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Carson City RMP
Bureau of Land Management
Carson City District Office
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Dear RMP Project Team:

The Pew Charitable Trusts appreciates this opportunity to provide comments on the Draft Resource Management Plan and Draft Environmental Impact Statement for the Carson City planning region. Pew works with local and regional partner organizations throughout the West to engage in the BLM's resource management planning process. In addition to advocating for planning outcomes that protect wildlife habitat, quiet recreational opportunities, and ecologically significant areas through the land planning process, we also track the status and implementation of BLM policies that affect these outcomes. Pertinent to the Carson City Draft Resource Management Plan (DRMP), our comments focus on lands with wilderness characteristics and other conservation mandates that guide BLM planning. We appreciate the agency's efforts to identify and assess these lands with wilderness characteristics as part of the resource management planning process, though several challenges persist.

Our comments address the following issues with the plan, addressed in detail below:

- An accurate, comprehensive inventory of lands with wilderness characteristics has not occurred as part of the land planning process;
- The BLM's wilderness characteristics finding for Peterson Mountain does not conform with current policy;
- Alternative C provides a sound approach for protecting backcountry areas, and should be better tiered to manage lands with wilderness characteristics;
- The preferred alternative provides a sound approach for Areas of Critical Environmental Concern, and we support the inclusion of Peterson Mountain ACEC in the proposed RMP.

An accurate, comprehensive inventory of lands with wilderness characteristics has not occurred as part of the land planning process.

BLM has policy and guidance regarding its obligation to inventory lands with wilderness characteristics and consider protection of those values. FLPMA requires the BLM to inventory

and consider lands with wilderness characteristics during the land use planning process. 43 U.S.C. § 1711(a); *see also Ore. Natural Desert Ass'n v. BLM*, 625 F.3d 1092, 1122 (9th Cir. 2010). IM 2011-154 and Manuals 6310 and 6320 contain mandatory guidance on implementing that requirement. The guidance directs BLM to “conduct and maintain inventories regarding the presence or absence of wilderness characteristics, and to consider identified lands with wilderness characteristics in land use plans and when analyzing projects under [NEPA].” This includes the “necessary forms for each area” including photo logs, route analysis forms and inventory area evaluations (Manual 6310, Appendices A-D). Manual 6310 reiterates that, “[r]egardless of past inventory, the BLM must maintain and update as necessary, its inventory of wilderness resources on public lands.”

Manual 6320 requires BLM to consider lands with wilderness characteristics in land use planning, both in evaluating the impacts of management alternatives on lands with wilderness characteristics and in evaluating alternatives that would protect those values. Wilderness inventories are to be done on a *continuing* basis and relevant citizen-submitted data is to be evaluated (BLM Manual 6310.04(C)(1)).

The DRMP identifies 13 LWC units totaling 416,500 acres, or about 8.7% of BLM surface lands within the planning area (Pg. 3-131). The DRMP also suggests that these findings are preliminary, stating they

“are subject to change and are preliminary pending completion of the lands with wilderness characteristics assessment and report. More information on the evaluation of proposed wilderness units, including methodology for analysis, as well as detailed information on all inventoried units, is in a separate draft *Lands with Wilderness Characteristics Inventory Summary Report*. The final *Lands with Wilderness Characteristics Inventory Summary Report* is anticipated winter 2015.”

Concurrent with the release of the DRMP on November 28, 2014, BLM released the document *Report on Lands with Wilderness Characteristics* dated November 2014. The latter document identifies 385,353 acres of LWCs across 16 individual units, providing contradictory or confusing information relative to the DRMP. It is unclear whether the *Report* is a draft or final document. The *Report* identifies 141 units that were assessed for wilderness characteristics, all of which were based on either: 1) unit boundaries from the 1979 BLM initial wilderness inventory; or 2) a recent citizens inventory of lands with wilderness characteristics. We commend the BLM for providing an assessment of these units and including this information in the DRMP. There are, however, several issues we wish to point out:

BLM has not found wilderness characteristics on public lands outside those areas inventoried by an external organization. While we commend the agency for analyzing and largely verifying the detailed and accurate submission made by Friends of Nevada Wilderness, **the agency has a responsibility to identify wilderness characteristics across lands within its jurisdiction regardless of whether they are identified by non-governmental entities.** While BLM suggests that it analyzed 141 units in Table C of the *Report on Lands with Wilderness Characteristics*, we are concerned that – from a strictly unbiased perspective of assessing *if* wilderness characteristics are present – the agency finds no wilderness characteristics outside of those submitted by the citizen group. Table C is also incorrect in stating that “other entities”

found no wilderness characteristics (fourth column, “0” acres) in most of the units when those areas were never assessed by such groups. This is substantively different than the acreage count provided in the fifth column associated with the BLM ID Team’s findings because the BLM is required to make determinations on all areas that may possess wilderness characteristics.

The BLM inappropriately relies wholly upon wilderness findings made in 1979, despite changes that have occurred on the ground. As described above, the BLM has an obligation to maintain an accurate, up-to-date inventory of lands with wilderness characteristics. BLM Manual at 6301.06.A states:

“Regardless of past inventory, the BLM must maintain and update as necessary, its inventory of wilderness resources on public lands. In some circumstances conditions relating to wilderness characteristics may have changed over time, and an area that was once determined to lack wilderness characteristics may now possess them.”

In reviewing inventory documentation for the 141 units, BLM relies – in all cases except the 13 units assessed by the citizen group – on the findings made more than thirty-five years ago regardless of the fact that at that time, different metrics were used under different agency direction. We provide examples of BLM wholly relying on findings from 1979 to justify why an area does not have wilderness characteristics below:

- The Iron Rock Inventory Unit (NV-030-135) encompasses 70,500 acres of public lands in and around Grayback Mountain. The unit was not inventoried by a citizen group. The area, in terms of size, is larger than all thirteen LWC units found to have wilderness characteristics by the BLM in 2014. In BLM’s recent inventory of NV-030-135, the totality of the determination that it does not contain wilderness characteristics consists of the sentence “**The 1979 evaluation, including the conclusion on solitude, remains current for the unit.**” While not provided in the 2014 assessment, the 1979 BLM Initial Inventory documentation for this unit states, “(c)ompared to larger mountain ranges, this area does not offer outstanding opportunities for solitude or primitive and unconfined recreation.” We find the 2014 reliance on the 1979 findings troubling for several reasons. First, BLM is instructed to assess whether “the area (*or the remainder of the area if a portion has been excluded due to unnaturalness and the remainder is of sufficient size*) have outstanding opportunities for primitive and unconfined recreation.” (emphasis added). Despite its large size, lack of wilderness inventory roads, and topographic/vegetative screening, we question whether a 70,500 acre unit, or some portion of such unit, would not qualify as having outstanding opportunities for solitude today. Second, Manual 6310 instructs the agency not to compare units to one another, but rather assess characteristics on a case-by-case basis. This is clearly not what occurred in 1979, and there is no evidence to suggest that “larger mountain ranges” may have better or worse opportunities for solitude than this unit.
- The Humboldt Marsh Unit (NV-030-101) encompasses 76,800 acres in and around Dixie Valley. The unit was not inventoried by a citizens group. The area, in terms of size, is larger than all thirteen LWC units found to have wilderness characteristics by the BLM in 2014. In BLM’s recent inventory of NV-030-135, the totality of the determination that it does not contain wilderness characteristics consists of the sentence “**The 1979 evaluation, including the conclusion on naturalness, remains current for the Humboldt March Unit.**” While not provided in the 2014 assessment, the 1979 BLM

Initial Inventory documentation for this unit states “Geothermal exploration, road building, and drilling has modified portions of the playa. These impacts clearly leave the area in an unnatural condition.” We find the 2014 reliance on the 1979 findings troubling for several reasons. Thirty-six years have passed since the original impacts were described, such as geothermal exploration, and no additional impacts are described since then. Have conditions on the ground changed since 1979? The 2014 inventory document provides no information regarding whether historical impacts have revegetated, though it does state that geothermal leasing has not occurred. We believe that the area has a high likelihood of appearing natural to the casual observer – at least a portion of the unit that exceeds 5000 acres. The recent inventory, despite direction to do so, does not assess whether a portion of the unit may possess naturalness if certain areas are removed from the boundary. As such a large area that encompasses natural sand dune and playa complexes, the area should be properly assessed by the agency for its wilderness characteristics.

Examples such as those above are the rule rather than the exception to how the BLM wholly relied on findings from 1979 to justify the lack of wilderness characteristics in more than 120 units across the Carson City District. There is no discussion about whether routes conform to the definition of a wilderness inventory road, nor is there any documentation of conditions that have changed (or not) in the thirty-six intervening years affecting naturalness or outstanding opportunities for solitude and primitive recreation.

Recommendation:

The BLM is obligated to provide an accurate, up-to-date inventory of lands with wilderness characteristics as part of its RMP revision process. We urge the agency to conduct LWC assessments, consistent with BLM Manual 6310, for all areas larger than 5000 acres and free of routes as defined as wilderness inventory roads. This would include revisions and updates to the November 2014 *Report on Lands with Wilderness Characteristics* and the individual unit summaries so that findings do not rely wholly on findings made in 1979 and reflect actual, on-the-ground character of each area.

The BLM’s finding for Peterson Mountain does not conform to current policy.

BLM may have determined that one of the citizen-inventoried units does not have wilderness characteristics, although this is not clear due to inconsistencies in data provided within the DRMP (e.g. 3-131) and the November 2014 *Report on Lands with Wilderness Characteristics*. In the latter, as well as the documentation file for Peterson Mountain (NV-030-610), BLM determines the area does not possess wilderness characteristics due to several factors:

“The southern and eastern boundary of the unit border residential areas. There is continual off-road motorized recreational use within the unit that detracts from solitude. The 2014 evaluations documented a lack of solitude due to the long and narrow configuration of the 610 unit.”

As for the first justification, related to residential areas that may occur outside of the boundaries of Peterson Mountain, BLM does not state that the presence of residential areas create a “pervasive or omnipresent” impact to opportunities for solitude within the unit. Unless this

condition is met, which would be surprising considering the location of many designated wilderness areas in close proximity to high density urban areas, the presence of a residential area is not germane to whether opportunities for solitude occur *within* the unit. This language should be edited or removed.

Considering the second justification, regarding “continual off-road motorized recreational use” that detracts from opportunities for solitude, we point out that under the DRMP alternatives, Peterson Mountain is proposed to be designated as the Peterson Extensive Recreation Management Area in the preferred alternative with management emphasis on “dispersed recreation opportunities emphasizing equestrian-based activities, hiking, mountain biking, backpacking” (DRMP Table 2-2, pg. 2-166). Furthermore, the preferred alternative proposes to “manage Peterson Ridge as closed to motorized travel (mechanized is limited to existing routes)” while the remainder of the unit would be limited to motorized vehicles on designated routes. Therefore, if proposed management would significantly decrease this impact on opportunities for solitude, then we believe that the existence of off-road vehicle use today, should not by itself, be a factor in affecting the future opportunity for solitude.

Lastly, we address the third reason provided for why Peterson Mountain does not provide outstanding opportunities, which relates to the 1980 finding of a “long and narrow” configuration of the unit. The Peterson Mountain unit is, in fact, longer on its north-south axis than it is on its east-west axis. The rectangular-shaped unit is no less than two miles wide at its narrowest point and usually wider, providing ample opportunity for visitors to seek the interior of the unit from any point on its perimeter. Unfortunately, while the 2014 assessment claims that the unit’s configuration detracts from outstanding opportunities for solitude, it does not actually provide any reason *why*. We believe that the unit’s configuration and size (over 16,000 acres) has no automatic impact on opportunities for solitude.

Recommendation:

Due to errors or inaccuracies contained within the BLM’s assessment of Peterson Mountain for wilderness characteristics, we strongly recommend that the agency reassess, correct, and validate the existence of wilderness characteristics based on the citizen inventory. Due to the outstanding values hosted by the area, including wildlife habitat, quiet recreation opportunities, and scenic values, we also recommend the BLM add Peterson Mountain to lands managed to protect wilderness characteristics in the proposed RMP.

Alternative C provides a sound approach for protecting backcountry areas and should be better tiered with managed lands with wilderness characteristics.

We applaud the BLM for assessing citizen-proposed backcountry wildlife conservation areas (BWCAs) and including them in the DRMP’s range of alternatives. We strongly support the identification and conservation of intact, high-quality wildlife habitat and opportunities for world-class hunting and other outdoor recreation these places offer. We support the proposed management prescriptions for BWCAs outlined in Alternative C and urge the BLM to include the BWCAs in the proposed RMP.

A number of lands with wilderness characteristics occur within the boundaries of BWCAs, such as Chukar Ridge and Excelsior North. Both of these LWC units are proposed to be managed to protect their wilderness characteristics in the DRMP preferred alternative, though the management applied to these areas is less restrictive than the BWCA management presented in Alternative C. While managed LWCs and BWCAs are compatible and complimentary with one another, areas managed to protect wilderness characteristics should generally be provided a higher level of protection.

We recommend that LWC units are afforded management prescriptions, such as recommended mineral withdrawal, ROW exclusion, VRM II, NSO for fluid mineral leasing, and restricting motorized vehicles to carefully selected, designated routes. Likewise for BWCAs, we support a more pronounced though limited route network, ROW exclusion, VRM II or III, and NSO for fluid minerals.

The preferred alternative provides a sound approach for Areas of Critical Environmental Concern, and we support the inclusion of Peterson Mountain ACEC in the proposed RMP. We generally believe the ACEC inventory of the Carson City District is thorough, inclusive, and consistent with statutory and regulatory requirements as outlined at 43 U.S.C. §1701(a)(11); 43 C.F.R. §1601.7-2 (2015). An exception occurs in regard to BLM's dismissal of the internally proposed Peterson Mountain ACEC, which the agency claims does not meet the relevance and importance criteria. We would like to incorporate by reference the comments of Friends of Nevada Wilderness regarding this issue, and believe the BLM should include the Peterson Mountain ACEC in the proposed RMP.

In furtherance of its mandate, the preferred alternative has identified four existing and four new areas for possible ACEC designation in the DRMP. Alternative B contains four existing and nine new ACECs, totaling 371,170 acres, or 7.7% of public lands. We believe that given the "priority" that FLPMA provides the identification and protection of ACECs, Alternative B provides a better balance of multiple use and sustained yield for the Carson City District. However, we believe management prescriptions as contained in Alternative C are better suited to "protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources..." Manual 1613.02. Failing to conserve these relevant and important areas may lead to greater consequences in both the short- and long-terms, and it is inconsistent with BLM's management obligations.

We appreciate this opportunity to comment on the Carson City Draft Resource Management Plan and look forward to continuing our engagement in this important planning effort. Please do not hesitate to contact us if we can be of service.

Sincerely,



Ken Rait
Director, U.S. Public Lands
The Pew Charitable Trusts