

DEIS/RAMP Comments

A) WHAT ARE DEIS AND RAMP?

- a. DEIS = Draft Environmental Impact Statement
 - i. Part of National Environmental Policy Act
 - ii. Public comment required – BLM response or actions required
 - iii. Closures NOT part of the baseline
 - iv. Contains alternatives for several courses of action – 4 in this one called RAMPs
 - v. No action alternative required – not going to happen – just used as a baseline for comparison purposes
 - vi. Alternative 2 is the preferred alternative
 - 1. Not much hope of changing alternative
 - 2. If we were successful, closures would remain in effect for a longer period of time
 - vii. Probably will be litigated
 - 1. We must be on record as basis for litigation
- b. RAMP – Recreation Area Management Plan
 - i. Plan to operate dunes for 10 to 15 years
 - ii. Successors to current BLM staff will refer to document for prior decisions and policy to make decisions in the future
 - iii. Little chance to change hereafter

B) WHAT IS A USEFUL COMMENT?

- a. Must pertain to the DEIS
 - i. IF want to comment on RAMP, must do so indirectly via a comment on the DEIS
- b. A statement of fact that demonstrates a problem or an oversight
- c. Must elaborate on the why or how behind your comment.
- d. Originally worded is best – form letters count as only 1 comment
- e. Refer to page and section if possible
- f. If you agree with something need to say that as well in hopes that it will stay in the final document
- g. GOOD EXAMPLE: Chapter & Page 2-6 Table 2-1 VENDOR SERVICES are limited to weekends in Table 2-1. This presents an unacceptable public safety concern. On numerous occasions, the weekday vendors are the only contact with emergency services. The supplies they provide are essential to a successful recreation experience. This also goes against the new policy to encourage visitors to utilize off-peak days.
- h. BAD EXAMPLE: My family and me go there all the time and don't want to give it up

C) SAY WHAT WE DO LIKE

- a. Generally, we are pleased with the direction the BLM proposes to take with the preferred plan.
- b. BLM will continue to manage the ISDRA as a “World Class” motorized recreation opportunity
- c. DEIS recognizes that continuing the interim closures is not necessary to adequately protect any species of concern in the ISDRA
- d. Use of the 1987 RAMP as a baseline is essential to achieve balance for all stakeholders.
- e. Based on the most recent studies, we find removing the temporary closures appropriate, justified, and well founded in good science.
- f. Commitment to continue the strong law enforcement efforts at the ISDRA to assure public safety and resource protection
 - i. Recent “Zero Tolerance” law enforcement policy is working
 - ii. New strategy is fully embraced by virtually all ISDRA visitors

D) AREAS OF CONCERN

a. BAD DATA

- i. Many of the proposed management actions in the preferred plan are based on unrealistic estimates and generally bad data.
- ii. The draft EIS is replete with inconsistent, flawed, and unsupported data.
- iii. This situation must be corrected before the Record of Decision is finalized.
- iv. Until California Native Plant Society provides good science for their opinions, they should be treated only as opinions and not valid science.

b. BUFFER ZONE - Chapter & Page THROUGHOUT THE DEIS

- i. Poor justification given for need of buffer
- ii. Physical barriers, i.e. canals, railroad tracks and roads provide natural buffering
- iii. No supporting facts are given for the statement on page ES-2 that “conflicts among OHV enthusiasts, landowners, and concerned members of the public” exist and is not a fair representation of the majority of OHV visitors
- iv. Restricts camping resulting in possible overcrowding in other camping areas
- v. Enforcement draws personnel and resources away from more important law enforcement matters

c. RECREATION OPPORTUNITY SPECTRUM (ROS)

- i. Definitions do not accurately describe dune areas
- ii. Roadrunner defined as quarter acre camp sites with 6 camping vehicles per site – other sites in other areas designated to be half acre and 3 acre sites
- iii. Limit of 55 ,998 visitors 4-6
- iv. Term visitor supply confusing and contrary to real meaning of capability to handle a given number of campers – is actually a capacity limit
- v. Boundaries of individual areas too vague with no adequate maps or GPS coordinates provided
- vi. Better descriptions of areas need to be provided
- vii. Need Smaller areas for better definition
- viii. Acreage per campsite unrealistic – quarter acre for 6 rigs and half acre in other areas
 1. KOA standard is 1400 sq feet per with no common area
 2. ISDRA visitors share much common area
 3. Only use about 1000 sq feet per rig = 43 sites per acre
- ix. No provision for deep dune camping experience since no camping allowed outside of designated areas – what about hikers spending night in the dunes?

d. ADAPTIVE MANAGEMENT AREA 2-7

- i. No justification is given for need to limit access to the area
- ii. Only 525 vehicles per week to be allowed 2-7
- iii. No sound biological basis for currently defined area
- iv. No baseline studies have been done to determine if unrestricted access will harm biota
- v. TOA report indicates PMV not victim of OHVs
- vi. No scientific data or reason to limit access to area
- vii. 32000+ acres (50 sq miles) in the Wilderness is ample to protect all species in the dunes – no science says other wise
- viii. Should allow for camping between tracks and woodlands
- ix. Permit system unenforceable and an administrative nightmare
 - x. Proposed system of flags inadequate. Flags can be reused, counterfeited, and traded off
 - xi. Requires rangers be available 24/7 to sell permits at both ends of dunes
- xii. Added task for rangers
- xiii. Potential for scalping

- xiv. Non OHV groups may book all permits
- xv. ENVIRONMENTAL DUNE USE TEST REQUIRED 2-7
 - 1. Any plan, permit system, fee program testing requirement should be required of ALL DUNE USERS ...including “wilderness”
 - 2. Testing for small children is unrealistic
- xvi. Area Naturally limited area by:
 - 1. Fuel capacity
 - 2. Operator reluctance to risk mechanical failure far from camp
 - 3. Dunes not suited to most OHVs – higher skill level required
 - 4. Too far from camp
 - 5. Not on the way to major destinations
 - 6. No major attractions in the area
 - 7. Navigation difficult without GPS
- e. CURFEWS 4-26 2-4
 - i. Only anecdotal evidence provided that states need for curfews
 - ii. BLM news releases indicate that lawless behavior at Comp Hill is being effectively dealt with through increased law enforcement
 - iii. We are concerned that new rules will take law enforcement away from enforcement of existing rules
 - iv. Mostly unenforceable
 - v. Trend indicates they are not needed
 - vi. Party location will change to where LEOs cannot go in 4x4
 - 1. Better to continue enforcement in known, easily communicated locations
 - vii. Solution is continued law enforcement
 - viii. Curfews not required when regulations are properly enforced
 - ix. use “pinch-points” to control crowd
- f. BIDDING FOR PERMITS –Pg 76
 - i. Discriminates against low income visitors
 - ii. Difficult to administer
 - iii. Possibility all member of a group will not be able to camp together
- g. RESERVATION SYSTEM
 - i. Possibility for non OHV groups to book 100% of sites
 - ii. First come first served has history of working
 - iii. No justification for program
 - iv. Added task for Rangers
 - v. Bidding for sites is discriminatory –Pg 76
 - vi. Unnatural and unrealistic site size
 - vii. Potential for scalping
 - viii. Possible conflicts between those with a reservation and those without
 - ix. Administrative nightmare
 - x. No added benefit to users over present system
- h. ALCOHOL BAN ES5 4-26 2-6 table 2-1
 - i. May increase trash on dunes because empty containers can be used as evidence
 - ii. Riders may consume more at camp
 - iii. Not shown to be helpful in deep dunes away from crowds
 - iv. May be a good thing – ASA has no official position
 - v. Difficult to enforce
- i. SOCIOECONOMIC CONCERNS
 - i. Businesses outside of Yuma and Imperial not fully considered
 - ii. Off roading is \$6 billion a year business

- iii. Hampering OHV use at the largest OHV Recreation area will significantly impact thousands of jobs
- iv. Mitigation of the large acreages lost throughout state for off road use needs to be more strongly addressed.
- j. AIR QUALITY 4-101 Section 4.11, Air Quality, and Appendix C, Air Quality Data
 - i. OHVs operate less than the 6 hours in a day as stated
 - ii. Unrealistic to suspend OHV operations in second stage smog alert
 - 1. How would a rider know?
 - 2. BLM personnel would not have resources to advise all riders that smog alert existed
 - iii. Most smog comes from south of the boarder and field burning
 - iv. Halting OHV operation when winds over 25 MPH unrealistic – most go back to camp to wait it out anyway
 - v. Emission estimates not accurate
 - 1. Data was based on an OHV emissions model that is several years old
 - 2. Many people who travel with OHV operators do not themselves operate an OHV but still are counted as operating an OHV – some are passenger in 4-stroke buggies – some stay at camp
 - 3. The recent increase in four-stroke ATVS and motorcycles need to be taken into account
 - 4. Data is variable, due to the different types of terrain, the moisture present in the soil, and the variety of tires that would be utilized by OHVs
 - vi. Page 4-89, 4.11.1.2 Motorized Vehicle Generated Dust “The principal amount of concern emitted by motorized OHV is PM10” followed by the statement: "It should be noted that most of the PM10 emissions are from wind erosions, which are a major source of PM10 emissions throughout the ISDRA".
 - 1. These statements are contradictory in nature
 - 2. Derived numbers are flawed due to inaccurate visitor counts, inaccurate vehicle counts, inaccurate vehicle type representation and OHV vehicle activity profile
 - 3. CARB has stated that there are no accepted regulations concerning PM10.
 - 4. The ISDRA is over seven miles from any designated sensitive receptors,
- k. FEE POLICY Chapter & Page 2-6 Table 2-1
 - i. Discriminates against low-income families
 - ii. If user demand goes down ---fees go up--- resulting in lower use demand
 - iii. Does not meet the “Purpose and Need” set forth on page ES-2
- l. VENDOR RESTRICTIONS
 - i. No basis for the restrictions given
 - ii. Detracts from safety
 - iii. Detracts from positive dune experience
 - iv. Goes against BLM desire to move visitorship to off-peak days
 - v. Will result in less vendor permits and therefore fees
- m. LAWLESS BEHAVIOR Chapter & Page 1-5 Issue #8
 - i. Language Places stigma on all ISDRA visitors
 - ii. Plan ignores the cultural changes going on in our society that greatly contribute to the lawless behavior at the dunes
 - 1. Duning does not cause lawless behavior
 - 2. Palm Springs
 - 3. Havasu
 - 4. Huntington Beach
 - 5. Other events with large numbers of people

- iii. This behavior is also prevalent in other forms of recreation and at many public events and gatherings
- iv. Considered inflammatory by many in the OHV community
- v. Many documents have noted the lack of effective law enforcement at the ISDRA as cause of lawless behavior

n. DESERT TORTOISE HABITAT

- i. Section 1.3.5 of the EIS indicates that 25,600 acres within the ISDRA (east of Glamis) was closed to camping because it is “desert tortoise habitat
- ii. Neither the BLM nor the U.S. Fish and Wildlife Service identify any of this area to be desert tortoise habitat
- iii. There is no mention of desert tortoise habitat in the lawsuit stipulation that initiated the closures to OHV use within the ISDRA
- iv. The closure of 25,600 acres that was implemented on October 18, 2001 was done without any justification – and should be reopened
- v. Paragraph 1.3.7 (page 1-11) of the EIS, states that, according to the U.S. Fish & Wildlife Service, “the ISDRA is within the range of the desert tortoise but is not within critical habitat for any existing or proposed reserve area.”
- vi. All references to the desert tortoise should be removed from the ISDRA RAMP & EIS.

Sample Comments:

Page 4-3 Table 4.1-1

Visitor Use Projections (2002-2003 to 2012-2013)

1 A “visit” occurs when one person visits BLM lands to engage in any recreation activity, whether for a few minutes, full day, or more.

Comment; Tour bus stops or anything that would generally be regarded as an infrequent stop on the side of the highway or road by a passerby or transient should not be counted towards visitor supply as this is generally not considered recreational.

Page 4-29 4.4 SOCIOECONOMICS

4.4.1 Assumptions and Assessment Guidelines

• Trip expenditures are the same for OHV and non-OHV visitors.

Comment: Trip-related expenditures are described in this section as (e.g., food, lodging, transportation, and activities). The transportation costs of off highway vehicles, because of their varying size and weight, along with the necessary tools, supplies and equipment required to support and maintain the off highway vehicles are generally much higher than the transportation costs of non-OHV visitors who in most cases transport nothing more than themselves and the related hiking and or camping supplies and equipment they require in a stand alone vehicle. Non-OHV visitors, by nature generally do not require the use of a trailer and a heavy duty tow vehicle. Therefore fuel expenditures and the infrequent maintenance (e.g. tire replacement, hitch repair and general automotive) required on vehicles and trailers of these types are obviously much higher. The activity of OHV use is by nature much higher than non-OHV visitor activities (e.g. Hiking, camping etc) With OHV activity there is fuel, on and off site maintenance and repair of the off highway vehicle itself. These expenditures of transporting, maintaining and supporting a off highway vehicle are in addition to the food, supplies and other camping related expenditures common to off highway vehicle activity. A significant portion of which are historically spent in the outlying communities of Imperial Valley.

Page 4-29 4.4.1 Assumptions and Assessment Guidelines

• “No adverse socioeconomic impacts are expected to occur as a result of implementing any of the alternatives.”

Comment: This is incorrect. Any measures such as those proposed in BLM Preferred Alternative 2 that limit OHV activity below current baseline conditions in the planned Adaptive Management Area, Mammoth Wash Area and the Buffer Zone Area, as recognized on page 70 chapter 4 of the DEIS, section 4.6.2.2, or any other

area, will have an obvious negative socioeconomic impact to the surrounding areas of Imperial and Yuma as well as communities local to the OHV user.