

United States Department of the Interior

Bureau of Land Management

Ridgecrest Field Office

California Desert District

300 S. Richmond Road, Ridgecrest, California 93555

DECISION RECORD

Environmental Assessment of Cottonwood Creek

Comprehensive River Management Plan

DOI-BLM-CA-D050-2020-0025-EA

Introduction

In 2009, Cottonwood Creek was designated as a National Wild and Scenic Rivers System addition in the Omnibus Public Land Management Act (Public Law 111-111, 123 Stat. 991) (Omnibus Act). The creek has a 4.1-mile segment managed by the Bureau of Land Management's Ridgecrest Field Office (BLM) and the rest (17.1 miles) is managed by the USDA Forest Service Inyo National Forest (Forest Service). The BLM and Forest Service prepared an environmental assessment (EA) to comply with the National Environmental Policy Act (NEPA) and comprehensive river management plan (CRMP). The CRMP and EA were prepared jointly by the BLM and Forest Service for the river segments under their jurisdiction, with the Forest Service being the lead agency in the preparation of the joint documents.

Purpose and Need

The project need is to prepare a comprehensive river management plan and protect river values for each designated river segment, addressing the requirements in section 3(d)(1) of the Wild and Scenic Rivers Act (Public Law 90-542) (the Act) for federal agencies. The project's purpose is to develop a comprehensive river management plan, as required by the Act, protecting and enhancing the designated river values (free-flowing, water quality, and outstandingly remarkable values), and to identify and implement management actions needed for protecting these values within the river corridor.

Summary of the Proposed Action

The EA analyzed the Proposed Action which is to adopt the *Cottonwood Creek Wild and Scenic River Comprehensive River Management Plan* (Forest Service and BLM 2022) incorporated herein by reference. This plan is administrative in nature; actions proposed include establishing the Outstandingly Remarkable Values (ORVs), delineating a final river management boundary, establishing user capacity levels for the river and establishing a monitoring strategy. The outstandingly remarkable values for the BLM-managed segment of the river include scenery, recreation, wildlife, and botany. The project identifies BLM management actions needed to protect these values, but no on-the-ground actions are specifically authorized at this time.

Plan Conformance

I have determined that the Proposed Action is in conformance with the California Desert Conservation Area Plan of 1980, as amended by the Northern and Eastern Mojave Desert (NEMO 2002) and Desert Renewable Energy Conservation Plan (DRECP 2016).

Decision

It is my decision to authorize the adoption of a comprehensive river management plan for the Cottonwood Creek Wild and Scenic River, to protect and enhance the values for which the river was designated (free flow, water quality, and outstandingly remarkable values). Section 3 of the Wild and Scenic Rivers Act (16 USC 1274, as amended) specifies a comprehensive river management plan will be developed for the designated river corridor. It is my decision to select the Proposed Action Alternative as described in the EA. This decision will authorize the implementation of the Proposed Action in its entirety.

The Wild and Scenic Rivers Act requires that each federally administered river have a legally established boundary. For the BLM segment, the boundary would vary in width to reflect protection of the scenic viewshed, comprising 320 acres per river mile. The map for the final boundary is available in Appendix A: Final Wild and Scenic River Boundary Map. It is my decision to adopt the final boundary as described and depicted in the EA.

Decision Rationale

The CRMP was developed through an interdisciplinary process, involving both BLM staff and Forest Service staff. Public input was received during the Resource Assessment phase, the Draft CRMP phase and the draft Environmental Assessment where a comment period was opened for 30 days each time. Notices were sent out to 39 interested publics and invitations to consult sent to seven tribes. I have considered the completeness of the CRMP to achieve a programmatic management standard of protecting and enhancing the

river and the surrounding land in the management corridor. My decision makes management decisions to establish the Outstandingly Remarkable Values (ORVs), a management boundary, and capacity limit. These decisions are required by the BLM's policy manual M-6400 which is derived from the Wild and Scenic Rivers Act of 1968, as amended.

Establishing the ORVs represents a major commitment to protect resources and experiences not specifically enumerated in the enabling act, but are specific to this designated River.

The management corridor established in the CRMP provides protection of the viewshed, which follows the ridgelines in the area and differs from the boundary selected from the Inyo National Forest due to being outside of designated Wilderness.. Using ridgelines to define the management corridor specifically allows for protection of the scenery ORV, while encompassing enough area to protect the other ORVs. Any projects proposed within this viewshed would be scrutinized to ensure compliance with the Scenery ORV specifically, and all ORVs collectively.

The Capacity Limit was established using a sound methodology and backed by data collected from the road and camp areas in the river corridor. The Capacity Study was provided for public review twice. First, during the review of the CRMP and again during the Environmental Assessment comment period. My decision allows up to 75 people per day to use the river corridor. Comments were received urging the BLM to consider establishing the capacity at the current use level of 15 people per day. This alternative was dismissed for the BLM segment because limiting user capacity to current use levels would unnecessarily impose negative impacts on the recreation ORV for this river segment. Due to the remote nature of this segment, most users camp, and the capacity is based on camping and existing number of sites. The BLM segment of the river area is not in Wilderness, allowing for a Roaded Natural category of experience as defined by the Recreation Opportunity Spectrum. Visitors' interaction would be common with no expectation of solitude. The recreational segment comprises 4.7 miles of opportunities for a maximum of 75 people per day to enjoy, which averages approximately 16 people per mile when not in campsites. The BLM feels this number preserves the recreation value of the river corridor while also protecting and enhancing the ORVs. I am informed by the EA regarding the effect of setting a capacity limit of 75 people per day whereby sufficient management triggers would be established to control overuse.

Public Involvement

Three opportunities for public review and comment were offered. The Resource Assessment which backs the Outstandingly Remarkable Values was provided for public review and comment in 2020. The public scoping notice for the *Draft Cottonwood Creek Wild and Scenic River Comprehensive River Management Plan* was provided to the public and other agencies for

comment from June 23, 2021, to August 6, 2021. The Draft EA was posted on the BLM public NEPA register page (ePlanning) and Inyo National Forest website for the duration of the 30-day comment period that began on March 15, 2022. The agencies received one comment from a public agency, six comments from non-governmental organizations/companies, 14 comments from individuals, and one comment from a Tribe. The BLM reviewed and addressed all comments received and responded/incorporated all relevant comments into the CRMP and EA (Forest Service and BLM 2022)(EA Appendix B). ”

Authority

- 1) National Historic Preservation Act of 1966 (16 U.S.C. 470)
- 2) Wild and Scenic Rivers Act of 1968, as amended (16 U.S.C. 1271-1287)
- 3) National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
- 4) Federal Water Pollution Control Act Amendments of 1972 (Clean Water Act) (33 U.S.C. 1251 et seq.)
- 5) Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)
- 6) Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1701 et seq.)
- 7) Archaeological Resources Protection Act of 1979 (16 U.S.C. 470)
- 8) Federal Lands Recreation Enhancement Act of 2004 (16 U.S.C. 6804)
- 9) Omnibus Public Land Management Act of 2009 (16 U.S.C. 7201-7203)
- 10) Title 43 CFR Subpart 1610.4-9 – Monitoring and Evaluation
- 11) Title 43 CFR Subpart 8351 - Designated National Areas

Appeals

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Public notification of this decision will be considered to have occurred on April 6, 2023. Within 30 days of this decision, a notice of appeal must be filed in the office of the authorized officer at 300 S. Richmond Road, Ridgecrest, California 93555. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the authorized officer.

If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant’s success on the merits,

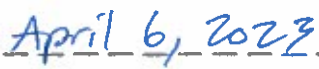
- (3) The likelihood of irreparable harm to the appellant or resources if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the authorized officer.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Regional Solicitor, U.S. Department of the Interior, not later than 15 days after filing the document with the authorized officer and/or IBLA.

It is my decision to authorize the adoption of a comprehensive river management plan for the Cottonwood Creek Wild and Scenic River, to protect and enhance the values for which the river was designated (free flow, water quality, and outstandingly remarkable values). Section 3 of the Wild and Scenic Rivers Act (16 USC 1274, as amended) specifies a comprehensive river management plan will be developed for the designated river corridor. It is my decision to select the Proposed Action Alternative as described in the environmental assessment (*DOI-BLM-CA-D050-2020-0025-EA*). This decision will authorize the implementation of the Proposed Action in its entirety.

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Date

Thomas Bickauskas

Ridgecrest Field Manager

Bureau of Land Management, Ridgecrest Field Office

APPENDIX A: Final Cottonwood Creek Wild and Scenic River Boundary Map

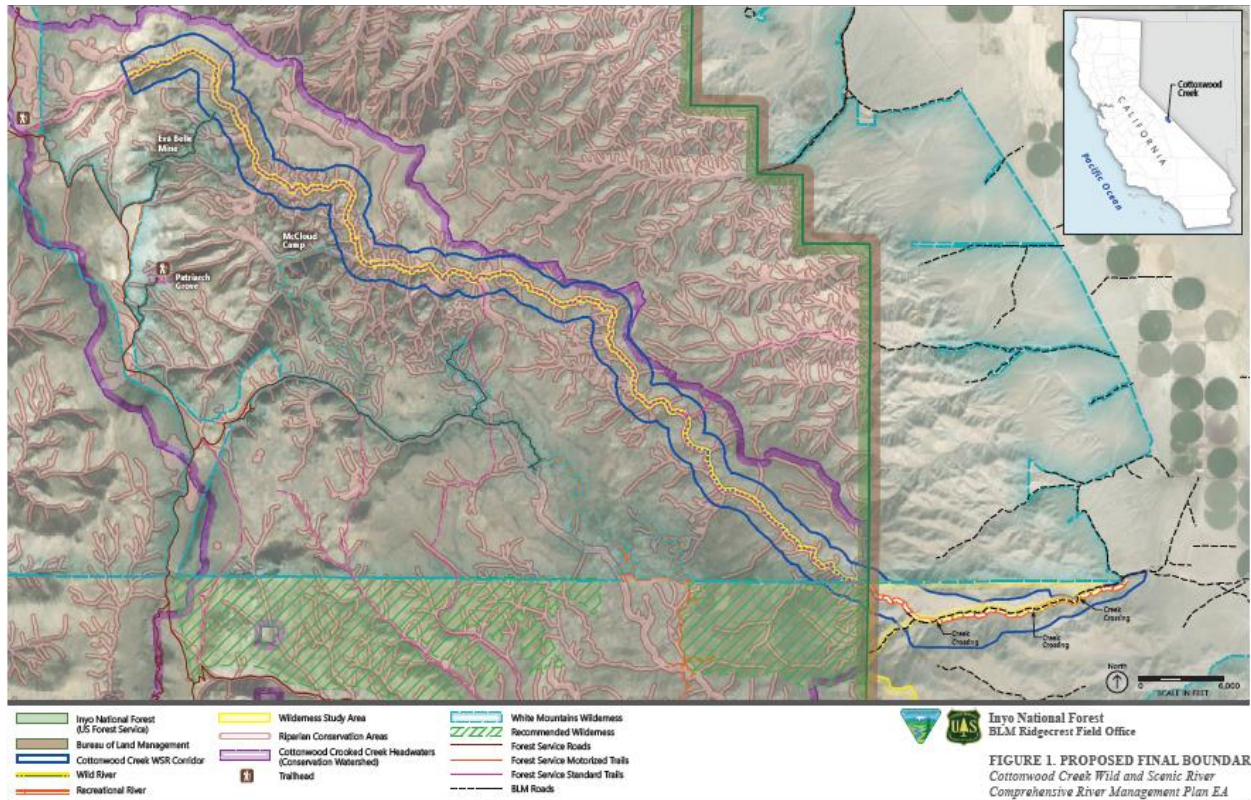


FIGURE 1. PROPOSED FINAL BOUNDARY
 Cottonwood Creek Wild and Scenic River
 Comprehensive River Management Plan EA