

Bureau of Land Management
California Desert District
Matt Toedtli
Planning and Environmental Coordinator
Attn: WMRNP Plan Amendment
22835 Calle San Juan de Los Lagos
Moreno Valley, CA 92553
blm_ca_wemo_project@blm.gov

Re: Draft West Mojave Route Network Project Land Use Plan Amendment to the California Desert Conservation Area Plan and Draft Supplemental Environmental Impact Statement

Dear Mr. Toedtli:

Thank you for this opportunity to comment on the Draft West Mojave Route Network Project Land Use Plan Amendment to the California Desert Conservation Area Plan and Draft Supplemental Environmental Impact Statement (WEMO Plan).

I request that within Travel Management Area (TMA) 3 any routes designated as Motorized should be subdesignated as Street-Legal Only. Alternative 2 best represents that recommendation, and I urge the BLM to use Alternative 2 as the basis of its plan and reject Alternative 4, as it fails to fulfill the court-ordered mandate for the minimization of adverse impacts and conflicts (43 CFR Section 8342.1) on private property and public lands.

Minimization Criteria: Introducing legal off-highway vehicle (OHV) traffic onto rural residential roads results in myriad conflicts that do not meet the Minimization Criteria of 43 CFR Section 8342.1. Restricting use on BLM routes to street-legal vehicles only would reduce or eliminate those conflicts.

County Service Areas: A number of our rural residential communities support County Service Areas, where road and emergency services are provided through an assessment on local taxpayers. (Examples: Wonder Valley CSA 70-M; Landers CSA 70 R-15; Copper Mountain CSA 70 R-19; Flamingo Heights CSA 70 R-15; Yucca Mesa CSA 70 R-29; Yucca Mesa CSA 70 R-26.) Within these areas the BLM routes have been designated to lie on top of CSA roads. OHV use of these designated routes would create additional maintenance costs for local property owners as it would degrade the road beds, making the surface difficult for standard and emergency vehicles to navigate, and damage berms and flood-control infrastructure. The full financial burden of maintaining these roads for the use of OHV riders – many of who may reasonably be expected to be not residents but from out of the area and not contributing to the costs of maintaining the routes – would rest on the local taxpayers of the CSAs.

Unfunded Mandate: Beyond just the CSAs, Alternative 4 and its network of Motorized routes represent an unfunded mandate on multiple county agencies such as law enforcement, code enforcement,

emergency response service, land use services, and flood control infrastructure. Eliminating OHV use with the Street-Legal Only designation would reduce these demands on local agencies.

County OHV Ordinance and Coordination with Local Governments: Alternative 4 directly contravenes San Bernardino County Code Section 28.0401 through 9 (OHV Ordinance), enacted by the County Board of Supervisors to protect residents from the noise, dust, smoke, fumes, trespass, and conflict caused by OHVs. Further, the OHV Ordinance makes it illegal to ride on county roads and illegal to ride on the private property of others without permission of the owner in hand. Alternative 4 would increase local ridership including attracting additional riders from out of the area, adding to the enforcement burden and escalating conflict. The BLM is required to and must meaningfully consult with San Bernardino County Supervisors, Land Use Services, Public Works, Sheriff, and Code Enforcement; NEPA regulation at 40 C.F.R. §1506.2(d) requires an EIS to “discuss any inconsistency of a proposed action with any approved State or local plan and laws . . . [and] the extent to which the agency would reconcile its proposed action with the plan or law,” and the FLPMA provision at 43 U.S.C. § 1712(c)(9) requiring BLM to coordinate land use planning activities with local governments.

Checkerboard Land Ownership: Alternative 2, as opposed to Alternative 4, would limit conflict and ensure compatibility with existing conditions. The checkerboard Motorized route pattern proposed in Alternative 4 sets the stage for not only the proliferation of illegal routes primarily created by OHVs, but also heightened conflicts between public land users and private property owners. The WEMO Plan Area encompasses private land, which creates a fragmented collection of BLM public land. The routes across these areas are connected by routes on private land; the linear progression of routes across the landscape whether marked on the map or not are visually obvious. By officially designating Motorized routes on these island-like lots of public land, BLM is encouraging OHVs to trespass across private property to reach new designated routes and to cross the entire landscape. Additionally, any driver operating an OHV on a combined-use highway or county road pursuant to sections 38026 or 38026.1 must have a valid driver's license and proof of insurance or financial responsibility to operate that vehicle, and because these same requirements do not apply on BLM lands, the route network as proposed in Alternative 4 would invite unlawful behavior. Promoting illegal activity will not minimize conflicts between user groups and only serve to raise tensions between private landowners, public land users, and the BLM. BLM must not designate Motorized routes on its checkerboard residential landscapes throughout the WEMO area without a subdesignation of Street-Legal Only.

Balance Recreation with Protection: Overall, Alternative 4, in contrast with Alternative 2, fails to reflect the mandate to balance motorized recreation with the protection of natural and cultural resources, critical habitat, areas of critical environmental concern, designated wilderness areas, public lands closed to motorized recreation, and the protection of public roads and private property. Instead, it would facilitate trespass on private property and constitute a fiscal burden on rural communities.

In light of the above, I request that within TMA 3 any routes designated as Motorized should be subdesignated as Street-Legal Only, that Alternative 2 should serve as the basis of the WEMO plan, and that Alternative 4 should be rejected.

Thank you for the opportunity to comment on the WEMO plan.

Sincerely,