



2005 Market Street, Suite 1700 215.575.9050 Phone
Philadelphia, PA 19103-7077 215.575.4939 Fax

901 E Street NW, 10th Floor 202.552.2000 Phone
Washington, DC 20004 202.552.2299 Fax
www.pewtrusts.org

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BLM Southern Nevada District Office
Las Vegas/Pahrump Field Offices Draft RMP/Draft EIS
4701 N. Torrey Pines Drive
Las Vegas, NV 89130

[Comments emailed February 5, 2015 to: sndo_rmp_revision@blm.gov]

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 Las Vegas-Pahrump 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 Las Vegas-Pahrump Draft Resource Management Plan (DRMP), the following comments focus on lands with wilderness characteristics and the obligations that BLM has to identify and manage these areas. We commend the agency for its commitment to properly identify and assess these lands as part of the resource management planning process.

We discuss three issues with the plan, addressed in detail below:

- Significant areas that appear to be roadless are not assessed for wilderness characteristics;
- BLM uses improper metrics to analyze lands with wilderness characteristics that resulted in their dismissal as such;
- There is a lack of balance in the preferred alternative regarding lands with wilderness characteristics that are proposed for protective management, and;
- The preferred alternative provides a sound approach for identifying Areas of Critical Environmental Concern, though stronger management is necessary.

Significant roadless areas are not assessed for wilderness characteristics

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 21 individual LWC units totaling 242,214 acres, or about 7.8% of BLM surface lands within the planning area. BLM GIS data indicates that approximately 49 units were originally assessed for wilderness characteristics in 2010. We commend the BLM for providing an assessment of these units and including this information in the DRMP. There are several issues we wish to point out:

- Roadless areas adjacent to designated wilderness have not been assessed despite clear policy that obligates the BLM to assess these places and as appropriate, acknowledge their wilderness characteristics. BLM Manual 6310.06.C.2.a.2 outlines the process by which units contiguous to protected areas are assessed, and BLM training modules that have been distributed to state and field offices provide further direction that unless impacts within contiguous roadless areas are prevalent, these places should be acknowledged as containing wilderness characteristics. Despite this guidance, the BLM has failed to address – at all – roadless lands adjacent to designated wilderness.

Examples include, but are not limited to:

- The El Dorado Mountains, contiguous and west of Nellis Wash Wilderness Area. This is a large roadless area that BLM has not inventoried.
- The Newberry Mountains, contiguous and west of Bridge Canyon Wilderness Area. This is a large roadless area that BLM has not inventoried.
- The Million Hills area, contiguous and northwest of the Million Hills Wilderness Study Area. This is a large roadless area that BLM has not inventoried.
- Significant roadless areas that are not contiguous with existing protected areas have also not been assessed for wilderness characteristics. The BLM lacks necessary information to make informed decisions regarding these areas. Examples of these areas include, but are not limited to:
 - Indian Ridge unit and no-name unit on either side of Cold Creek Road, southwest of highway 95, south of Nellis AFB, northwest of Red Rock Canyon NCA (latter unit is adjacent). The area is largely free from any type of routes, contains high topographic complexity, and is more than 20,000 acres in size.
 - North Muddy Mountain unit, north of the Buffington Pockets unit that BLM did not find wilderness characteristics, on the north side of highway 169. This area is largely free from any type of routes, contains high topographic complexity, and is more than 30,000 acres in size.
 - No-name unit southeast of the Virgin River bounded on north, west, and southwest sides by New Gold Butte Road. The area is largely free from any type of routes, contains high topographic complexity, and is more than 20,000 acres in size.

- Mormon Mesa – Halfway Wash unit south of I-15, southeast of Mormon Mountain unit that BLM did not find wilderness characteristics. This area is largely free from any type of routes and is more than 30,000 acres in size.
- Table Mountain / Lead Mountain unit west of I-15 near CA border. This area is largely free from any type of routes and is larger than 30,000 acres in size.
- The LWC inventory is now reaching 5 years old and significantly predates current policies regarding the identification of LWCs as outlined in BLM Manual 6310. We believe it is prudent for the BLM to update its inventory of LWCs as part of the Las Vegas-Pahrump RMP revision prior to releasing a Proposed Resource Management Plan.

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, congruent with BLM Manual 6310, for all areas larger than 5000 acres and free of routes as defined as wilderness inventory roads. Roadless areas that are contiguous to existing protected areas as outlined in 6310.06.C.2.a.2. need to be evaluated. These inventories should be released to the public as supplementary information prior to the release of the Proposed RMP.

BLM uses improper metrics to analyze lands with wilderness characteristics that resulted in their dismissal as such.

Due to the fact that the agency’s LWC inventory occurred prior to BLM’s issuance of national guidance regarding such, many of the 49 units assessed for wilderness characteristics were dismissed for reasons that are directly contradictory to BLM Manual 6310. Examples include:

- The Virgin Mountain Addition (NV-SN-52-012). Dismissal of this area for wilderness characteristics largely revolves around impacts to naturalness in the direct vicinity of Cabin Canyon. BLM inventory direction, as outlined in 6310 Appendix B, specifically prompts the agency to assess whether an area, if significant impacts are removed from the unit boundaries, still meets the size criterion and provides outstanding opportunities for solitude and/or primitive and unconfined recreation. We firmly believe that if the Cabin Canyon area is removed from the unit, the remaining 30,000 acres, including the Instant Study Area, is a prime example of an area meeting the naturalness and outstanding opportunities criterion. To support this perspective, we observe that the agency has identified this area as a potential Area of Critical Environmental Concern, and that it is subject to wilderness legislation in the United States Congress (H 2276- 6/6/13) and S1054- 5/23/13).
- The Bitter Ridge Unit (NV-SN-52-015). This area is dismissed for wilderness characteristics due to a “minesite on Bitter Ridge.” The inventory documentation claims that this site is visible from all areas in the unit to the south and east. We disagree with the agency’s interpretation of this “minesite” as a significant deterrent to the area possessing naturalness. The area in question is actually a historic blade scrap presumably conducted as a mineral exploration activity some decades ago. The impact in question is less than a half-acre, is mostly revegetated, and – contrary to the agency’s claim that it is visible from all areas to the south and east – is not readily seen from the vast majority of the unit. Furthermore, we suggest that if the BLM finds the old, reclaiming access route

to this site meets the definition of a wilderness inventory road as defined by Manual 6310, the area could easily be cherry-stemmed out of the unit without detracting from what is a magnificent wilderness. The area's rugged topography, desert environment, and remote setting provide stunning opportunities for solitude and primitive recreation, therefore we urge the agency to correct its wilderness determination for this unit.

- The Buffington Pockets Unit (NV-SN-52-011). This area is dismissed for wilderness characteristics due to a perceived lack of outstanding opportunities for solitude. BLM justifies this by noting "minimal vegetative screening and little topographic relief of the mountain range." We disagree with the agency's characterization that this unit contains little topographic relief and believe that because of its location, remoteness, and low visitation, Buffington Pockets indeed provides outstanding opportunities for solitude. The unit is almost entirely defined by ridgelines, canyons, and small valleys that make up a topographically complex area that ranges from 4454 feet to 1540 feet in elevation. Due to its rough accessibility, the frequency of contact with other humans - in the vast majority of the unit - is extremely low.
- The Newberry Mountains Unit (NV-SN-52-020). This unit's boundaries, which encompass only 38 acres, are drawn in a way that directly contradicts BLM Manual 6310. The boundary description references that "the southern boundary is contiguous with the boundary of the Community Pit." We observe that there is no ground disturbance near the southern boundary of this unit and in fact, a relatively large natural area exists to the south and west of the existing Spirit Mountain Wilderness Area. We reference Manual 6310.06.C.3.d which states "Undeveloped ROWs and similar undeveloped possessory interests (e.g., mineral leases) are not treated as impacts to wilderness characteristics because these rights may never be developed." As such, BLM is obligated to assess wilderness characteristics *in-situ*, and not discount areas that may contain a future potential for impact. The use of undeveloped Community Pit boundaries to constrict LWC units are found elsewhere in the BLM's inventory, and we urge the BLM to correct these mistakes and appropriately redefine the units based on impacts (usually roads) found on-the-ground.

Recommendation:

Due to the metrics that BLM uses to discount a number of LWC units versus contradictory guidance that the agency is obligated to follow, we urge the BLM to reevaluate its findings for each of the inventory units in order to comply with Manual 6310. These reevaluations should generally focus on:

- Redrawing unit boundaries to the edge of wilderness inventory roads, land tenure, or major impacts found on-the-ground, rather than elevation gradients, old inventory boundaries, or undeveloped right-of-ways or other overlays.
- Reviewing whether units, regardless of their topographical complexity or vegetative screening, offer visitors outstanding opportunities for solitude based on the remote nature of the unit and the relatively light visitation it receives.

Upon correcting and updating the LWC inventory, we urge the BLM to release its revised findings to the public as supplementary information within the period of time between the Draft and Proposed RMP releases. This will ensure that agency is meeting its policy requirements prior to disclosing a proposed plan and allow for changes to be made to how the agency plans to manage these areas.

There is a lack of balance in the preferred alternative regarding lands with wilderness characteristics that are proposed for protective management.

FLPMA recognizes that “multiple use” of the public lands requires “a combination of balanced and diverse resource uses” that includes recreation, watershed, wildlife, fish, and natural scenic and historical values (43 U.S.C. § 1702(c)). FLPMA also requires BLM to prepare land use plans that may limit certain uses in some areas (43 U.S.C. § 1712). FLPMA does not dictate how land use plans must strike a balance between preservation and development. Instead, Congress directed the agency to manage its lands under the principles of “multiple use and sustained yield.” Section 202, 43 U.S.C. § 1712(c)(1); *see also* Section 302, 43 U.S.C. § 1732(a). “Multiple use” is defined very broadly as:

[T]he 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; . . . *the use of some land for less than all of the resources*; a combination of balanced and diverse resource uses that takes into account the long term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, *and natural scenic, scientific and historical values*; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the lands and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output.

Many other multiple uses of public lands are compatible with protection of wilderness characteristics – in fact, many are enhanced if not dependent on protection of wilderness qualities (such as primitive recreation and wildlife habitat). Protection of wilderness characteristics will benefit many of the other multiple uses of BLM lands, while other more exclusionary uses (such as off-road vehicle use and timber harvesting) will still have adequate opportunities on other BLM lands.

We would further like to point out that FLPMA defines "sustained yield" as:

the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the public lands consistent with multiple use.

Wilderness characteristics as defined by 6310 are one of the various renewable resources for which the agency needs to maintain high-level annual or periodic output. This creates an

affirmative duty for the agency to protect a sufficient acreage of lands with these values to meet its multiple use, sustained yield mandate.

The DRMP provides three action alternatives regarding management of LWCs. Alternative 2 proposes to manage all 242,214 acres of LWCs in order to maintain wilderness characteristics. Alternative 3 (the preferred alternative) proposes to protect 36,033 acres, or 15% of identified LWCs, whereas Alternative 4 proposes to protect 29,840 acres, or 12% of identified LWCs. We believe that as part of BLM's multiple-use mandate, protecting wilderness characteristics on only 36,033 acres, or 1% of BLM surface lands within the planning area, is not a reasonable or appropriate action. We therefore support Alternative 2, after modifications based on the comments above, as a balanced approach to protecting the dwindling resource of wilderness in southern Nevada.

The preferred alternative provides a sound approach for Areas of Critical Environmental Concern (ACECs), though stronger management is necessary.

We generally believe the ACEC inventory of the Las Vegas and Pahrump Field Offices 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). In furtherance of its mandate, the preferred alternative has identified 21 existing and 20 new landscapes for possible ACEC designation in the DRMP. However, we believe management prescriptions as contained in Alternative 2 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 Las Vegas-Pahrump 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