Introduction

The Environmental Assessment (EA) was prepared pursuant to the requirements of the National Environmental Policy Act (NEPA, 40 CFR 1500-1508). The EA discloses the environmental effects of the Desert Bighorn Sheep Research Project proposed by the California Department of Fish and Wildlife (CDFW). The Bureau of Land Management (BLM), California Desert District (CDD) manages all of the Wilderness areas, which are in California within Inyo, Imperial, Riverside and San Bernardino Counties. The 43 Wilderness areas were designated through the passage of the California Desert Protection Act (1994), which designated 42 of the wilderness areas relevant to the project, and the Omnibus Public Land Management Act (2009), which designated Pinto Mountains Wilderness.

The EA is in conformance with California Desert Conservation Area Plan of 1980 as amended (CDCA Plan) (BLM, 1999).

- Northern and Eastern Colorado (NECO) Plan Amendment to the CDCA Plan (2002).
- Northern and Eastern Mojave (NEMO) Plan Amendment to the CDCA Plan (2002).
- West Mojave (WEMO) Plan Amendment to the CDCA Plan (2006).
- Desert Renewable Energy Conservation Plan (DRECP) Amendment to the CDCA Plan (2016).

Purpose and Need

The purpose of this project is to authorize, where necessary, CDFW to conduct operations otherwise prohibited by the Wilderness Act to monitor Desert Bighorn Sheep (DBS) populations. The BLM is proposing this project in response to CDFW’s proposal to conduct helicopter-supported activities for collaring and data collection in the wilderness areas in the CDD. While CDFW has a need to collect monitoring data, the BLM purpose and need center around responding to the proposal from CDFW to use helicopters to capture, collar, collect biometric data, and release DBS.

The Wilderness Act, regulations, and BLM Manual 6340 provide relevant direction:

Wilderness Act - Section 4(c) states:

Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.

43 CFR 6303.1 How does BLM carry out administrative and emergency functions?
As necessary to meet minimum requirements for the administration of the wilderness area, BLM may:
(a) Use, build, or install temporary roads, motor vehicles, motorized equipment, mechanical transport, structures or installations, and land aircraft, in designated wilderness;
(b) Prescribe conditions under which other Federal, State, or local agencies or their agents may use, build, or install such items to meet the minimum requirements for protection and administration of the wilderness area, its resources and users;
(c) Authorize officers, employees, agencies, or agents of the Federal, State, and local governments to occupy and use wilderness areas to carry out the purposes of the Wilderness Act or other Federal statutes.

i. States have a primary and critical role in fish and wildlife management (43 CFR 24). “In general the States possess broad trustee and police powers over fish and wildlife within their borders, including fish and wildlife found on Federal lands within a State.” (43 CFR 24.3). Fish and wildlife management activities in BLM wilderness will be planned and carried out in conformance with the Wilderness Act’s purpose of securing an "enduring resource of wilderness" for the American people through the preservation of each area’s wilderness character.

The BLM has identified the following objectives for this project:
- Determine the minimum necessary to administer the wilderness areas of the CDD for wilderness purposes.
- Permit, where necessary, the CDFW to conduct operations otherwise prohibited in wilderness in order to monitor DBS populations.

DECISION
I have reviewed the analysis presented in the EA for the DBS Research project, considered the comment received on the NOPA and draft EA, and discussed the project’s anticipated effects with the Interdisciplinary Team, and CDD staff.

I have selected the Proposed Action: Net Gun Capture by Helicopter in Wilderness and Non-Wilderness Lands and Alternative 3: Population Monitoring via Remote Camera in Wilderness and Non-Wilderness Lands. My decision includes direction for the preservation of wilderness character, including preservation of DBS. Specifically, I am making the following decisions:

- CDFW is authorized to conduct helicopter-supported monitoring of DBS within the 43 Wilderness areas, and on non-wilderness lands (including wilderness study areas) within the CDD.
- Base camps will be outside wilderness for collecting biometric data the DBS, and placing VHF/GPS collars on the DBS. Biologists will examine the base camp areas for burrowing owls, desert tortoise, and sensitive plant species within 24 hours before use.
- Within Wilderness, CDFW may use a helicopter to net-gun, toe-down for personnel to retrieve the sheep, and transport the sheep to a base camp outside of wilderness for processing. CDFW will then return the DBS to the capture site by helicopter, and the CDFW personnel will step out of the helicopter to release the sheep from the sling-loaded carrier bag.
- CDFW will install cameras in wilderness and non-wilderness lands (including WSAs) seasonally at water sources (e.g. guzzlers). Typically, cameras will be mounted to existing guzzler developments. In the rare cases where this would not be possible, CDFW may install a t-post for
the camera. Cameras (and t-posts, where necessary) would be removed at the end of each summer season.

RATIONALE FOR THE DECISION

Human influence, specifically habitat fragmentation and disease introduced by domestic animals, has impacted DBS populations throughout this region, and across a number of wilderness areas. Additional monitoring data is needed to better manage DBS. Given the extent of DBS range that is within wilderness, studying DBS solely outside wilderness would not provide adequate information to understand the population dynamics and interconnectivity of these herds.

The data gathered will assist with mitigating the effects of modern civilization on DBS. As an integral component of these wildernesses, and the overall southern California desert ecosystem, DBS are an important part of the naturalness component of wilderness character.

The Proposed Action: Net Gun Capture by Helicopter in Wilderness and Non-Wilderness Lands minimizes degradation of overall wilderness character. While helicopter use temporarily impairs the undeveloped quality, its use minimizes the potential impacts to wilderness character when compared with the other alternatives. The qualities of undeveloped and opportunities for solitude or unconfined recreation are better preserved under this alternative by: 1) avoiding direct and indirect impacts from large crews and their equipment in Wilderness (as proposed under Alternative 2: Drop-net); 2) avoids direct and indirect impacts at staging and animal processing sites (which would be outside Wilderness); and 3) minimizing the amount of time that capture operations occur.

I have also selected implementation of Alternative 3: Population Monitoring via Remote Camera in Wilderness and Non-Wilderness Lands. Remote cameras may be used in mountain ranges that meet the appropriate characteristics. This is a low impact Alternative with minimal disturbance and impairment to Wilderness character.

Selecting a combination of these two alternatives will enable the BLM and CDFW to collaboratively preserve wilderness character as a whole, while supporting DBS conservation efforts and minimizing impacts to other qualities integral to wilderness character.

The Memorandum of Understanding (MOU) between the BLM and the CDFW addresses CDFW maintenance, management, and research activities conducted in the interest of wildlife management. Specifically, the MOU recognizes CDFW activities to maintain or restore fish and wildlife populations and their habitats. Under examples of wildlife management activities, the MOU includes the capture and release, census-taking, and monitoring of movements, health and population levels of wildlife under CDFW jurisdiction.

PUBLIC AND OTHER INVOLVEMENT

Public Involvement

A BLM interdisciplinary team conducted internal scoping in July 2018. The team identified substantive issues and potential impacts. The BLM released a Notice of Proposed Action (NOPA) on August 13, 2018. The BLM notified 86 parties of the availability of the NOPA, between August 29th and September 5th, and no comments were received on the NOPA. The EA was released for public comment on October 15th through October 22nd, and one comment was received, which did not require any changes from the draft to the decision.
Regulatory and Government Consultation

The BLM received a biological opinion from the US Fish and Wildlife Service in 2017 to cover actions in the California Desert Conservation Area that may adversely affect the federally threatened desert tortoise. This action is covered under that biological opinion with the included protective measures for the desert tortoise.

APPEAL OPPORTUNITIES

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal 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 immediate and irreparable harm if the stay is not granted, and
(4) Whether the public interest favors granting the stay.

Approved by: 

Beth Ransel  
District Manager  

Date: 10/26/18
Finding of No Significant Impact
for the
Desert Bighorn Sheep Research Project
Environmental Assessment
Bureau of Land Management
California Desert District

Environmental Assessment: DOI-BLM-CA-D010-2018-0002-EA

Finding of No Significant Impact:
On the basis of the information contained in the Environmental Assessment (EA), and all information available to me, it is my determination that the proposed action (helicopter-supported capture operations) and Alternative 3 (remote cameras) will not significantly affect the quality of the human environment and that an environmental impact statement (EIS) is not required. This finding and conclusion is based on my consideration of the Council on Environmental Quality’s (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and to the intensity of impacts described in the EA.

Context:
The 45 wilderness areas included in the project are part of the National Wilderness Preservation System. These areas are of most interest to the residents within California, and in neighboring Arizona and Nevada.

Intensity:
The following 10 statements serve as a checklist that describe how the project’s selected alternatives or associated environmental analysis relates to the criteria for significance defined by CEQ. Intensity has been addressed by describing how project activities relate to each criteria and what was considered during our analysis that was significant.

1. **Impacts that may be both beneficial and adverse.**
The environmental assessment has considered both beneficial and adverse impacts of the project. While there would be temporary adverse impacts to the undeveloped quality, overall, the project will result in the preservation of wilderness character, particularly naturalness, and other features of value, including DBS. Preserving the natural ecosystem and opportunities for recreation would improve the quality of the human environment.

   The analysis documented in Chapter 3 of the EA did not identify any individually or cumulatively significant impacts resulting from implementation of the project. In considering the wilderness resource as a whole, I have determined that the effects to wilderness character will not be significant.

2. **The degree to which the proposed action affects public health or safety.**
The proposed project would not result in significant effects on public health and safety.

3. **Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.**
The project area encompasses designated wilderness. Congress designated the 45 wilderness areas in the project area to ensure protection of wilderness character. The Wilderness Act (Section 2a) states that wilderness areas “shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the
protection of these areas, the preservation of their wilderness character.” The EA describes effects to the wilderness resource, and concludes that the project would not result in significant effects (EA Chapter 3).

Impacts to the desert tortoise (federally threatened) are covered by the BLM’s Programmatic Biological Opinion for Activities in the California Desert. Protective measures are included to minimize impacts to desert tortoises (p. 23 of the EA). There would be no impact to sensitive wildlife species apart from bighorn sheep (p. 24). Bighorn may be impacted, but implementation of the project would not contribute towards Federal listing or a loss of viability of the population or the species (p. 25). I considered this analysis and the determination that there is no expected loss of viability of the population when making my conclusion that my decision would preserve wilderness character.

As stated in the EA, this project meets the requirements of Exemption B3 under the BLM-CA Statewide Protocol Agreement with SHPO, and was exempt from further Section 106 review and consultation (EA, p. 22).

4. **The degree to which the effects on the quality or the human environment are likely to be highly controversial.**
   Controversy in this context refers to situations where there is substantial dispute as to the size, nature, or effect of the federal action, rather than opposition to its implementation. The scientific basis for the analysis is contained in the EA and project record. The BLM used standard analysis techniques and models. Literature supporting the use of these models and qualitative discussions, as used in this analysis are cited in the EA Chapter 3. The effects of implementing the project are well known and documented and not highly controversial.

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**
   The environmental analysis, including the EA, determined that the selected alternatives will not involve any highly uncertain or unknown risks (EA, Chapter 3). The management activities associated with my decision are typical of those successfully implemented in the past, and both within and external to designated wilderness.

6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.**
   It is not anticipated that the proposed action would establish a precedent for future actions with significant effects.

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.**
   The EA identified no significant cumulative impacts for the proposed action.

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.**
   This decision will not result in the loss or destruction of important or significant scientific, cultural, or historic resources (EA, Chapter 3).

9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.**
   The EA discloses the effects of my decision to threatened or endangered species (EA, p. 23). This required disclosure involves wildlife and fish species listed under the Endangered Species Act of 1973, as amended. My decision will not adversely affect any endangered or threatened species or its habitat.
10. Whether the action threatens a violation of Federal, state, or local law or requirements imposed for the protection of the environment.
The selected alternatives will not violate or threaten to violate any Federal, State, or local law, regulation, or ordinance imposed for the protection of the environment.

Approved by: [Signature]  
Beth Ransel  
District Manager  

Date: 10/20/18