



***Bureau of Land Management
Director's Protest Resolution Report***

**Northwest California
Integrated Proposed Resource
Management Plan and Final
Environmental Impact
Statement**

November 4, 2024

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Acronyms

Term	Definition
ACEC	area of critical environmental concern
ADA	Americans with Disabilities Act
BLM	Bureau of Land Management
BRC	Blue Ribbon Coalition
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CRMP	Comprehensive River Management Plan
EIS	environmental impact statement
EO	Executive Order
FLPMA	Federal Land Policy and Management Act
NCIP	Northwest California Integrated Resource Management Plan
NEPA	National Environmental Policy Act
NW CA PRMP/FEIS	Northwest California Integrated Proposed Resource Management Plan and Final Environmental Impact Statement
NWSRS	National Wild and Scenic River System
OHV	off-highway vehicle
ORV	outstandingly remarkable value
PRMP	Proposed Resource Management Plan
RMP	Resource Management Plan
ROD	Record of Decision
U.S.C.	United States Code
WSA	Wilderness Study Area
WSR	Wild and Scenic River

Introduction

The Bureau of Land Management (BLM) California State Office released the Northwest California Integrated Proposed Resource Management Plan and Final Environmental Impact Statement (NW CA PRMP/FEIS) on June 21, 2024. The BLM received six unique protest letter submissions during the subsequent 30-day protest period.

The planning regulations at 43 Code of Federal Regulations (CFR) 1610.5-2 outline the requirements for filing a valid protest. The BLM evaluated all protest letters to determine which protest letters were complete and timely, and which persons have standing to protest. All six letters were complete and timely, and were from parties who had standing to protest. One letter was not intended to be a protest letter and one letter did not contain valid protest issues. The remaining four letters contained valid protest issues. The BLM documents the response to the valid protest issues in this protest resolution report. The protest decision is recorded in writing along with the reasons for the decision in this protest resolution report.

After careful review of the report by the BLM's Assistant Director for Resources and Planning, the Assistant Director concluded that the BLM California State Director followed the applicable laws, regulations, and policies and considered all relevant resource information and public input. The Assistant Director addressed the protests and issued a Protest Resolution Report to protesting parties and posted the report on the BLM's website; no changes to the NW CA PRMP/FEIS were necessary. The decision was sent to the protesting parties by certified mail, return receipt requested. Consistent with the BLM Delegation of Authority Manual (MS-1203 Delegation of Authority), resolution of protests is delegated to the BLM Assistant Director for Resources and Planning, whose decision on the protest is the final decision of the U.S. Department of the Interior (43 CFR 1610.5-2(b)).

The report is divided into sections each with a topic heading, excerpts from individual protest letters, a summary statement of the issues or concerns raised by the protesting parties, and the BLM's response to the protests.

Protesting Party Index

Letter Number	Protester	Organization	Determination
PP-CA-NWCA-EIS-24-01	James Rankin	French Gulch Mining District Shasta Miners and Prospectors Association	Dismissed: Comments Only
PP-CA-NWCA-EIS-24-02	Robert Scott Greacen	Friends of the Eel River	Denied
PP-CA-NWCA-EIS-24-03	Rose Winn	California Four Wheel Drive Association	Denied
PP-CA-NWCA-EIS-24-04	Clarissa Bezdek	California Trout	This letter was not intended to be a protest letter and will not be addressed further in this report.
	Walter "Redgie" Collins	California Trout	
PP-CA-NWCA-EIS-24-05	Scott Harding	American Whitewater	Denied
PP-CA-NWCA-EIS-24-06	Simone Griffin	BlueRibbon Coalition	Denied
	Ben Burr	BlueRibbon Coalition	

FLPMA: Multiple Use Mandate

BlueRibbon Coalition

Simone Griffin, Ben Burr

Issue Excerpt Text: BlueRibbon protests the new ACEC designations. No new ACEC's should be designated as a result of this planning process. ACEC's are ill-defined and managed broadly and differently and often don't comply with BLM's multiple use mandate. Even if an ACEC is designated, there should be language that explicitly protects current roads and trails within the ACEC in perpetuity. "Under Alternative D, 87,890 acres would be designated as ACECs, 51,800 acres would be managed as suitable for inclusion in the NWSRS, and 61,500 acres would be closed to OHV use." There is nothing within FLPMA or the BLM handbook that requires an ACEC to be roadless. In fact, specifically the BLM has stated that roads and OHV use can still be maintained within an ACEC.

BlueRibbon Coalition

Simone Griffin, Ben Burr

Issue Excerpt Text: This travel area is completely surrounded by land managed with aggressive restrictions on motorized recreation, dispersed camping, and other forms of outdoor recreation, BLM should work to maximize OHV use in this area, since minimization of OHV related impacts occurs by land management designations in surrounding areas. BRC opposes any new wilderness study areas whether done by section 202 or 603. No new section 202 wilderness study areas have been designated since 2003 as there has clearly not been broad public support and a tumultuous history between the BLM's authority to designate section 202 WSA's. For this reason, the BLM should not designate anymore WSA's within the planning area. BRC protests violating NEPA and not managing for multiple use. The BLM Handbook states that these areas need to be "maintained". Therefore current uses should continue.

Summary:

Protestors claim that the BLM violated the Federal Land Policy and Management Act's (FLPMA) multiple-use mandate by proposing new areas of critical environmental concern (ACEC) without language protecting existing roads and trails within the proposed ACEC areas, noting FLPMA does not require ACECs to be roadless, and by considering a new Wilderness Study Area (WSA) in an area that does not receive public support for such restrictions, as the area around it already has aggressive restrictions on a variety of uses.

Response:

FLPMA directs the BLM to manage the public lands be on the basis of "multiple use" and "sustained yield" unless otherwise directed by law (43 United States Code [U.S.C.] 1732(a). Section 103(c) of FLPMA defines "multiple use" as the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people. FLPMA's multiple-use policy does not require that all uses be allowed on all areas of the public lands. Rather, the BLM has discretion to allocate the public lands to particular uses, and to employ the mechanism of land use allocation to protect for certain resource values, or, conversely, develop some resource values to the detriment of others through its multiple-use and sustained-yield management mandate. Through the land use planning process, the BLM evaluates and chooses an appropriate balance of resource uses, which involves tradeoffs between competing uses.

Section 202(c)(3) of FLPMA requires that the BLM give priority to the identification, evaluation, and designation of ACECs during the land use planning process. The BLM's planning rules provide the

procedures for considering and designating ACECS. An area must meet at least one relevance criterion and one importance criterion to be considered as a potential ACEC and be analyzed for designation in a Resource Management Plan (RMP) alternative (43 CFR 1610.7-2(a)) (BLM Manual Section 1613.22.B). BLM Manual Section 1613.11 provides four relevance criteria and five importance criteria. BLM policy does not require that a potential ACEC's relevant and important values be protected to the same level or degree of protection in all plan alternatives: "[t]he management prescription for a potential ACEC may vary across alternatives from no special management attention to intensive special management attention" (BLM Manual Section 1613.22.B). Elaborating further, the manual states that "[s]ituations in which no special management attention would be prescribed (and therefore no designation) include...those in which the alternative would necessitate the sacrifice of the potential ACEC values to achieve other purposes" (BLM Manual Section 1613.22.B.1). Thus, BLM policy allows for one or more proposed management alternatives to be analyzed that would potentially affect relevant and important values for potential ACECs in order to evaluate the tradeoffs between management approaches and inform the BLM's decision about ACEC designation and management in the area. For an area to be designated as an ACEC, special management attention is required to protect the relevant and important values of the area. If an ACEC is designated in an area the protestor is concerned about, the management direction for that ACEC will be to protect the values in that area.

The NW CA PRMP/FEIS analyzed a range of alternatives for the management of potential ACECs. Protestors claimed the BLM violated FLPMA by not including language protecting existing roads and trails within proposed ACEC areas. The management actions proposed for each potential ACEC, including off-highway vehicle (OHV) stipulations under each alternative, can be found in NW CA PRMP/FEIS Appendix B (pp. B-153 through B-173), where details include a range of management actions for OHV use from limited or closed. Per 34 CFR 8342.1, the authorized officer must designate areas on the public lands as either open, limited, or closed to off-road vehicles. Designations are based on the protection of the resources of the public lands, the promotion of the safety of all the users of the public lands, and the minimization of conflicts among various uses of the public lands, and in accordance with the criteria in 34 CFR 8342.1. The NW CA PRMP/FEIS provides detailed information regarding OHV designation in ACECs in Appendix D, Section D.3.7, *Travel and Transportation Management*, and in Table D-78 (pp. D-357 through D-358), which provides the application of designation criteria under 34 CFR 8342.1 to OHV areas in the planning area for all management alternatives.

Under Sections 201 and 202 of FLPMA, the BLM has authority and discretion to identify and manage wilderness resources consistent with its multiple-use mandate. Wilderness resources are considered to be part of the "resource and other values" the BLM is required to inventory on a continuing basis consistent with Section 201(a) of FLPMA (43 U.S.C. 1711(a)). As part of the land use planning process, FLPMA further provides the BLM with discretion to consider management of inventoried resources, including wilderness resources. Such discretion in analyzing potential management options for wilderness resources is neither prohibited nor constrained by the BLM's obligations under Section 603 of FLPMA (43 U.S.C. 1782), i.e., the statutory direction for the BLM, in the 15 years that followed the passage of FLPMA, to inventory for areas suitable for Congress to designate as wilderness and to manage these areas so as not to impair the suitability of such areas for preservation as wilderness until Congress acts. Utilizing FLPMA's authority under Section 202, as opposed to the expired authority under Section 603 of FLPMA, the BLM has discretion to manage those areas identified as having wilderness resources for the protection of those resources, including to a non-impairment standard. In choosing such management prescription, nothing in FLPMA prevents the BLM from referring to such areas in the management plan as a WSA. Additionally, and unlike Section 603 of FLPMA, a land use planning decision to manage for the preservation of an area with wilderness resources as a WSA (or Section 202 WSA) may be modified or changed through a future land use planning decision.

Here, the BLM analyzed a full range of alternatives for management of WSAs, which is detailed in NW CA PRMP/FEIS Appendix B (pp. B-183 through B-184) including OHV stipulations under each alternative. Under the Proposed Resource Management Plan (PRMP) (Alternative D), the BLM would manage two areas as Section 202 WSAs, Red Mountain and Trinity Alps, compared to the six areas that would be managed as WSAs under Alternative B and no areas under Alternative C. The BLM would manage all WSAs to a non-impairment standard as reflected in BLM Manual 6330.

All alternatives considered in the NW CA PRMP/FEIS, as described Section 2.1, *Description of the Alternatives*, and Appendix B, *Land Use Plan Decisions by Alternative*, provide an appropriate balance of uses on public lands. All alternatives allow some level of all uses present in the planning area, in a manner that is consistent with applicable statutes, regulations, and BLM policy. As such, the NW CA PRMP/FEIS satisfies FLPMA's multiple-use policy. Accordingly, this protest issue is denied.

NEPA: Cumulative Impacts

Friends of the Eel River ***Robert Scott Greacen***

Issue Excerpt Text: The NCIP also improperly segments its analysis of the potential WSR segments in the East Branch South Fork Eel River and its headwaters streams, including Elkhorn Creek, Tom Long Creek, Curso Cabin Creek, and School Section Creek. As noted above, project segmentation violates NEPA because it inhibits consideration of connected actions and cumulative effects.

Summary:

Protestors stated that the BLM violated the National Environmental Policy Act (NEPA) by improperly segmenting its analysis of the Wild and Scenic Rivers (WSR) candidate rivers and therefore inhibited consideration of connected actions and cumulative effects.

Response:

The BLM must discuss the cumulative effects of the proposed action and the alternatives when preparing an environmental impact statement (EIS) (BLM Handbook H-1790-1, Section 6.8.3). The Council on Environmental Quality (CEQ) regulations define cumulative effects as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such actions” (40 CFR 1508.1).

The BLM has complied fully with the requirements of NEPA and prepared a cumulative impact analysis for all resources including WSRs based on the broad nature and scope of the proposed management options under consideration at the land use planning level. NW CA PRMP/FEIS Appendix C, Section C.2.24, provides WSR analysis indicators and assumptions and Appendix D, Section D.4.3, provides a full summary of environmental consequences of the proposed management under all alternatives to WSRs including cumulative impacts. The cumulative impact analysis considered the effects of the planning effort when added to other past, present, and reasonably foreseeable (not highly speculative) Federal and non-Federal actions.

The BLM recognizes the regional importance of the segments the protestor named, but concluded the systems approach of including many small segments within a large basin as one unit is not appropriate. Section 1.2 of the *Wild and Scenic Rivers Suitability Report* (NW CA PRMP/FEIS Appendix I, pp. 1-5 through 1-6) describes the WSR study process per BLM Manual 6400 including

the eligibility phase, assignment of a tentative classification, and the suitability phase. During all three steps, the analysis area for a river segment is the “river corridor,” which BLM Manual 6400 defines as “that portion of a river area either authorized by Congress or an agency for study and its immediate environment comprising a minimum area extending at least 0.25 miles (0.5 miles in Alaska) from each bank.” Portions of a river corridor that are eligible in the National WSR System are considered eligible river segments and then reviewed for their suitability for inclusion in the National WSR System per the criteria of the Wild and Scenic Rivers Act. Sections 2.1 through 2.16 of NW CA PRMP/FEIS Appendix I describe the suitable segments in detail and Sections 3.1 through 3.43 describe the unsuitable sections in detail.

BLM adequately analyzed cumulative effects in the NW CA PRMP/FEIS. Accordingly, this protest issue is denied.

NEPA: Environmental Justice

BlueRibbon Coalition

Simone Griffin, Ben Burr

Issue Excerpt Text: While the ADA focuses only on equality of opportunity, equity inherently focuses on equality of outcome. Any policy that is facially neutral but disproportionately harms a disadvantaged or marginalized group is considered inequitable. The BLM is therefore required by this executive order and others mandating that federal agencies consider “environmental justice” in NEPA proceedings to consider whether any route closures in the Northwest California Integrated Resource Management Plan would disproportionately harm disabled users’ ability to access public lands.

Summary:

Protestors claim that BLM violated NEPA by not considering the environmental justice aspect of how route closures in the planning area would disproportionately harm disabled users’ ability to access public lands.

Response:

NEPA directs that data, and an environmental analysis, must be commensurate with the importance of the impact (40 CFR 1502.15). The BLM is required to take a “hard look” at potential environmental impacts of adopting the NW CA PRMP/FEIS, including impacts on environmental justice communities. The level of detail of the NEPA analysis must be sufficient to support reasoned conclusions by comparing the amount and the degree of change (i.e., impact) caused by the proposed action and alternatives (BLM Handbook H-1790-1, Section 6.8.1.2). The BLM need not speculate about all conceivable impacts, but it must evaluate the reasonably foreseeable significant effects of the proposed action.

In the spring of 2023, Congress amended NEPA as part of the Fiscal Responsibility Act in tandem with Executive Order (EO) 14096, which defined environmental justice to mean the “just treatment and meaningful involvement of all people” in agency decision-making and actions “regardless of income, race, color, national origin, Tribal affiliation, or disability.” NEPA provides a procedural framework by which agencies may consider the environmental effects of their actions and, through EO 14096, agencies are encouraged to include effects that relate to environmental justice.

The NW CA PRMP/FEIS Appendix B (*Socioeconomics and Environmental Justice*, Table B-1, row 352, p. B-186) contains goals, objectives, and management direction under Alternatives C and D related to recreational equity that were developed in relation to the Equity Action Plan. The Land

Tenure section of this table (Table B-1, row 139 through row 159, pp. B-86 through B-106) contains goals, objectives, and management direction for the BLM to improve public access, including supporting opportunities for motorized public access. One way that the BLM has addressed user conflicts and shared use in this proposed plan is through designation of a variety of Special Recreation Management Areas and Extensive Recreation Management Areas to spread out different types of use and minimize user conflicts. For example, as noted in the NW CA PRMP/FEIS (p. 2-33), within Recreation Management Areas, the BLM would offer free or low-expense, disability-inclusive, facilitated experience programs that introduce people to outdoor recreational activities in a safe and supportive environment. American Disability Association mobility devices would be allowed on routes that are consistent with the safe use of those devices, and Americans with Disabilities Act (ADA) access points would be developed where feasible. The BLM's commitment to provide opportunities for different user groups can be found in goals and objectives in Table B-1 as well as in the *Recreation* section in Appendix D, Section D.3.6 (NW CA PRMP/FEIS Appendix D, pp. D-336 through D-355). A detailed analysis of environmental justice is provided in Appendix D, Section D.5.2 (NW CA PRMP/FEIS Appendix D, pp. D-496 through D-505), including discussion of the impacts of the proposed management under each alternative on the ability of those with mobility disabilities to access motorized recreation, specifically related to potential impacts on those with mobility impairment, potentially including some members of Tribal communities. The BLM is not making travel management decisions in this planning process. In future travel management planning, the BLM will consider expanding access where safe and appropriate (NW CA PRMP/FEIS Appendix K, p. K-55).

The programs and facilities of Federal agencies, including the BLM, are not governed by the ADA, except for the section that applies to Federal wilderness areas (ADA of 1990, Title V § 12207, Federal Wilderness Areas). Accessibility laws and regulations do not change or infringe on the resource having priority status under those sites that the U.S. Access Board's Guidelines for Outdoor Developed Areas governs, which include Tribal sacred sites where the physically undisturbed condition of the land is an important part of the sacred observance (U.S. Access Board's Guidelines for Outdoor Developed Areas, Condition for Exception 4). Accessibility laws and regulations, including EO 13985, EO 13007, the U.S. Department of the Interior's Equity Action Plan, and the ADA, require equal treatment and access to recreational facilities, sites, and information. These laws do not grant or advocate, in any way, a special opportunity or exemption to persons with impairments and accessibility needs.

The BLM complied with NEPA's requirement to analyze the environmental consequences and impacts of route closures on environmental justice communities in the NW CA PRMP/FEIS. Accordingly, this protest issue is denied.

NEPA Impacts Analysis and Administrative Procedures Act: Socioeconomics

California Four Wheel Drive Association Rose Winn

Issue Excerpt Text: Economic impacts were not sufficiently analyzed and addressed as required by NEPA. The FEIS must be revised to include robust economic analysis, with additional opportunity for public comment on said analysis, prior to release of a ROD for the NCIP.

Summary:

Protestors stated that the BLM violated NEPA by not sufficiently analyzing economic impacts within the NW CA PRMP/FEIS and would like additional opportunity for public comment.

Response:

NEPA directs that data and analyses in an EIS must be commensurate with the importance of the impact (40 CFR 1502.15), and that NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail (40 CFR 1500.1(b)). The BLM is required to take a “hard look” at potential environmental impacts of adopting the NW CA PRMP/FEIS. The level of detail of the NEPA analysis must be sufficient to support reasoned conclusions by comparing the amount and the degree of change (impact) caused by the proposed action and alternatives (BLM Handbook H-1790-1, Section 6.8.1.2). The BLM need not speculate about all conceivable impacts, but it must evaluate the reasonably foreseeable significant effects of the proposed action.

A land use planning-level decision is broad in scope. For this reason, analysis of land use plan alternatives is typically broad and qualitative, rather than quantitative or focused on site-specific actions. The baseline data provide the necessary basis to make informed land use plan-level decisions. As the decisions under consideration by the BLM are programmatic in nature and would not result in on-the-ground implementation-level decisions, the scope of the analysis was conducted at a regional, programmatic level. This analysis identifies impacts that may result in some level of change to the resources, regardless of whether that change is beneficial or adverse.

The BLM analyzed the potential socioeconomic impacts of the land use planning-level decisions, including the impact on OHV recreation opportunities, in Section 3.4, *Social and Economic Conditions*, and in greater detail in Appendix D, Section D.5, *Social and Economic Conditions*, and found they would be preserved under all alternatives including Alternatives B and C (NW CA PRMP/FEIS pp. 3-71 through 3-72 and Appendix D, pp. D-491 through D-494). Cumulative impacts on social and economic conditions as a result of the NW CA PRMP/FEIS are also provided in Appendix D, Section D.5 (pp. D-494 through D-496). The *Travel and Transportation Management* section (NW CA PRMP/FEIS Section 3.2.7, pp. 3-49 through 3-51, and Appendix D, pp. D-356 through D-363) provides a full analysis of the proposed travel and transportation management proposed under each alternative. Currently, there are two established OHV recreation areas within the decision area: the Samoa Dunes and the Chappie Shasta OHV areas (NW CA PRMP/FEIS Appendix D, p. D-248). Under all alternatives, the BLM would maintain 190 acres as open to OHV use in the Samoa Dunes OHV recreation area (NW CA PRMP/FEIS Appendix B, p. B-148). Under all alternatives, travel routes and OHV use within the Samoa Dunes OHV recreation area would continue along the same patterns and trends as are currently occurring. Also, the BLM is constructing 7 miles of new motorized trails in the Chappie-Shasta OHV area (NW CA PRMP/FEIS Appendix D, p. D-269). Section 3.2.6 (pp. 3-44 through 3-48 and Appendix D, pp. D-336 through D-355) provides a detailed analysis of impacts on recreation and visitor services under all alternatives, including impacts on recreation from proposed travel management.

Additionally, the BLM conducted a series of interviews during January and February of 2021 with key interest groups within the NW CA PRMP/FEIS planning area with the goal of gathering comprehensive baseline information on social and economic concerns in the area. The results of these interviews were presented in a Socioeconomic Baseline Report that assisted in identifying key issues and formalizing the analysis approach for the NW CA PRMP/FEIS. The Socioeconomic Baseline Report is available on the BLM’s NW CA PRMP/FEIS ePlanning website:

<https://eplanning.blm.gov/eplanning-ui/project/2012803/510>.

Consistent with the BLM’s planning regulations and NEPA, the public was provided opportunities to participate in the planning process. The public scoping process for the NW CA RMP/EIS was conducted from April 29 to June 28, 2022, as discussed in NW CA PRMP/FEIS Section 4.3.1. The BLM also hosted two in-person meetings and four virtual meetings during the scoping period. The BLM also provided the opportunity for the public to participate in the NEPA process during the 90-

day public comment period, which took place from September 29, 2023, to December 28, 2023. During the 90-day public comment period, the BLM received a total of 854 comment letter submissions, resulting in 533 unique substantive comments received on the Draft RMP/EIS. Section K.1 of Appendix K (NW CA PRMP/FEIS pp. K-1 through K-5) summarizes the public comment process, provides a detailed description of the comments received during the public comment period, and explains the comment analysis methodology used. Section K.2 of Appendix K (NW CA PRMP/FEIS pp. K-7 through K-129) provides individual responses to each substantive comment. As appropriate, the BLM revised management direction and impact analysis in the NW CA PRMP/FEIS based on the substantive comments received. In compliance with FLPMA and NEPA, the BLM followed the required public participation process.

The BLM complied with NEPA's requirement to analyze the socioeconomic impacts in the NW CA PRMP/FEIS and provided the public opportunities to comment on the RMP/EIS throughout the NEPA process. Accordingly, this protest issue is denied.

NEPA: Range of Alternatives

California Four Wheel Drive Association

Rose Winn

Issue Excerpt Text: The NCIP fails to provide a true recreation alternative as required by NEPA. It fails to optimize outdoor recreation as a high-value use of BLM managed land across the 382,200 acres that are encompassed within the footprint of the NCIP. The management policies set forth in the draft FEIS serve to reduce public access to outdoor recreation in a variety of ways, thereby severely diminishing the multiple-use mandate by which the BLM is required to manage public lands.

Summary:

Protestors stated that the BLM violated NEPA by not providing a recreation alternative and evaluating recreation as a high-value use of BLM-managed lands, thereby reducing public access to outdoor recreation and diminishing the multiple-use mandate.

Response:

The BLM must analyze a range of reasonable alternatives, but not every possible alternative to a proposed action: "In determining the alternatives to be considered, the emphasis is on what is 'reasonable' rather than on whether the proponent or applicant likes or is itself capable of implementing an alternative. 'Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant'" (BLM NEPA Handbook, H-1790-1, at 50 [citing Question 2a, CEQ, Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981]; see also 40 CFR 1502.14).

The BLM analyzed a range of reasonable alternatives as required by NEPA that meet the purpose and need of the NW CA PRMP/FEIS (see Chapter 2, *Alternatives*) and that address resource issues identified during the scoping period. All alternatives analyzed allow some of level of all uses present in the planning area, in a manner that is consistent with applicable statutes, regulations, and BLM policy. Alternative C (see Section 2.1.3, p. 2-11) focuses on recreational access and recreational development while responding to the resource concerns with proposed protections like wilderness character and ACECs. Recreation use and access are least restrictive in Alternative C as shown in Table B-1 (NW CA PRMP/FEIS Appendix B, p. B-148), particularly in categories like acres of Recreation Management Area designated and acres of OHV open (190 acres), closed (58,000 acres),

and limited to existing and designated routes (323,300 acres). In addition, under Alternative C, only one area is listed as lands with wilderness characteristics and would be managed to protect those characteristics as a priority over other multiple uses (NW CA PRMP/FEIS Appendix B, p. B-185) compared to the six areas under Alternative B and the five areas under Alternative D. Furthermore, all ACECs under Alternative C (except the Ma-le'l Dunes ACEC) would be managed as OHV limited to existing and designated routes, as described in Table B-1 (NW CA PRMP/FEIS Appendix B, p. B-149). NW CA PRMP/FEIS Section 3.2.7 and Appendix D, Section D.3.7, provide a detailed discussion of OHV designations. Recreation is also analyzed in detail in NW CA PRMP/FEIS Section 3.2.6 and Appendix D, Section D.3.6.

The BLM considered a range of reasonable alternatives in the NW CA PRMP/FEIS, including evaluating recreation as a high-value use of BLM-managed lands under Alternative C, in full compliance with NEPA. Accordingly, this protest issue is denied.

Wild and Scenic River Eligibility Determinations and Analysis

Friends of the Eel River

Robert Scott Greacen

Issue Excerpt Text: Because the BLM has not fully evaluated the potential effects of designating the river segments discussed below as “unsuitable” for inclusion in the WSR system, it would be inappropriate and an irreversible commitment of resources to deprive those public lands and waters of protection as the NCIP proposes. Instead, the Record of Decision should simply retain “eligible” status for any segments not proposed as “suitable.” When an adequate analysis of the segments has been conducted at some point in the future, the BLM might appropriately conclude that those segments are unsuitable for inclusion in the WSR system. But to classify those segments as “unsuitable,” thus depriving them of current and potential protections, on the basis of the information and analysis presented in the NCIP is plainly arbitrary and capricious and contrary to law. Both Eel River dam removal and fisheries restoration and the advent of the Great Redwood Trail underscore the need for a River Management Plan for the Wild and Scenic Eel River. One important element of such a plan would be consideration of the need to protect the ORVs of the WSR Eel River under the BLM’s authority to manage motorized recreation in WSRs and WSR corridors.⁹ While the South Fork Eel River has a draft management plan, no management plan has ever been prepared for the Eel River. The BLM should avail itself of the opportunity presented by Eel River dam removal and Great Redwood Trail construction to finally prepare a CRMP for the Wild and Scenic Eel River.

American Whitewater

Scott Harding

Issue Excerpt Text: Issue 1: The BLM erred in its decision to omit evaluation of the newly free-flowing reach of the Klamath River below Copco 2 Dam for its Wild and Scenic River eligibility. Although aware that the section of the Klamath River below the former Copco 2 Dam and the (now former) Iron Gate Reservoir was restored to free-flowing condition upon the completed removal of the dam in October 2023, the BLM chose not to evaluate this reach of river for Wild and Scenic River eligibility. This constitutes a failure of the agency to fulfill its statutory obligations to evaluate potential additions to the National Wild and Scenic Rivers System and does not align with agency policy to address all rivers with free-flowing conditions and outstandingly remarkable values when evaluating Wild and Scenic eligibility. We believe that the State Director’s decision to omit evaluation of the subject river reach is in error, and we propose a reasonable solution to remedy the error.

American Whitewater
Scott Harding

Issue Excerpt Text: the BLM is not provided with discretion to simply choose to not consider a free-flowing river for its Wild and Scenic eligibility. The Wild and Scenic Rivers Act is clear that agencies must investigate eligibility of potential rivers and does not provide agencies the discretion to omit potentially eligible rivers. The Act states that rivers with restored free-flowing conditions and outstandingly remarkable values shall be considered eligible and does not provide a process for avoiding evaluation of eligibility for newly free-flowing rivers. Additionally, BLM Manual 6400 directs that eligibility study reports must address “all rivers.” Contrary to BLM’s claim in its response to our Draft EIS comment, Table B-1 does not state that the agency would support future efforts for inclusion of newly free-flowing sections of the Klamath River for inclusion in the WSR system. Instead, the BLM states that it will “[c]oordinate with agencies and partners in managing the river when Iron Gate and Copco Dams are removed.”² This action is within the section of Table B-1 that applies only to designated Wild and Scenic reaches, not to potentially eligible reaches. Yet, there are no designated Wild and Scenic reaches in the area of Iron Gate and Copco dams. This action does not provide for the agency’s claimed support for “future interagency and Tribal efforts to assess the newly free-flowing sections holistically for inclusion in the WSR system.” Thus, it is a meaningless action that does not address the issue of properly evaluating newly free-flowing reaches of the Klamath River for Wild and Scenic River eligibility now or in the future.

American Whitewater
Scott Harding

Issue Excerpt Text: The BLM administers several designated Wild and Scenic Rivers for which no systematic evaluation of outstandingly remarkable values has ever been completed. These rivers were added to the National Wild and Scenic Rivers System via the Secretarial Determination pathway pursuant to section 2(a)(ii) of the Wild and Scenic Rivers Act. Upon their federal designation in 1981, these rivers were identified as having just one ORV: fish. Only the Middle Fork Eel River has an additional ORV for its recreation values. However, all of these rivers possess additional ORVs but the Wild and Scenic River administering agencies, including the BLM, have never evaluated the rivers for them. The logical and appropriate process for conducting an ORV evaluation is during the resource management plan revision process, yet the BLM has decided not to do this during the NCIP update process.

Summary:

Protestors claimed that the BLM violated the Wild and Scenic Rivers Act by not completing an outstandingly remarkable value (ORV) evaluation during the RMP revision process and failed to fulfill its statutory obligation to evaluate potential additions to the WSR system by not evaluating a free-flowing river for eligibility in the WSR system. Additionally, the BLM violated the BLM Manual 6400 by not completing an eligibility study report of all potentially eligible rivers.

Protestors also stated that the BLM failed to fully evaluate the potential effects of designating river segments as “unsuitable” in the WSR system, thus depriving them of current and potential protections. Protestors state that the information and analysis presented is arbitrary and capricious and does not contain a vital River Management Plan.

Finally, protestors stated that the BLM failed to fulfill its statutory obligation to evaluate potential additions to the WSR system by not evaluating the section of the Klamath River below the former Copco 2 Dam, and therefore did not evaluate the condition of all rivers with free-flowing conditions.

Response:

To the extent possible under existing legal authorities, the BLM’s policy goal for eligible and suitable rivers is to manage their free-flowing condition, water quality, tentative classification, and any ORVs to ensure a decision on suitability can be made for eligible rivers or, in the case of suitable rivers, until Congress designates the river or releases it for other uses (BLM Manual Section 6400.3.5). During the land use planning process, the BLM assesses all eligible river segments and determines which are suitable or non-suitable for inclusion in the National WSR System (BLM Handbook H-1601-1, Appendix C, p. 27).

In the NW CA PRMP/FEIS, the BLM identified all river segments eligible for inclusion in the National WSR System and determined which of those eligible segments are suitable for inclusion (see Appendix I, *Wild and Scenic River Suitability Report*, Chapter 2, *Suitability Determinations: Suitable Segments*, pp. 2-1 through 2-84; and Chapter 3, *Suitability Determinations: Not Suitable Segments*, pp. 3-1 through 3-143).

As described in NW CA PRMP/FEIS Appendix I, there are a number of river segments that were not considered eligible for inclusion in the National WSR System. However, the NW CA PRMP/FEIS was revised from the Draft EIS in response to public comments (see the NW CA RMP/EIS *Wild and Scenic River Eligibility Report*, which presents the findings of the eligibility study and is available at <https://eplanning.blm.gov/eplanning-ui/project/2012803/510>; see also the updated Suitability Report, Appendix I of the NW CA PRMP/FEIS, that contains additional information for several streams’ suitability determinations). The NW CA RMP/FEIS follows BLM Wild and Scenic River Manual 6400, which references as policy guidance the Interagency Wild and Scenic River Study Process document that states, “Agency-identified study river protection continues unless a river is determined not suitable for designation. For non-suitable Section 5(d)(1) rivers, protection of river values reverts to the direction provided in the underlying land use plans for the area.” Therefore, the ORVs on eligible segments that are determined to be non-suitable would be protected through other means, such as those provided in the NW CA PRMP/FEIS including ACECs, Riparian Management Areas, and compliance with other laws and regulations, including the Endangered Species Act and Clean Water Act (NW CA PRMP/FEIS, Appendix I, pp. 3-1 through 3-143).

In order to be assessed as outstandingly remarkable, a river-related value must be a unique, rare, or exemplary feature that is exceptional at a comparative regional or national scale (BLM Manual Section 6400.3.1.D.1). The determination of whether an area contains an ORV is a professional judgment on the part of the agency’s study team (USDI-USDA Final Revised Guidelines for Eligibility, Classification, and Management of River Areas, 47 *Federal Register* 39457) (BLM Manual Section 6400.3.1.D).

The BLM recognizes the regional importance of several stretches that were proposed for inclusion and did include evaluation of ORVs as part of the analysis (see NW CA PRMP/FEIS Appendix B, Table B-1, rows 323 through 331, pp. B-175 through B-182, for how land use plan decisions were evaluated for acquisition criteria). The criteria included in NW CA PRMP/FEIS Appendix B, Table B-1, outline key riparian corridors that improve riparian connectivity and maintain riparian habitat integrity and lands that improve water quantity and quality and could apply to streams in the area regardless of whether they are in a WSR corridor. It should be noted the BLM is not re-evaluating rivers under Section 2(a)(ii) of the Wild and Scenic Rivers Act as part of this planning effort, which authorizes the Secretary of the Interior to include a river already protected by a state river protection program in the National WSR System upon the request of that state’s governor. The BLM may coordinate with other agencies in the future if appropriate.

The BLM does not require the writing of a Comprehensive River Management Plan for the 2(a)(ii) designated rivers in the NW CA PRMP/FEIS; however, nothing precludes the BLM from doing so in the future if the opportunity arises. Reviews under Wild and Scenic Rivers Act Section 3(d)(2) are not

required for WSR designated rivers (Wild and Scenic Rivers Act Section 2(a)(ii)). While no Federal river plans are required for these state-administered, federally designated rivers, the BLM could make a future decision to develop a step-down plan for one or more of these rivers. The NW CA PRMP/FEIS contains direction to protect and enhance the values of 2(a)(ii) WSR in the planning area.

At this time, the BLM is not considering additional eligible segments to the National WSR System, including the section of the Klamath River below the former Copco Dam. The NW CA Draft RMP/EIS was published in September 2023 when the Copco Dam was still scheduled for decommissioning. The Copco Dam was removed in October 2023, after the planning process was already underway. Therefore, the Klamath River below Copco Dam was still ineligible for inclusion into the National WSR System during the planning process. At a later date the BLM may conduct an eligibility study of the Klamath River through BLM lands near the former Copco and Irongate dams (NW CA PRMP/FEIS Appendix D, p. D-452). The BLM would support future interagency and Tribal efforts to assess the newly free-flowing sections holistically for inclusion in the WSR system, as stated in the WSR Klamath River section of Table B-1 (NW CA PRMP/FEIS Appendix B, Table B-1, row 37 and row 326, pp. B-28 through B-32 and B-178).

The NW CA RMP/FEIS appropriately protects eligible and suitable segments of rivers for inclusion in the National WSR System, as required by BLM Manual Section 6400.3.5. Accordingly, this protest issue is denied.

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