix C seems to list vending requirements but is described as "Typical Management Actions and Best Management Practices" however this seems to be just boiler plate and does not seem to be actual requirements.
- The RAMP does not describe the requirements for on-site vending; nor does it address the concerns of the existing vendors which have been expressed to BLM over the last six years.
- Does the RAMP itself regulate on-site vending or do the district managers delegate that regulatory authority, through the RAMP, to the local field office?
- If the on-site vendor regulations are designated at the local district level, that fact should be disclosed in the RAMP document. On the other hand, if these on-site vendor regulations

are designated by the RAMP, as was done in the 2003 RAMP document, then this RAMP should include a more detailed description of those regulations.

- The vendor regulations from the 2003 RAMP were designed to address and control the ability of seasonal vendors to take business away from year-round local businesses. This is no longer a problem. The local businesses have set up locations on their private property to allow for seasonal vending. This negates the argument that the seasonal vendors on BLM land diminish the sales realized by local businesses.
- BLM should adjust the 2003 vendor regulations so that vendors on BLM land can occupy their concessions without having to move off-site each week. As an alternative, BLM could expand the full-time vending locations to include Buttercup. This would be similar to the full-time location at the intersection of Gecko Road and Highway 78, and would be assigned via a lottery system.

- **Appendix D Page D-4 Table D-1**

- Vehicle Counters**

- Please explain why the vehicle counters at some locations were omitted from this analysis. There are vehicle counters at Glamis Flats, Osborne Overlook and Dunebuggy Flats that should be included in the monitoring of visitor use patterns. This is critical given that each of these three areas will likely see significant changes in visitorship following implementation of any camping closure at Dunebuggy Flats, as contemplated under Alternative 8.

- **Appendix O**

- Photo at Page 8, Figure 3: This photograph has no business in this document. It is not germane to the discussion of bird monitoring at the ISD and is an inflammatory depiction of illegal OHV recreation. Moreover, it depicts a location that is not even within the ISDRA. Finally, there is no way to substantiate that this is fact illegal OHV operation. By including this photograph in the bird report, the authors betray an inherent bias against OHV

activity, which in turn renders the study's analysis and conclusions suspect.

- On Page 18 of the study, the authors indicate that they had "severe problems" with key aspects of their analysis, including:
  - Heaping (low frequencies of detections close to the observer, with much higher frequencies at specific distances for each bird species);
  - Small sample sizes; and
  - Surveyor tendency to mis-record distances.

As a result of the problems, "abundance estimates based on estimates of detectability were not helpful in relating patterns of abundance to covariates in the study area." (Page 18) This inability to discern patterns of abundance largely eviscerates the entire bird study and its conclusions.

- Ultimately, the RAMP/EIS should be careful **not** to rely heavily on the bird study for assertions that OHV use reduces bird abundance and diversity in the microphyll woodlands of the east dunes. The study itself cautions against drawing such conclusions: "Although we have found significantly more breeders and migrants at non-OHV use sites within the North Algodones Dunes Wilderness, these differences should not be assumed to result from recreation pressure alone. Rather, the habitat within the North Algodones Dunes Wilderness may simply be of higher quality than habitat outside the Wilderness." (Page 19)
- In addition, the authors of the bird study could not fully explain why the surveyors detected so many birds in the dunes wilderness. According to pages 20 and 21 of the report, the habitat parameters of the wilderness, while quite good, did not suggest that the bird numbers would be unusually high. The authors were of the opinion that surveyors counted many *juvenile* birds as adults, thus skewing the numbers. If this is true, then the comparison between the *wilderness* microphyll woodland and the *open area* microphyll woodland, at least on the question of bird abundance and diversity, is invalid.

- **Appendix D (Precipitation Monitoring)**

- At page D-8, this documents states that "*BLM would monitor rainfall to assess the likelihood of PMV germination, and to determine whether the rainfall threshold is met (1.82 inches of rainfall during the months of October, November and December) that would trigger the closure of the Dunebuggy Flats campground. The closure of the Dunebuggy Flats campground in high rainfall years would add an additional layer of protection to allow PMV to germinate and set seed, thereby aiding in recovery of the species.*" Nowhere, however, does the document explain the significance of the 1.82 inch rain threshold in terms of PMV germination or reproductive success. Likewise, the document does not explain why a camping closure, if imposed once the 1.82 rain threshold is met, will aid in the conservation and/or recovery of the PMV. Without such explanations, and without supporting technical data, the proposed rain threshold and attendant camping closure are completely arbitrary.
- If the intent is to have increased protection to the already closed CH areas perhaps increased law enforcement in these critical areas would be justified. The increased law enforcement costs could be paid for with the revenue that would have been lost by closing the campground. Increased closure signage would go a long way to preventing the inadvertent incursions that this campground closure seems to be trying to prevent.
- Please evaluate increased signage and law enforcement of closed CH areas rather than closing of recreation camping areas to provide your implied extra protection of the PMV.
- Also please take into account that throughout this document almost all credible studies consistently show that less than one percent of monitored plants are damaged by OHV operation. This statistic is consistent for monitoring of PMV (Page H-2, H-3 and H-6) and Algodones Dunes Sunflower (Page H-4, Section A.2).
- Data from other referenced studies show that many plants consistently show increased levels in areas open to OHV recreation. This has been shown in the BLM PMV monitoring and the Luckenbach and Bury report on page H-8. Quoting this report "*...what data were collected showed that PMV density and*

*cover were actually higher in the OHV area than in the closed area...”*

- It seems that neither the BLM nor FWS can explain why these plants seem to do as well in areas open to OHV than in areas closed to OHV recreation.
- Data such as this would question the advisability and need to restrict camping in areas adjacent to the proposed closed areas.