

Director's Protest Resolution Report

**Carrizo Plain
National Monument
Resource Management Plan**

April 4, 2010



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Reader's Guide

How do I read the Report?

The Director's Protest Resolution Report is divided up into sections, each with a topic heading, excerpts from individual protest letters, a summary statement (as necessary), and the BLM's response to the summary statement.

Report Snapshot

Issue Topics and Responses
NEPA

Topic heading

Submission number

Issue Number: PP-CA-ESD-08-0020.10

Protest issue number

Organization: The Forest Initiative

Protesting organization

Protester: John Smith

Protester's name

Issue Excerpt Text:

Direct quote taken from the submission

Rather than analyze these potential impacts, as required by NEPA, BLM postpones analysis of renewable energy development projects to a future case-by-case analysis.

Summary

General statement summarizing the issue excerpts (optional).

There is inadequate NEPA analysis in the PRMP/FEIS for renewable energy projects.

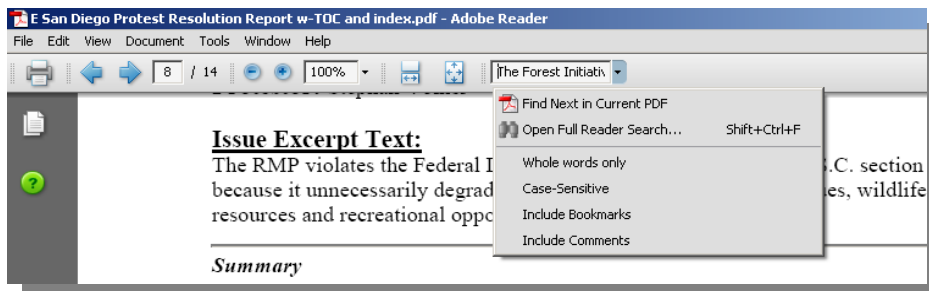
Response

BLM's response to the summary statement or issue excerpt if there is no summary.

Specific renewable energy projects are implementation-level decisions rather than RMP-level decisions. Upon receipt of an application for a renewable energy project, the BLM would require a

How do I find my Protest Issues and Responses?

1. Find your submission number on the protesting party index which is organized alphabetically by protester's last name.
2. In Adobe Reader search the report for your name, organization or submission number (do not include the protest issue number). Key word or topic searches may also be useful.



List of Commonly Used Acronyms

ACEC	Area of Critical Environmental Concern	IB	Information Bulletin
APD	Application for Permit to Drill	IM	Instruction Memorandum
BA	Biological Assessment	MOU	Memorandum of Understanding
BLM	Bureau of Land Management	NEPA	National Environmental Policy Act of 1969
BMP	Best Management Practice	NHPA	National Historic Preservation Act of 1966, as amended
BO	Biological Opinion	NOA	Notice of Availability
CAA	Clean Air Act	NOI	Notice of Intent
CEQ	Council on Environmental Quality	NRHP	National Register of Historic Places
CFR	Code of Federal Regulations	NSO	No Surface Occupancy
COA	Condition of Approval	OHV	Off-Highway Vehicle (has also been referred to as ORV, Off Road Vehicles)
CSU	Controlled Surface Use	RFDS	Reasonably Foreseeable Development Scenario
CWA	Clean Water Act	RMP	Resource Management Plan
DM	Departmental Manual (Department of the Interior)	ROD	Record of Decision
DOI	Department of the Interior	ROW	Right-of-Way
EA	Environmental Assessment	SHPO	State Historic Preservation Officer
EIS	Environmental Impact Statement	SO	State Office
EO	Executive Order	T&E	Threatened and Endangered
EPA	Environmental Protection Agency	USC	United States Code
ESA	Endangered Species Act	USGS	U.S. Geological Survey
FEIS	Final Environmental Impact Statement	VRM	Visual Resource Management
FLPMA	Federal Land Policy and Management Act of 1976	WA	Wilderness Area
FO	Field Office (BLM)	WSA	Wilderness Study Area
FWS	U.S. Fish and Wildlife Service	WSR	Wild and Scenic River(s)
GIS	Geographic Information Systems		

Protesting Party Index

Protester	Organization	Submission Number	Determination
Belenky, Lisa T.	Center for Biological Diversity		
Kuyper, Jeff	Los Padres ForestWatch	PP-CA-Carrizo-10-003	Denied
Conner, Ph.D., Michael J.	Western Watersheds Project		
Christie, Andrew	Santa Lucia Chapter of the Sierra Club	PP-CA-Carrizo-10-002	Denied
Sullivan, Jr., Robert L.	Bidart Bros.	PP-CA-Carrizo-10-001	Denied

Issue Topics and Responses
National Environmental Policy Act
Best Available Science

Issue Number: PP-CA-Carrizo-10-002-3

Organization: Sierra Club

Protester: Andrew Christie

Issue Excerpt Text:

The following statements on livestock grazing from Section 1.13 of the Proposed RMP:

- "retaining the option of using livestock grazing in a very limited fashion to create/maintain suitable habitat structure for the listed San Joaquin Valley animals" [requires that] "these lands must be allocated as 'available' for grazing under the RMP. ..."
- "The impact analysis acknowledges that there are opposing views regarding the effectiveness of use of this tool, and that there are tradeoffs associated with its use, namely impacts to vegetation...,"
- "If future studies/monitoring indicate that grazing should be further reduced or not employed as a tool, then the plan objectives would require this reduction or elimination to conform to the plan"

are not based on peer-reviewed scientific studies. The BLM is relying on anecdotal evidence re the creation of "suitable habitat structure" via livestock grazing and the notion that grazing can confer a benefit to species in the CPNM, and is proposing to continue grazing on that basis in the face of conclusive scientific evidence that grazing is either of no benefit or is likely to be harmful to Monument objects.

Issue Number: PP-CA-Carrizo-10-002-7

Organization: Sierra Club

Protester: Andrew Christie

Issue Excerpt Text:

The decision to designate 117,500 acres as "available for livestock grazing, but only for the purpose of vegetation management" rather than reallocating these lands as "unavailable for any livestock grazing" as proposed in Alternative 1 is contradicted by the best available science.

Summary

The BLM did not rely on the best available science for its analysis of benefits that grazing management confers to species within the Carrizo Plain National Monument.

Response

Before beginning the Carrizo Plain National Monument RMP process and throughout the planning effort, the BLM considered the availability of data from all sources, adequacy of existing data, data gaps, and the type of data necessary to support informed management decisions at the land use plan-level. The data needed to support broad-scale analysis of the planning area are substantially different than the data needed to support site-specific analysis of projects. The BLM gathered a variety of baseline and monitoring data to evaluate the plan alternatives and employed that information in the impact analyses. The baseline data in the RMP provides the necessary basis to make informed land use plan-level decisions.

The BLM used site-specific and regional monitoring data on San Joaquin Valley listed animal species and available peer-reviewed literature in developing the analysis of environmental consequences of the alternatives. There are few peer-reviewed published studies on the direct effects of livestock grazing on giant kangaroo rats, San Joaquin kit fox, blunt-nosed leopard lizards, and San Joaquin antelope squirrels and the BLM used what was available (see the References chapter in Volume 2). The impact analysis (Section 4.2.5.1 through 4.2.5.4) is based on the available monitoring data collected on the abundance of these animals and the associated habitat characteristics. The analysis also included available literature on the general habitat

requirements of these species and the relationships between habitat structure and their abundance and distributions. For example, Germano et al., 2001, "Managing exotic grasses and conserving declining species" and Warrick et al., 1998, "Microhabitat use and home range of blunt-nosed leopard lizards" (pg. 6-29). The analysis uses the best available science to evaluate actions to meet plan objectives to maintain viable populations in the core areas (Objective BIO-3) and within the Monument (Objective BIO-15).

Additionally, during preparation of the PRMP/FEIS, the BLM consulted with and used data from other agencies and sources, including but not limited to recent BLM monitoring studies conducted in the Monument and on adjacent San Joaquin Valley habitats, species experts (i.e. Dr. David Germano, Dr. Bryan Cypher, and Dr. Galen Rathbun), the U.S. Fish and Wildlife Service, The Nature Conservancy, and the State of California. The BLM consulted on the analysis and incorporated available data into the PRMP/FEIS with those cooperating agencies, partners, and species experts noted above.

Impact Analysis

Summary

The BLM failed to provide an adequate analysis of the impacts related to particular resources/uses in the PRMP/FEIS. See the topics below regarding specific resources/uses.

Response

The FEIS provides an adequate discussion of the environmental consequences, including the cumulative impacts, of the PRMP and reasonable alternatives in Chapter 4, Environmental Consequences. As required by 40 CFR 1502.16, the PRMP/FEIS provides a discussion of the environmental impacts of the alternatives including the proposed action, any adverse environmental effects which cannot be avoided should the proposal be implemented, the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented.

The PRMP/FEIS presented the decisionmaker with sufficiently detailed information to aid in determining whether to proceed with the PRMP or make a reasoned choice among the other alternatives in a manner such that the public could have an understanding of the environmental consequences associated with the alternatives, in accordance with 40 CFR 1502.1. Land use plan-level analyses are typically broad and qualitative rather than quantitative or focused on site-specific actions and, therefore, a more quantified or detailed and specific analysis would be required only if the scope of the decision was a discrete or specific action (BLM Land Use Planning Handbook H-1601-1, Chapter II, A-B, p. 11-13 and Chapter IV, B p. 29; PRMP/FEIS at 1-19 to 1-20, 5-895).

BLM will conduct subsequent NEPA analyses for certain site-specific project and implementation-level actions, such as for oil and gas development, realty actions, land use authorizations, or other ground disturbing activities proposed (Land Use Planning Handbook H-

1601-1, p. 29-31; PRMP/FEIS p. 2-2). These activity plan-level analyses will tier to the RMP analysis and expand the environmental analysis when more specific information is known. In addition, as required by NEPA, the public will be offered the opportunity to participate in the NEPA process for these specific implementation actions.

Scope of Analysis

Issue Number: PP-CA-Carrizo-10-003-67
Organization: Center for Biological Diversity,
Western Watersheds Project, Los Padres
ForestWatch
Protester: Lisa T. Belenky, Michael J. Connor, Jeff
Kuyper

In its Response to Comments, the BLM states that "Additional analysis of past, present, and future spills related to oil exploration and development is beyond the scope of this plan." PRMP/EIS at 5-63. The plan must contain sufficient safeguards to minimize or avoid oil spills, so we disagree with the BLM's opinion that an evaluation of oil spill impacts is beyond the scope of the plan.

Issue Excerpt Text:

Summary

The plan must contain sufficient safeguards to minimize or avoid oil spills, so we disagree with the BLM's opinion that an evaluation of oil spill impacts is beyond the scope of the plan.

Response

Section 1508.8(b) states that an EIS must identify all the indirect effects that are known, and make a good faith effort to explain the effects that are not known but are "reasonably foreseeable." The FEIS addressed the possibility of oil spills as a result of oil development and production activities on pg. 4-208, "...well pad placement, BMPs [best management practices], and SOPs [standard operating procedures] are included in BLM authorizations to avoid impacts to sensitive resources, minimize the amount of surface disturbance, promote the use of previously disturbed sites, reduce erosion, conserve topsoil, and enhance restoration success. Impacts to soils from spills/contamination are expected to be very localized. Any contaminated soils will be removed/mitigated as required by California Department of Oil and Gas Oil Spill Contingency Plans and by BLM. BLM spill reporting requirements and cleanup guidelines are included as Appendix Y." Additionally, Appendix P (pg. P-1 to P-3) includes Standard Operating Procedures for containment structures to prevent or mitigate spills, as well as local procedures that would be attached to any Applications for Permit to Drill (APDs) as conditions of approval. The combined best management practices, standard operating procedures, stipulations, and conditions of approval that will be employed on all existing federal leases and private mineral developments, subject to the limits of BLM authority and the right of the owners/lessees to have reasonable access and development, provide numerous safeguards to minimize or avoid oil spills.

Impacts and Oil and Gas Decisions

Issue Number: PP-CA-Carrizo-10-003-62
Organization: Center for Biological Diversity,
Western Watersheds Project, Los Padres
ForestWatch

Protester: Lisa T. Belenky, Michael J. Connor, Jeff
Kuyper

Issue Excerpt Text:

However, the PRMP/EIS continues to 'provide the public with inadequate baseline information needed to appropriately evaluate the cumulative impacts of past, present, and reasonably foreseeable future oil activities, in violation of the National Environmental Policy Act.

Issue Number: PP-CA-Carrizo-10-003-65

Organization: Center for Biological Diversity, Western Watersheds Project, Los Padres ForestWatch

Protester: Lisa T. Belenky, Michael J. Connor, Jeff Kuyper

Issue Excerpt Text:

However, the PRMP/EIS still does not attempt to provide any estimate of the extent of disturbance from existing oil and gas operations. This incomplete information prevents the BLM from correctly identifying baseline conditions and adequately analyzing the cumulative impacts of oil and gas

development on and around the Monument, in violation of NEPA.

Issue Number: PP-CA-Carrizo-10-003-70

Organization: Center for Biological Diversity, Western Watersheds Project, Los Padres ForestWatch

Protester: Lisa T. Belenky, Michael J. Connor, Jeff Kuyper

Issue Excerpt Text:

In addition, the PRMP/EIS fails to evaluate the cumulative impacts of air emissions from existing and reasonably foreseeable future oil exploration and drilling activities, including the use of roads (dust is one of the primary sources of air pollution originating from public lands on the Monument). In response, the BLM merely states that it will implement BMPs to reduce dust, and defers any cumulative impacts analysis to other agencies that regulate air quality. Such analysis must be conducted now, as part of this RMP, and the failure to do so violates NEPA.

Summary

The BLM did not supply adequate baseline information for existing oil and gas disturbance which prevented BLM from adequately analyzing cumulative impacts of oil and gas development in the Monument. BLM has deferred cumulative analysis of air quality to regulatory agencies and therefore violated NEPA.

Response

The information presented in Chapter 3: Affected Environment under Section 3.19 Minerals adequately describes the current amount of mineral resources within the Monument. For example, section 3.19.2.1 Oil and Gas Resources notes the number of wells within the Monument boundary, current federal and non-federal production, types of drilling that has occurred historically, that no new development has occurred in the last 10-20 years, and notes that a “full range of exploration and development activities may still occur” on private and federal leases which could include drilling new wells, re-working old wells, laying pipelines and road building (p. 3-103 to 3-104). Additionally, in Section 3.4 Air Quality, the affected environment discussion notes, “Neither county regards the CPNM [Carrizo Plain National Monument] as a source or concentration area for air pollution, due to its extremely low population density, little industry, and few major transportation corridors,” (p. 3-59). It goes on to discuss how current road maintenance activities are performed during moderately wet periods to reduce dust generation which results in road surfaces that are less prone to dust generation from routine traffic (p. 3-60). Consideration of the information in both sections of the affected environment presents adequate information for discussion of the cumulative analysis found in Chapter 4.

The PRMP/FEIS does not defer cumulative analysis of air quality to regulatory agencies, but discusses them in the Air Quality cumulative impact section (PRMP/FEIS, p. 4-202). The section discusses the several factors that continue to contribute to the poor air quality in the analysis area, but notes that the management actions that will occur within the CPNM “will have little effect on regional air quality conditions. Management activities that produce harmful emissions [such as oil and gas development] are limited in scope and duration,” (see also citation from p. 3-59 noted above). Additionally, it is expected that if pollution controls in place for surrounding areas are effective, then the CPNM will benefit by them as well.

Impacts and Water Resources

Issue Number: PP-CA-Carrizo-10-003-72

Organization: Center for Biological Diversity,
Western Watersheds Project, Los Padres
ForestWatch

Protester: Lisa T. Belenky, Michael J. Connor, Jeff
Kuyper

Issue Excerpt Text:

The PRMP/EIS continues to omit any evaluation of impacts to groundwater contamination and water supplies from oil and gas exploration and development. Instead, like the DRMP/EIS, it continues to defer this analysis to the site-specific stage. However, NEPA requires that this information be evaluated now, at the programmatic stage, instead of incrementally in the future.

Issue Number: PP-CA-Carrizo-10-003-73

Organization: Center for Biological Diversity,
Western Watersheds Project, Los Padres
ForestWatch

Protester: Lisa T. Belenky, Michael J. Connor, Jeff
Kuyper

Issue Excerpt Text:

In the PRMP/EIS Response to Comments, the BLM acknowledges that information on the amount of groundwater in storage and trends in groundwater levels is lacking, and data for groundwater quality are limited. PRMP/EIS at 5-65. However, the BLM continues to defer this analysis to the site specific level, stating that "BLM would evaluate any private mineral estate proposals for potential impacts to groundwater quality or quantity and associated impacts to other Monument resources at the time projects are proposed. Current available data on groundwater amounts and trends are insufficient to analyze potential effects." Id. NEPA requires such information to be gathered, and such analysis to be conducted, at this programmatic stage.

Summary

The BLM did not include an evaluation of impact analysis to groundwater in relation to oil and gas development and exploration actions, and defers this required analysis to the site specific level which is contrary to NEPA.

Response

Land use plan-level analyses are typically broad and qualitative rather than quantitative or focused on site-specific actions and, therefore, a more quantified or detailed and specific analysis would be required only if the scope of the decision was a discrete or specific action (for additional details, see the Impact Analysis discussion above). As the decisions in the Proposed Plan Alternative have numerous restrictions in place to protect Monument objects (e.g., requirements to control erosion and other off site impacts from developments), the analysis notes that impacts to water resources would be negligible (p. 4-219). Additionally, any attempt at determining where possible future development may occur within the monument would be

speculative and therefore must be deferred to the site-specific analysis if/when BLM receives a proposal.

Impacts and Grazing Administration

Issue Number: PP-CA-Carrizo-10-003-37

Organization: Center for Biological Diversity,
Western Watersheds Project, Los Padres
ForestWatch

Protester: Lisa T. Belenky, Michael J. Connor, Jeff
Kuyper

Issue Excerpt Text:

The PRMP/FEIS ignores the impacts of livestock grazing on wilderness quality of the WSA/AWC on the grounds that grazing is an allowable use under the Wilderness Act. However, being an allowable use is not the same as having no impact. PRMP/EIS at 4-270 The PRMP/EIS observes that elimination of grazing (Alternative 1) will benefit "naturalness" from the removal of fences and water troughs. Ibid. The corresponding "impacts" are absent from the analysis of the impacts of the alternative 2, the proposed plan.

Issue Number: PP-CA-Carrizo-10-003-53

Organization: Center for Biological Diversity,
Western Watersheds Project, Los Padres
ForestWatch

Protester: Lisa T. Belenky, Michael J. Connor, Jeff
Kuyper

Issue Excerpt Text:

Because the BLM failed to evaluate whether the restoration of native ungulates like tule elk and pronghorn antelope (and the concurrent reduction of livestock grazing there) would provide a more consistent and reliable food source for California condors and failed to adequately respond to this concern raised in comments the PRMP/FEIS is inadequate.

Issue Number: PP-CA-Carrizo-10-003-85

Organization: Center for Biological Diversity,
Western Watersheds Project, Los Padres
ForestWatch

Protester: Lisa T. Belenky, Michael J. Connor, Jeff
Kuyper

Issue Excerpt Text:

In addition, the PRMP/FEIS failed to analyze the cumulative impacts of fencing and other range developments and roads on habitat fragmentation and wildlife movement, particularly with, respect to pronghorn antelope

Summary

BLM failed to analyze cumulative impacts related to fencing and other range developments. Also, the PRMP/FEIS did not discuss the impacts of livestock grazing on wilderness quality of the WSA/AWC under Alternative 2 (Proposed Plan Alternative). Finally, BLM failed to evaluate whether restoration of native ungulates would provide a more consistent food source for condors.

Response

Land use plan-level analyses are typically broad and qualitative rather than quantitative or focused on site-specific actions and, therefore, a more quantified or detailed and specific analysis would be required only if the scope of the decision was a discrete or specific action (for additional details, see the Impact Analysis discussion above). Any attempt at determining where possible future range development projects may occur within the monument would be speculative and therefore must be deferred to the site-specific analysis if/when BLM receives a proposal.

The PRMP/FEIS discusses impacts on wilderness quality; the analysis notes that Livestock Grazing impacts would be the same as the No Action Alternative, and describes them as “negligible/minor and mainly associated with reconstruction/maintenance of range improvements,” (p. 4-270).

The Environmental Consequences chapter was rewritten between the draft and final EIS to clarify the native ungulates-condor food source issue in Section 4.2.5.6 (pg. 4-85 to 4-88). "The maintenance of pronghorn and elk populations will provide potential carcasses for condors in the long term. In the absence of adequate numbers of native ungulates, continuation of grazing is expected to have a minor positive effect on maintaining the vegetation structure of condor foraging habitat. The continued availability of livestock carcasses may have a minor positive effect on the suitability of historical foraging habitat until adequate numbers of native ungulates are established. Continuation of grazing may have a short-term minor negative impact on establishing adequate numbers of native ungulates to provide a long-term food source and habitat management tool."

Incorporation by Reference

Issue Number: PP-CA-Carrizo-10-003-69
Organization: Center for Biological Diversity,
Western Watersheds Project, Los Padres
ForestWatch
Protester: Lisa T. Belenky, Michael J. Connor, Jeff
Kuyper

In its Response to Comments, the BLM also cites to Oil Spill Contingency Plans required by the California Department of Oil and Gas. Typically, these plans are prepared and maintained by the operator and are therefore not available to the public. The PRMP/EIS's failure to incorporate these by reference violates NEPA.

Issue Excerpt Text:

Summary

The BLM's failure to incorporate by reference information from operators' Oil Spill Contingency Plans (which are not available to the public) is a violation of the National Environmental Policy Act.

Response

Section 1502.21 of NEPA describes when an agency shall incorporate information by reference into an environmental impact statement: "Material based on proprietary data which is itself not available for review and comment shall not be incorporated by reference." As noted in the comment response, BLM did provide its policy and procedures for how to handle a spill on BLM lands in Appendix Y of the Proposed RMP/Final EIS.

Mitigation and Monitoring

Issue Number: PP-CA-Carrizo-10-003-21
Organization: Center for Biological Diversity,
Western Watersheds Project, Los Padres
ForestWatch

Protester: Lisa T. Belenky, Michael J. Connor, Jeff
Kuyper

Issue Excerpt Text:

In addition, general statements that BLM will conduct monitoring are also not an appropriate form of mitigation. Simply monitoring for expected damage does not actually reduce or alleviate any impacts.

Issue Number: PP-CA-Carrizo-10-003-22

Organization: Center for Biological Diversity, Western Watersheds Project, Los Padres ForestWatch

Protester: Lisa T. Belenky, Michael J. Connor, Jeff Kuyper

Issue Excerpt Text:

Mitigation in the PRMP/FEIS is briefly detailed for giant kangaroo rats at PRMP/FEIS 4-25 ("mitigation measures that require the capture and release of animals trapped from within and directly adjacent to the construction footprint would be implemented. These animals would be moved from the construction areas into suitable habitat where there are few existing giant kangaroo rats..."), antelope squirrel at 4-67 ("exclusion barriers may be constructed"), blunt-nosed leopard lizard at PRMP/FEIS 4-158 (mitigation "could include a shift to dry-season grazing"), but for all other issues (except air quality), mitigation is relegated to a vague list of future actions: "Facility removal would be subject to...adequate mitigation..." (PRMP/FEIS 2-177); "Incorporate mitigation measures to minimize contrast with the characteristic landscape" (PRMP/FEIS 2-178); for private oilfield actions, "require...implementation of avoidance/mitigation

measures" (PRMP /FEIS 2-194); "Impacts to rare plants would be avoided by mitigation measures" (PRMP/FEIS 2-226). There is no reasoned discussion of mitigation measures as required by NEPA.

Issue Number: PP-CA-Carrizo-10-003-26

Organization: Center for Biological Diversity, Western Watersheds Project, Los Padres ForestWatch

Protester: Lisa T. Belenky, Michael J. Connor, Jeff Kuyper

Issue Excerpt Text:

In order to fully comply with FLPMA and NEPA, the BLM should have provided detailed information about impacts to Monument objects and mitigation measures and the basis for their effectiveness

Issue Number: PP-CA-Carrizo-10-003-75

Organization: Center for Biological Diversity, Western Watersheds Project, Los Padres ForestWatch

Protester: Lisa T. Belenky, Michael J. Connor, Jeff Kuyper

Issue Excerpt Text:

Deferring the monitoring plan for three years violates the regulations implementing NEPA. Specifically, those regulations state that the Record of Decision must adopt and summarize the monitoring program. See 40 C.P.R. § 1505.2(c) ("A monitoring and enforcement program shall be adopted and summarized where applicable for any mitigation.")

Summary

BLM did not include a reasoned discussion of mitigation of adverse impacts as required by NEPA; BLM cannot delay implementing the proposed monitoring plan as it violates section 1505.2(c) of NEPA; BLM's reliance on monitoring is not the same as mitigation as it does not reduce or alleviate impacts.

Response

The Proposed Plan Alternative (Alternative 2 in the PRMP/FEIS) has incorporated mitigation measures designed to avoid or reduce impacts within the management actions and supporting information in the appendices. The impacts presented in Chapter 4, therefore, are considered "unavoidable and would result from implementing the management actions and mitigation," (PRMP/FEIS, p. 4-2). For example, Action BIO-1: Implement the standard operating procedures (SOPs) contained in Appendix O (Biological Standard Operating Procedures) and Appendix P (Standard Operating Procedures for Oil and Gas) for all project work on the Monument would help to mitigate effects as a result of oil and gas activities on biological resources (pg. 2-13).

Additionally, MNL-8: Design roads, well pads, and facilities to impact and fragment the least acreage practicable; new facilities will be designed to maintain natural drainage and runoff patterns, reduce visual impacts, and reduce hazards to wildlife, especially California condors will mitigate impacts as a result of oil and gas activities on wildlife populations and habitat (pg. 2-119). The residual and unavoidable impacts have been determined for the most part to be very minor and beneficial.

To clarify, the monitoring described in the PRMP to be completed in three years in accordance with the Land Use Planning Handbook, H-1790-1. "Land use plan monitoring is the process of (1) tracking the implementation of land use planning decisions (implementation monitoring) and (2) collecting data/information necessary to evaluate the effectiveness of land use planning decisions (effectiveness monitoring)," (p. 32); "it can provide important information, including whether decisions were implemented as designed, their effectiveness in achieving desired outcomes and the effectiveness of mitigation measures," (p. 105). The monitoring described in the PRMP/FEIS has been designed to "incorporate adaptive management components... The managing partners recognize that this plan must be able to adapt to changing circumstances such as new research findings, new laws, changing environmental factors, and increasing public demand. For this reason, many of the proposed management actions in this plan have adaptive management components built into them," (PRMP/FEIS, p. 1-10). "As new information, technology, or practices become available or established, certain management actions may be added, modified, or discontinued to incorporate the best available science using [this] adaptive management approach," (PRMP/FEIS, p. 2-2). The plan goes on to note that "[a]ny modified or new actions would be consistent with the plan objectives. Also, if new information shows that an action conflicts with an objective, than [sic] that action would be discontinued. In other words, the objectives take precedence over the actions in this adaptive approach," (PRMP/FEIS, p. 2-2).

Range of Alternatives

Issue Number: PP-CA-Carrizo-10-003-19

Organization: Center for Biological Diversity,
Western Watersheds Project, Los Padres
ForestWatch

Protester: Lisa T. Belenky, Michael J. Connor, Jeff
Kuyper

Other Sections: Protection of Monument Objects

Issue Excerpt Text:

Because the management alternatives in both the DRPM/EIS and PRMP/FEIS include decisions that would lead to negative and substantial impacts on Monument objects, the range used to develop the Proposed Plan is not a reasonable range and is not consistent with the Monument Proclamation.

Issue Number: PP-CA-Carrizo-10-003-81

Organization: Center for Biological Diversity,
Western Watersheds Project, Los Padres
ForestWatch

Protester: Lisa T. Belenky, Michael J. Connor, Jeff
Kuyper

Issue Excerpt Text:

In sum, the BLM has not provided a cogent reason for eliminating this alternative [converting Section 15 leases for vegetation management]. In failing to consider this reasonable alternative in the EIS, the BLM has failed to "rigorously explore and objectively evaluate all reasonable alternatives".

Issue Number: PP-CA-Carrizo-10-003-91

Organization: Center for Biological Diversity,
Western Watersheds Project, Los Padres
ForestWatch

Protester: Lisa T. Belenky, Michael J. Connor, Jeff
Kuyper

Other Sections: Climate Change

Issue Excerpt Text:

As a management alternative, we maintain that BLM should also have analyzed at least one alternative in the PRMP/FEIS that eliminates all future oil and gas exploration within the monument and set forth the

steps that would need to be taken to ensure that outcome in the future. Moreover, BLM should also have analyzed at least one alternative that includes phasing out existing oil and gas developments on the

monument and full restoration of the sites. Because the PRMP/FEIS fails to adequately address both impacts of and impacts to climate change it is inadequate.

Summary

The Proposed RMP/Final EIS has an inadequate range of alternatives because the BLM included decisions that would be inconsistent with the Monument Proclamation, and did not include an alternative to permit livestock grazing only as a management tool and eliminate all oil and gas developments from the Monument.

Response

The BLM considered a reasonable range of alternatives during the Carrizo Plain National Monument (CPNM) planning process, in full compliance with the NEPA. The CEQ regulations (40 CFR § 1502.1) require that the BLM consider reasonable alternatives, which would avoid or minimize adverse impacts or enhance the quality of the human environment. While there are many possible alternatives or actions to manage public lands in the CPNM planning area, the BLM used the Proclamation, Interim Guidance and scoping process to determine a reasonable range of alternatives. As a result, four alternatives were analyzed in detail in the PRMP/FEIS that best addressed the issues and concerns identified by the affected public.

The BLM's range of alternatives in the CPNM PRMP/FEIS represented a full spectrum of options including an alternative representing a more "hands off" approach to resource management while providing for limited public uses (Alternative 1); a Proposed Plan (based on Alternative 2 from the DEIS) that incorporates elements of the other alternatives, unique elements to provide protection of the Monument's objects, and allows for compatible public uses; an alternative representing the most active approach to resource management providing a broader array and higher levels of public use and access (Alternative 3); and the no action alternative (Alternative 4) representing current management – continued implementation of the Carrizo Plain Natural Area Plan, the Caliente RMP, and the direction contained in the Monument Proclamation (Sections 2.1, 2.2.1 and 2.2.2, p. 2-1 to 2-4). All of the action alternatives meet the stated purpose and need, namely to implement the requirements of the CPNM Proclamation and protect the objects of the Proclamation, fulfill other requirements for management in a manner that is consistent with the Proclamation, and to recognize valid existing rights and follow existing legal authorities in managing uses of the Monument.

The BLM acknowledges that there could be a large number of variations to alternatives put forth in the RMP process. However the BLM is not required to analyze in detail each variation, including those determined not to meet the RMP's purpose and need or those determined to be unreasonable given BLM mandates, policies, and programs including the FLPMA and other Federal laws and regulations applicable to public lands. The CEQ states that when there are potentially a very large number of alternatives, only a reasonable number of examples, covering the full spectrum of alternatives, must be analyzed and compared in the EIS (Forty Most Asked Questions Concerning CEQ's NEPA Regulations, 46 Fed. Reg. 18,026, 18,031 (March 23,

1981)). Each of the alternatives considered and analyzed in detail in the CPNM RMP achieves the purpose and need for the plan, is implementable, and addresses all significant issues. The BLM's Proposed Plan is the result of a broad range of analysis and public input and represents a balanced strategy that protects Monument objects, resources and allows for resource uses.

A detailed rationale is provided for the alternatives and management options considered but eliminated from detailed analyses in Section 2.2.3 of the PRMP/FEIS (p. 2-4 to 2-7). Under Section 2.2.3.2, an alternative to eliminate livestock grazing was considered but was dismissed because "it would conflict with BLM policy, federal regulations, and the Monument Proclamation, which states that BLM will follow laws, regulations, and policies in regard to administering grazing authorizations," (p. 2-5).

Eliminating oil and gas developments on existing leases was considered but not further analyzed because the Proclamation recognizes valid existing rights; valid leases, claims and other rights that existed as of the date of the Proclamation may see mineral development on federal lands within the Monument. See the discussion under section 2.19 Minerals beginning on p. 2-117. "[E]xisting leases are considered to be valid existing rights and must be managed under the terms and conditions of those leases," (p. 1-5). "Most aspects of the Monument's mineral development are controlled by law and policy that give little latitude for discretion at the RMP level. Therefore there is only a fairly narrow range of alternatives for managing minerals... However, BLM will actively work with leaseholders and encourage them to implement management practices that recognize and protect the special qualities of CPNM resources [i.e. the Monument's objects]," (p. 2-117).

Response to Comments

Issue Number: PP-CA-Carrizo-10-001-2

Organization: Bidart Bros.

Protester: Robert L. Sullivan

Issue Excerpt Text:

2. The issues being protested are set forth in the April 23, 2009 letter from Bidart Bros.' legal counsel, Christopher L. Campbell, to the Planning Coordinator in connection with the Carrizo Plain National Monument Draft Resource Management Plan and Draft Environmental Impact Statement. The significant issues raised by Bidart Bros. in that letter were so summarily dismissed in the Proposed Resource Management Plan and Final Environmental Impact Statement promulgated in October, 2009 so as to give the indication that Bidart Bros.' issues were not seriously considered by the drafters of the Proposed Resource Management Plan and Final Environmental Impact Statement.

Issue Number: PP-CA-Carrizo-10-003-36

Organization: Center for Biological Diversity, Western Watersheds Project, Los Padres ForestWatch

Protester: Lisa T. Belenky, Michael J. Connor, Jeff Kuyper

Issue Excerpt Text:

There is no evidence in the PRMP/FEIS that BLM gave adequate weight to the comments of Dr. Elizabeth Painter on livestock grazing and the proliferation of alien plants. Dr. Painter pointed out the benefits to scientific research that would result from eliminating livestock grazing on the Monument, including understanding rates of recovery from livestock grazing and the impacts of native ungulates on vegetation, yet these issues are not addressed in the PRMP/FEIS.

Issue Number: PP-CA-Carrizo-10-003-50

Organization: Center for Biological Diversity, Western Watersheds Project, Los Padres ForestWatch

Protester: Lisa T. Belenky, Michael J. Connor, Jeff Kuyper

Issue Excerpt Text:

B. California Condor

The BLM failed to adequately respond to our comments regarding whether the restoration of native ungulates (tule elk and pronghorn) and the concurrent reduction of livestock grazing would provide a more consistent food source for California condors.

Issue Number: PP-CA-Carrizo-10-003-53

Organization: Center for Biological Diversity,
Western Watersheds Project, Los Padres
ForestWatch

Protester: Lisa T. Belenky, Michael J. Connor, Jeff
Kuyper

Issue Excerpt Text:

Because the BLM failed to evaluate whether the restoration of native ungulates like tule elk and pronghorn antelope (and the concurrent reduction of livestock grazing there) would provide a more consistent and reliable food source for California condors and failed to adequately respond to this concern raised in comments the PRMP/FEIS is inadequate.

Issue Number: PP-CA-Carrizo-10-003-54

Organization: Center for Biological Diversity,
Western Watersheds Project, Los Padres
ForestWatch

Protester: Lisa T. Belenky, Michael J. Connor, Jeff
Kuyper

Issue Excerpt Text:

BLM failed to adequately respond to our request to adopt planning and decision-making processes that employ measurable planning objectives at multiple biological scales. The statement that the "Conservation Target Table (Appendix C) has objectives to maintain some species at different scales" fails to address our request for standards, analytical tools, and consistent implementation.

Issue Number: PP-CA-Carrizo-10-003-55

Organization: Center for Biological Diversity,
Western Watersheds Project, Los Padres
ForestWatch

Protester: Lisa T. Belenky, Michael J. Connor, Jeff
Kuyper

Issue Excerpt Text:

We pointed out several deficiencies in the Conservation Table in our April 22, 2009 comments. BLM did not adequately respond to our concerns and the Conservation Table continues to be an inadequate management tool.

Summary

The BLM failed to give adequate weight to the Protesters' issues in the Response to Comments.

BLM failed to adequately respond to comments regarding whether restoration of native ungulates and the concurrent reduction of livestock grazing would provide a more consistent food source for California condors.

The BLM failed to respond to comments that the Conservation Target Table lacks standards, analytical tools, and consistent implementation thereby making it an inadequate management tool.

Response

In compliance with NEPA, the BLM considered all information and comments submitted during the planning process. The PRMP/FEIS included a detailed comment analysis which assessed and considered all substantive comments received on the DRMP/DEIS. All 15,580 comment submissions received on the CPNM DRMP/DEIS were compiled, reviewed, and the comments identified. The Interdisciplinary Team used a systematic process for identification of substantive comments, to evaluate public input and comment during the planning process, and incorporated relevant information, analyses, and made changes to plan some objectives and actions; this approach is described in PRMP/FEIS Chapter 5, pg. 5-5 to 5-6 and summarized below.

For all substantive comments raised, the ID Team determined if the comment warranted adding or modifying the analyses by making factual corrections or explaining why the comment did not warrant any action. Many of the comments were especially voluminous, providing extensive information on issues such as livestock grazing, oil and gas development, off-highway vehicle use, travel management, protection of Proclamation objects including cultural resources and native plant communities, and management of Endangered Species Act listed species. Some of the information and suggestions provided were not pertinent to an RMP-level document; such comments would be more appropriate for use on a site-specific implementation action. The BLM summarized the salient points or issues raised by each comment letter and then provided substantive and meaningful responses, including the BLM's basis or rationale for its assumptions and methodology used.

The PRMP/FEIS at pg. 5-15 to 5-134 lists summaries of the comments that the BLM received on the DRMP/DEIS as well as the BLM's responses to those comments, including instances where the BLM made changes to the DRMP/DEIS.

Comments related to livestock grazing and the California condors were specifically responded to in Issue Number 13-32, pg. 5-32. As noted in the response, the Environmental Consequences chapter was rewritten to address the issue in Section 4.2.5.6 (pg. 4-85 to 4-88). "The maintenance of pronghorn and elk populations will provide potential carcasses for condors in the long term. In the absence of adequate numbers of native ungulates, continuation of grazing is expected to have a minor positive effect on maintaining the vegetation structure of condor foraging habitat. The continued availability of livestock carcasses may have a minor positive effect on the suitability of historical foraging habitat until adequate numbers of native ungulates are established. Continuation of grazing may have a short-term minor negative impact on establishing adequate numbers of native ungulates to provide a long-term food source and habitat management tool."

Comments related to the Conservation Target Table as a management tool were responded to in numerous places throughout the Response to Comments (i.e., Issue Number 13-31, pg. 5-32). It is important to remember that the Table is a work in progress and will continue to be developed. "The elements of the tables will be subject to ongoing review by the managing partners (BLM, TNC, and CDFG), the scientific community, species experts, the Carrizo Plain National Monument Advisory Committee, the USFWS, and the public. Changes would be made to the management guidelines (actions and constraints) or the desired values for the indicator variables as new knowledge is gained about the natural communities, the species, the ecological relationships, and management effects," (Appendix C, C-2). Also, it will be used to guide implementation as a component of the adaptive management approach; it is not a set of hard rules (Appendix C, pg. C-1). The PRMP/FEIS describes how to use the Tables in Appendix C, on pg. C-3 to C-5.

Monument Proclamation **Protection of Monument Objects**

Issue Number: PP-CA-Carrizo-10-002-8
Organization: Sierra Club

Protester: Andrew Christie

Issue Excerpt Text:

The Proposed Resource Management Plan fails to conform to the conclusions of the existing scientific studies and ample evidence that grazing is likely to harm, and unlikely to improve, the condition of Monument objects. As such, it fails to fulfill the obligation of BLM under the terms of the Proclamation of the Carrizo Plain National Monument, which requires BLM to manage the Monument for the purpose of protecting and enhancing its natural values. This charge is not fulfilled by BLM allowing an activity that has been conclusively shown not to protect or enhance Monument objects in several ways while making the claim that these harmful activities might someday be shown to be beneficial in other ways.

Issue Number: PP-CA-Carrizo-10-003-11

Organization: Center for Biological Diversity, Western Watersheds Project, Los Padres ForestWatch

Protester: Lisa T. Belenky, Michael J. Connor, Jeff Kuyper

Issue Excerpt Text:

In order to fully comply with the requirements of the Proclamation and the Antiquities Act, the BLM should ensure that the chosen alternative does not adversely impact Monument objects and demonstrate that it has complied with the prioritization of the protection of Monument objects over other uses.

Issue Number: PP-CA-Carrizo-10-003-12

Organization: Center for Biological Diversity, Western Watersheds Project, Los Padres ForestWatch

Protester: Lisa T. Belenky, Michael J. Connor, Jeff Kuyper

Issue Excerpt Text:

B. The range of alternatives fails to give priority to protection of Monument objects

Issue Number: PP-CA-Carrizo-10-003-19

Organization: Center for Biological Diversity, Western Watersheds Project, Los Padres ForestWatch

Protester: Lisa T. Belenky, Michael J. Connor, Jeff Kuyper

Other Sections: Range of Alternatives

Issue Excerpt Text:

Because the management alternatives in both the DRPM/EIS and PRMP/FEIS include decisions that would lead to negative and substantial impacts on Monument objects, the range used to develop the

Proposed Plan is not a reasonable range and is not consistent with the Monument Proclamation.

Issue Number: PP-CA-Carrizo-10-003-23

Organization: Center for Biological Diversity, Western Watersheds Project, Los Padres ForestWatch

Protester: Lisa T. Belenky, Michael J. Connor, Jeff Kuyper

Issue Excerpt Text:

In order to fulfill the goals and the directives of the Proclamation, as set out in the Mission and Vision, the final management alternative adopted by the BLM can and should have incorporated aspects of the different alternatives set out in the Draft RMP/EIS. Protecting Monument objects and their "context" (the greater landscape) is an affirmative and meaningful requirement; it is not fulfilled by management decisions that are based on simply permitting Monument objects to survive in some unspecified condition or by failing to thoroughly consider the impacts of management decisions on the values identified in the Monument Proclamation.

Issue Number: PP-CA-Carrizo-10-003-32

Organization: Center for Biological Diversity, Western Watersheds Project, Los Padres ForestWatch

Protester: Lisa T. Belenky, Michael J. Connor, Jeff Kuyper

Issue Excerpt Text:

While uncertainties are noted that would indicate more information is needed on the impacts of livestock grazing and its usefulness as a management tool in the CPNM, at this time the best available science clearly indicates livestock grazing is not accomplishing management objectives and may be harming Monument objects

Issue Number: PP-CA-Carrizo-10-003-45

Organization: Center for Biological Diversity, Western Watersheds Project, Los Padres ForestWatch

Protester: Lisa T. Belenky, Michael J. Connor, Jeff Kuyper

Issue Excerpt Text:

In addition to the issues raised above regarding biological resources (including species and habitats) that are Monument objects, the PRMP/FEIS also fails to provide adequate identification and analysis of impacts to other biological resources and ultimately fails to provide adequate protection for these species.

Issue Number: PP-CA-Carrizo-10-003-6
Organization: Center for Biological Diversity,
Western Watersheds Project, Los Padres
ForestWatch
Protester: Lisa T. Belenky, Michael J. Connor, Jeff
Kuyper

Issue Excerpt Text:

A. The BLM must manage the monument lands to protect the values for which the Monument was established but BLM has failed to give this mission adequate priority.

Issue Number: PP-CA-Carrizo-10-003-60
Organization: Center for Biological Diversity,
Western Watersheds Project, Los Padres
ForestWatch
Protester: Lisa T. Belenky, Michael J. Connor, Jeff
Kuyper

Issue Excerpt Text:

Under the proposed plan, populations of target species outside the core areas are ostensibly allowed to naturally fluctuate, in number and distribution. Changes in management direction in these non-core areas are determined by a decision tree outlined in Figure 2.3-1. The logic of this decision tree is such that management actions for these non-core populations will only be triggered when populations in the core areas are in serious trouble. Thus

populations outside of the core areas will not be fully protected as required by the Monument Proclamation.

The BLM is required to protect Monument objects throughout the Monument not just in selected areas. The BLM is also required to conserve and recover threatened and species and preserve their habitats. Unfortunately, the BLM has failed to demonstrate how it will do so in this PRMP/FEIS.

Issue Number: PP-CA-Carrizo-10-003-9
Organization: Center for Biological Diversity,
Western Watersheds Project, Los Padres
ForestWatch
Protester: Lisa T. Belenky, Michael J. Connor, Jeff
Kuyper

Issue Excerpt Text:

Therefore, the standard approach to multiple-use management does not apply to this Monument, and any effort to adopt such a management approach to the detriment of its natural and cultural values would be in violation of the Presidential Proclamation and the mandates of FLPMA. BLM must manage the CPNM for the protection and preservation of its natural, historic, scenic and scientific values, and only allow uses other than those needed for the protection of Monument objects when those uses do not conflict with the directives of the Proclamation.

Summary

The RMP and management decisions do not comply with the Monument's proclamation purpose, specifically that BLM was charged with the main task of protecting the Monument's objects, such as the landscape, natural, historic, scenic, and scientific values, and the Monument's animal species and their habitats. Additionally, the standard multiple-use management approach does not apply to the Monument.

Response

The Proclamation's management mandates create an exception to the BLM's general management mandate as set forth in FLPMA. *See* BLM Instruction Memorandum, No. 2009-115. The Proclamation mandates the protection of the historic, cultural, natural, geological, and scientific objects within the national monument as the highest priority. The BLM will manage the Monument in accordance with the provisions of the Proclamation and other authorities, such as FLPMA, the National Historic Preservation Act (NHPA), Endangered Species Act (ESA), and the Minerals Leasing Act, where applicable.

The PRMP/FEIS has developed the management goals, objectives, and actions with the purpose of protecting Monument objects (see Sections 1.1, 1.2, and 1.6 for descriptions of the purpose

and intent of the RMP). The PRMP represents an effort to identify an optimum course of action to protect and restore the Monument objects while allowing for compatible public uses as described in the Proclamation (PRMP/FEIS, pg. 2-4). For instance, the Biological Resource Goal Bio-1 states “Manage the landscape to enhance the CPNM as a significant unique and undeveloped portion of the once vast San Joaquin Valley ecosystem (which is of crucial importance and provides the context for management)” and Objective BIO 1 states: “Design all projects to minimize adverse impacts to wildlife and vegetation” (PRMP/FEIS at 2-13). In another example, Cultural Resources Goal CUL-1 states “Identify, protect and preserve significant prehistoric and historic resources” and Objective CUL-1 states “Protect and preserve significant cultural resources from natural and human-caused disturbances such as erosion and vandalism at archaeological sites” (PRMP/FEIS at 2-66). In short, the PRMP is intended to represent the course of action that best implements the direction contained in the Proclamation.

Climate Change

Issue Number: PP-CA-Carrizo-10-003-86

Organization: Center for Biological Diversity,
Western Watersheds Project, Los Padres
ForestWatch

Protester: Lisa T. Belenky, Michael J. Connor, Jeff
Kuyper

Issue Excerpt Text:

While the PRMP/FEIS has some discussion of climate change, and information on global climate change was inserted into the language of the Draft RMP/EIS, it remains insufficient to meet the requirements of NEPA. As an initial matter, the discussion fails to accurately identify the baseline environmental setting or adequately analyze the impacts of the proposed management action and the alternatives on climate change.

Issue Number: PP-CA-Carrizo-10-003-88

Organization: Center for Biological Diversity,
Western Watersheds Project, Los Padres
ForestWatch

Protester: Lisa T. Belenky, Michael J. Connor, Jeff
Kuyper

Issue Excerpt Text:

Most importantly, BLM must disclose and analyze the contributions of the existing oil and gas development on the monument to global warming and all impacts should be minimized or off-set going forward.

Issue Number: PP-CA-Carrizo-10-003-90

Organization: Center for Biological Diversity,
Western Watersheds Project, Los Padres
ForestWatch

Protester: Lisa T. Belenky, Michael J. Connor, Jeff
Kuyper

Issue Excerpt Text:

BLM must disclose and analyze the likelihood of any new oil and gas production within the monument, and the impacts those projects would have on global warming.

Issue Number: PP-CA-Carrizo-10-003-91

Organization: Center for Biological Diversity,
Western Watersheds Project, Los Padres
ForestWatch

Protester: Lisa T. Belenky, Michael J. Connor, Jeff
Kuyper

Other Sections: Range of Alternatives

Issue Excerpt Text:

As a management alternative, we maintain that BLM should also have analyzed at least one alternative in the PRMP/FEIS that eliminates all future oil and gas exploration within the monument and set forth the steps that would need to be taken to ensure that outcome in the future. Moreover, BLM should also have analyzed at least one alternative that includes phasing out existing oil and gas developments on the monument and full restoration of the sites. Because the PRMP/FEIS fails to adequately address both impacts of and impacts to climate change it is inadequate.

Summary

BLM's climate change information in the Proposed RMP/Final EIS is insufficient to meet NEPA requirements, specifically as it fails to identify baseline environmental setting or adequately analyze impacts.

Response

The PRMP/FEIS addressed climate change in several sections of the document. As noted on page 4-223, "For the purposes of this RMP, climate change analysis includes two components: (1) consideration of climate change as it influences the resource conditions and effectiveness of implementing RMP objectives and actions; and (2) contributions to global climate change from implementing objectives and actions in the RMP alternatives."

Discussions of component 1 (consideration of climate change on resource values) was moved to the Affected Environment discussion in Chapter 3 to better reflect the guidance that climate change be considered as a dynamic component of the affected environment. For example, Section 3.8.1 Climate Change in the Action Area (pg. 3-68 to 3-70) and again on page 4-4, the planning area would be expected to have warmer and drier conditions. "In the Carrizo Plain of California, climate change may result in warmer, drier conditions, and potentially more extreme weather events," (pg. 3-69). Another example states, "The hotter, drier conditions predicted as a result of climate change in the foreseeable future may cause springs to dry or become ephemeral instead of perennial; Soda Lake to evaporate more rapidly, with the unique chemical properties of its water becoming more concentrated; and groundwater levels to drop as recharge from precipitation declines. These potential changes make the need for the proposed management actions to conserve water resources even more acute," (pg. 3-70).

Discussions of component 2 (contributions of RMP actions to global climate change) are found in the cumulative effects section for each associated resource, such as fire and fuels management (pg. 4-196), oil and gas development (pg. 4-322), livestock grazing (pg. 4-286), and under its own section 4.8 Impacts of RMP to Global Climate Change (pg. 4-223 to 4-224).

Fish, Wildlife, Plants, Special Status Species

Issue Number: PP-CA-Carrizo-10-003-49

Organization: Center for Biological Diversity,
Western Watersheds Project, Los Padres
ForestWatch

Protester: Lisa T. Belenky, Michael J. Connor, Jeff
Kuyper

Issue Excerpt Text:

The PRMP/FEIS fails to establish a specific management program for the longhorn fairy shrimp, or similar to the programs established for pronghorn, tule elk, and long-billed curlew. The PRMP/FEIS also fails to provide that vernal pool habitats shall be protected from all possible disturbances, including e.g., oil and gas activities and communications rights of way.

Summary

The Proposed RMP/Final EIS fails to provide management for the longhorn fairy shrimp and fails to protect vernal pool habitats as required by the Proclamation.

Response

The PRMP/FIEIS does provide management for longhorn fairy shrimp and protects vernal pool habitats (referred to as “ponds and sags” in the Proclamation and FEIS). While the BLM has not specifically titled a section in the PRMP for longhorn fairy shrimp management, there are specific conservation and protection objectives and actions for fairy shrimp noted in the plan, such as Objective BIO-4(P) (“Maintain or increase viable populations of special status, declining, or unique species within the Monument. Maintain viable populations for species such as... fairy shrimp (in the Caliente Foothills South, Carrizo Plain Central, and Soda Lake subregions)...”, pg. 2-15), Action BIO-15(I) (“Monitor populations and assess habitat quality and potential or actual threats... Check certain known locations for spadefoot toad reproduction and fairy shrimp presence when appropriate conditions exist. Collect information on water quality, shrimp and toad demographics, and other parameters”, p. 2-15), and Action BIO-17(I) (“Protect vernal pools and sag ponds that provide fairy shrimp and spadefoot toad habitat. Maintain current conditions while improving knowledge base and modify management to reflect new information. Design vernal pool monitoring to detect negative changes (such as reduced fairy shrimp or spadefoot toad numbers, altered hydrology, or detrimental nonnative species) early and take action to remedy negative changes”, pg. 2-15).

Additionally, there are many other management actions and mitigation measures designed to protect the objects and resources found within the Monument. For example, Allowable Use LR-2(I*) states that "Right-of-way application would be evaluated on a case-by-case basis ... If granted, rights-of-way would contain terms and conditions to protect resources, such as any listed species and their habitat [such as the longhorn fairy shrimp and the vernal pools and sags that are their habitat], other wildlife and their habitat, significant geologic features, and paleontological and cultural resources" (PRMP/FEIS at 2-128).

Finally, the BLM's intent has been to protect those species and habitats recognized as Monument objects; there are some instances, however, that it was not as clearly stated in objectives that protection was our main purpose. To resolve this, Objective BIO-12(P) ("Maintain the ecological processes and hydrologic vitality of the Monument's vernal pools and sag ponds (primarily Caliente Foothills South and Soda Lake subregions)", pg. 2-16) will be clarified to specifically state that the objective is to protect the Monument's vernal pool and sag pond habitats. It will be changed in the Record of Decision to read, "Objective BIO-12(P): Protect the Monument's vernal pool and sag pond habitats by maintaining their ecological processes and hydrologic vitality (primarily Caliente Foothills South and Soda Lake subregions)."

Livestock Grazing

Issue Number: PP-CA-Carrizo-10-002-6

Organization: Sierra Club

Protester: Andrew Christie

Issue Excerpt Text:

The statement at 2.2.3.2 that the BLM cannot cancel Section 15 grazing leases is incorrect. Section 15 leases that are voluntarily relinquished, then converted to grazing for management only, does not result in relinquishment but triggers a new determination, which is what the RMP should do. Deferring this decision to a later date is not a solution. The assertion that BLM is constrained from even considering shortening the terms of Section 15 leases is incorrect. BLM has this discretion and can and should do so, conditioning renewal on a scientifically-based finding that continued grazing will support protection of Monument objects,

encompassing the identified species and the vegetation and riparian areas upon which they depend

Issue Number: PP-CA-Carrizo-10-003-39

Organization: Center for Biological Diversity, Western Watersheds Project, Los Padres ForestWatch

Protester: Lisa T. Belenky, Michael J. Connor, Jeff Kuyper

Issue Excerpt Text:

BLM has not determined that livestock grazing will actually benefit and/or not harm Monument objects. No clear justifications for continuing grazing on the Monument have been identified.

Summary

BLM's assertion that it cannot cancel or shorten the terms of Section 15 leases is incorrect and should be revisited in order to protect the Monument objects.

Response

Upon further review of the Proclamation establishing the Carrizo Plain National Monument and the applicable regulations for grazing administration, the assertions made by BLM in the PRMP/FEIS regarding the administration of grazing permits and leases are correct.

BLM describes how grazing leases may be cancelled and the result of relinquishments at PRMP 2-5 citing applicable regulations. Objective GRZ-3 (PRMP/FEIS at 2-88) describes the desired future condition to utilize livestock grazing only as a vegetation management tool. Allowable Use GRZ-4 (PRMP/FEIS at 2-89) describes the process for re-allocating all or part of any relinquished permitted use.

BLM describes the terms of grazing leases in the PRMP/FEIS at 5-86 and in Section 1.5.4 (p. 1-6) that the analysis of grazing lease renewals is not necessary to make a reasoned choice between alternatives for this plan since the leases can be amended to reflect RMP direction once the Record of Decision is signed.

Travel Management

Issue Number: PP-CA-Carrizo-10-003-44

Organization: Center for Biological Diversity, Western Watersheds Project, Los Padres ForestWatch

Protester: Lisa T. Belenky, Michael J. Connor, Jeff Kuyper

Issue Excerpt Text:

The conditions and limitations applicable to motorized use must be carefully crafted and included

in the RMP to ensure that any permitted use protects Monument objects. Reasons for allowing such use, an explanation of how it is consistent with the Proclamation, a monitoring plan for ensuring that Monument objects are being protected, and detailed descriptions of the conditions in which motorized use is envisioned should have been included in the PRMP/FEIS.

Issue Number: PP-CA-Carrizo-10-003-93

Organization: Center for Biological Diversity,
Western Watersheds Project, Los Padres
ForestWatch
Protester: Lisa T. Belenky, Michael J. Connor, Jeff
Kuyper

Monument for use by green-red sticker vehicles is not a sufficient justification to allow off-road vehicle use within the Backcountry of the Monument. The BLM failed to adequately address the minimization criteria in proposing to allow such use to continue in violation of FLPMA, executive orders, and regulations. See, e.g., 43 C.F.R. § 8342. 1 (a)-(d).

Issue Excerpt Text:

The fact that the Bakersfield RMP may in the future decide to designate an area to the north of the

Summary

The Proposed RMP/Final EIS does not include an adequate travel management plan that would include rationale for use, consistency with the Proclamation, a monitoring plan, and condition descriptions. Additionally, the BLM failed to address minimization criteria that violates FLPMA and travel management regulations and policy.

Response

The PRMP/FEIS followed Proclamation direction and all available guidance regarding development of a Travel Management Plan. The Proclamation states, “For the purpose of protecting the objects identified above, the Secretary shall prohibit all motorized and mechanized vehicle use off road, except for emergency or authorized administrative purposes” and “the Secretary of the Interior shall prepare a management plan that addresses the actions, including road closures or travel restrictions, necessary to protect the objects identified in this proclamation.” The BLM allocated areas within the Monument as either closed or limited (there are no open areas within the Monument); within the limited area designation, the BLM designated what type of use would be allowed on the routes designating the route as Motorized, Non-motorized, Closed, Non-mechanized, and Authorized Use (Objective TRV-3, PRMP/FEIS pg. 2-113). Maps 2-2, 2-3, and 2-4 illustrate the Recreation Management Zones and Route Designations for each action alternative.

After the Record of Decision is signed, the BLM will expand on the RMP travel management decisions and develop a comprehensive Travel Management Plan which will include specific implementation decisions such as designation of roads, primitive roads, and trails.

Evaluation of each route using the minimization criteria, criteria developed as part of the public scoping process, and other resource issue responsive criteria will be documented in the administrative record with verification from the decision maker. The following tasks are identified work that will be done to complete the travel management planning process:

- a) A map of roads, primitive roads and trails for all travel modes and uses, including motorized, nonmotorized, and mechanized travel.
- b) Definitions and additional limitations for specific roads, primitive roads and trails (defined in 43 CFR §8340.0-5(g)).
- c) Guidelines for managing, monitoring, and maintaining the system. This includes provisions for the development of a sign plan, education/public information plan,

enforcement plan, monitoring plan and the application of engineering best management practices.

- d) Indicators to guide future plan maintenance, amendments, or revisions related to the travel management network.
- e) Needed easements and rights-of-ways (to be issued to the BLM or others) to maintain the existing road, primitive road and trail network providing access to private or public land.
- f) Provisions for route decommission and rehabilitation of closed or illegal routes.

This site-specific analysis will tier to the plan-level analysis and expand the environmental analysis when more specific information is known. In addition, as required by NEPA, the public will be offered the opportunity to participate in the NEPA process for travel management planning.