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May 29, 2008

Via overnight mail

Erin Dreyfus, Planning and Environmental Coordinator
El Centro Field Office
California Desert District
Bureau of Land Management
1661 South 4th Street
El Centro, CA 92243
(760) 337-4400

Re: Comments of EcoLogic Partners, Inc. Regarding Scope of Proposed Recreation Area Management Plan and Environmental Impact Statement for the Imperial Sand Dunes Recreation Area

Dear Ms. Dreyfus:

This firm represents EcoLogic Partners, Inc. ("EcoLogic"), a non-profit consortium of family-oriented recreation groups. Members of EcoLogic routinely visit the Imperial Sand Dunes Recreation Area ("ISDRA") to camp, ride ATVs, drive sand rails, and enjoy the unique beauty of this part of the California desert. For the last three years, EcoLogic has been involved in the various land use, land management, and environmental issues that affect the ISDRA; and we look forward to participating actively in the Bureau of Land Management's ("BLM's") development of a new Recreation Area Management Plan (RAMP) for the dunes.¹ To that end, we have set forth below a series of "scoping" comments on the proposed RAMP and its attendant Environmental Impact Statement ("EIS").²

1. **RAMP and EIS Must Comply with Judge Illston's Court Order.** The new RAMP and EIS must first and foremost address each issue which Judge Illston, in her order dated March 13, 2006, identified as defective in the 2003 RAMP and EIS.

¹ The ASA recognizes that the RAMP is technically an amendment to the California Desert Conservation Area (CDCA) Plan. However, given that BLM has adopted, or is in the process of adopting, at least five other amendments to the CDCA Plan, the ASA will refer to the ISDRA amendment as the "RAMP" to avoid confusion.

² Note that EcoLogic has reviewed and concurs in the scoping comments submitted by the American Sand Association (the "ASA"). Rather than repeat the ASA's comments, EcoLogic incorporates them by this reference.

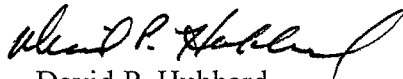
2. **RAMP Must Include Resource Inventory as Required Under FLMPA.** In the RAMP, BLM must include a resource inventory, as this is required under FLPMA.
3. **RAMP Should Include or Incorporate a Multiple Habitat Conservation Plan.** EcoLogic believes this is the best way to protect key dune resources and eliminate the need for future ESA listings of plants and wildlife endemic to the ISDRA.
4. **RAMP Should Assume that All Critical Habitat for the PMV Has Been Adequately Captured in CHD Final Rule.** The Fish and Wildlife Service, through its Final Rule on Peirson's milk-vetch ("PMV"), has already identified where in the ISDRA that PMV need special protection. The RAMP need not reevaluate non-Critical Habitat areas for such purposes.
5. **RAMP Should Discuss Pros and Cons of Visitor Caps.** To avoid charges that BLM failed considered viable management alternatives, the RAMP and EIS should discuss possible visitor caps and evaluate their potential benefits and pitfalls.
6. **RAMP Must Apply FLPMA Minimization Criteria.** Under FLPMA's implementing regulations (specifically, 43 CFR § 8342.1), BLM, when preparing a management plan that includes OHV routes and use areas, must apply "impact minimization" criteria that seek to reduce OHV effects on cultural resources, biological resources, soils, water quality, and other users. BLM must ensure that the RAMP development process addresses these impacts and does so in a transparent fashion. Only in this way will BLM prevent litigation on this issue.
7. **RAMP Should Include a Dust Management Plan.** In recent months, a number of individuals and organizations have published articles citing OHV use as a significant contributor to Imperial County's dust and Particulate Matter (PM₁₀) problems; the data, however, are not clear on this point. To resolve the dispute, the RAMP EIS must analyze this potential impact intensively. If the resulting data establish that OHVs contribute significantly to the County's PM₁₀ exceedances, BLM should develop dust management strategies to be incorporated into the RAMP. These strategies should be highly flexible to adapt to changes in visitor numbers and changes in environmental conditions.
8. **RAMP Should Include a "User Safety" Plan.** The center-piece of such a plan should be user training. However, the plan should also discuss BLM's emergency medical response capabilities, law enforcement, educational outreach, crowd control measures, etc. As part of this plan, we suggest that BLM implement a "pilot" program where alcohol would be prohibited on major holiday weekends at selected camping areas.

9. **RAMP and EIS Should Assess a Wide Range of Alternatives, Including an Alternative that Would Prohibit OHV Use in PMV Critical Habitat.** Based on the large store of data now available on the PMV, we believe that OHVs pose no serious threat to the species, even in critical habitat areas. Nevertheless, we recommend that BLM consider an alternative that would prohibit OHV use in all PMV critical habitat. Such a "low-intensity" option would round out the range of possible alternatives assessed in the EIR. Ultimately, we do not believe such an alternative is warranted or necessary, but we do think it should be placed on the table for discussion.
10. **The EIS Must Assess the Plan's Impacts on Biological Resources.** The EIS should analyze project impacts on sensitive and/or endemic plants (such as the PMV and sand food), including pollinators such as the white-faced bee. The EIS must also analyze project impacts on reptiles, birds, and invertebrates, with special emphasis on the latter.
11. **The EIS Must Assess the Plan's Impacts on Air Quality.** As mentioned above, the EIS must evaluate the plan's potential to create dust (also known as PM₁₀ and PM_{2.5}), including but not limited to dust from OHVs. Vehicle exhaust contributions to climate change, ozone, smog, and other air quality problems must also be assessed. Note, however, that such impacts must be viewed in a regional context because it is possible -- indeed, likely -- that visitors to the ISDRA drive less while camping and recreating in the dunes than they do when they stay home or take vacations elsewhere.
12. **The EIS Must Assess the Plan's Impacts on Safety.** The popularity of the ISDRA has had some unfortunate consequences, including public safety problems during "heavy use" weekends and holidays. Therefore, the EIS should address the RAMP's potential impacts on public safety.
13. **The EIS Must Assess the Plan's Impacts on Public Services.** This analysis should disclose the extent to which allowable uses under the plan will stress such public services as hospitals, emergency medical resources, law enforcement, BLM staff, etc.
14. **The EIS Must Assess the Plan's Impacts on Traffic.** As noted in the ASA's comments, traffic heading into and out of the dunes on busy weekends tends to back up along Highway 78. This impact needs to be analyzed and mitigated to the greatest extent possible.
15. **The EIS Must Assess the Plan Against the "Impact Minimization" Criteria Set forth in FLPMA.** Again, as indicative above in Comment No. 6, BLM must assess anticipated OHV use vis-à-vis the FLPMA impact minimization criteria. 43 CFR Part 8342.1. Thus, the EIS must evaluate OHV impacts on biological resources, water resources, soils, cultural resources, and other users (*i.e.*, conflicts).

16. **The EIS Must Assess the Plan's Impacts on Ambient Noise.** The EIS must evaluate the extent to which OHV noise disturbs the recreational experience of ISDRA visitors who do not engage in motorized recreation. Should such impacts prove significant, BLM should devise appropriate mitigation measures to reduce them.
17. **The EIS Must Assess the Plan's Impacts on Visual Resources.** Although the desert winds re-sculpt the dunes on a frequent and routine basis, the EIS must still evaluate the plan's impact on visual resources.
18. **The EIS Must Assess the Plan's Impacts on Recreational Quality.** It is possible that the RAMP will call for reduced recreational opportunities in the ISDRA. In that event, the EIS must analyze the effect such a reduction will have on recreational quality, recreational access, public safety, and natural resources.
19. **The EIS Should Consider a "No-AMA" Alternative.** Given FWS's findings on PMV critical habitat, we would request that BLM consider a "No-Adaptive Management Area (AMA)" alternative. The available data simply do not show a need for an AMA of the size (or subject to the restrictions) described in the 2003 RAMP.

EcoLogic is thankful for this opportunity to submit scoping comments on the new RAMP and EIS. If you have any questions regarding the content of this letter, please feel free to contact me.

Sincerely,



David P. Hubbard

of

Gatzke Dillon & Ballance LLP

DPH/rlf