

Comments on ISD DRAMP and EIS, March 2010

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June 6, 2010

Peirson's Milkvetch ("PMV")

My main concern with the Draft RAMP is the superficial and incomplete coverage of the biology and ecology of Peirson's milkvetch. Since this is the only FWS listed species known to occur within the Planning Area, it requires a thorough discussion of its biology, ecology, and distribution within the PA, and justification for the proposed actions included in each alternative.

The actions proposed for each alternative seem inconsistent, with no explanation as to why *X* acres of critical habitat plus area in excess of critical habitat are closed in one alternative, while *Y* acres are proposed in another. In alternatives 2-7 closures exceed CH habitat in one direction or another, while some CH is left open; what is the justification for closing areas where PMV does not occur or rarely occurs, while opening up some places that are within designated CH? Since no Recovery Plan has been issued by FWS for the species, it is impossible to know what the criteria for "recovery" might be, and closing areas outside the designated CH is both speculative and unjustified.

The species information section for PMV should be expanded to show that the following elements of its life history have been taken into due consideration by the BLM in developing Alternatives and discussion in the DRAMP:

1. the effects and importance of rainfall in both seasonality and amount in causing germination, growth, successful reproduction, and summer survival of PMV. "Average" rainfall does not mean much in an area with 2-3 inches per year.
2. life history of PMV; conditions necessary for first-year flowering, first-year reproduction vs. perennial reproduction; longevity of plants; survival through summer season.
3. ecology of the PMV seed bank and its importance to survival of the species
4. clustered distribution of PMV within the dunes; types of habitats where it is found and not found (you can't estimate density by dividing number of plants by ha. in dunes [App. H, A.1 p. H-4] because they are NOT evenly distributed).
5. effects of OHVs on PMV and vehicle use patterns in the dunes with respect to PMV distribution is important in determining CH closure design and possible establishment of "pass-through" routes (see below).

In preparing the DRAMP, BLM has apparently made a decision to ignore, been requested to ignore at higher levels within BLM or by another agency, or simply overlooked a large

body of information and data on the distribution, ecology, and biology of PMV. ASA-sponsored research was detailed in reports issued annually from 2001-2007. Only the first of these reports, called "TOA 2001," is acknowledged (p. H-6). I strongly recommended that the other six reports be read by appropriate BLM personnel and the information therein be incorporated in the DRAMP. Information on most of the questions posed above may be found in these reports, including detailed information on the relationship between rainfall, seasonality, and PMV germination and reproduction; the distribution and demography of the plant; and studies of the seed bank.

Following are the references to the seven reports. These were sent annually to BLM in El Centro and FWS in Carlsbad, as well as other agencies. It is my understanding that ASA has recently sent electronic copies to BLM in case hard copies are missing from files.

Phillips, A. M., III, D. J. Kennedy, and M. Cross. 2001. Biology, distribution, and abundance of Peirson's milkvetch and other special status plants of the Algodones Dunes, California. Report submitted by Thomas Olsen Associates, Inc. to the American Sand Association. 29 p. ("TOA 2001")

Phillips, A. M., III and D. J. Kennedy. 2002. The Ecology of *Astragalus magdalenae* var. *peirsonii*: Distribution, reproduction and seed bank. Report submitted to the American Sand Association. 41 p.

Phillips, A. M., III and D. J. Kennedy. 2003. The Ecology of *Astragalus magdalenae* var. *peirsonii*: Germination and survival. Report submitted to the American Sand Association. 27 p.

Phillips, A. M., III and D. J. Kennedy. 2004. The Ecology and Life History of Peirson's Milkvetch in the Algodones Dunes, California: 2003-2004. Report submitted to the American Sand Association.

Phillips, A. M., III and D. J. Kennedy. 2005. The Life History of Peirson's Milkvetch (*Astragalus magdalenae* var. *peirsonii*) in the Algodones Dunes, California: 2004-2005. Report submitted to the American Sand Association.

Phillips, A. M., III, and D. J. Kennedy. 2006. Seed bank and survival of Peirson's milkvetch (*Astragalus magdalenae* var. *peirsonii*) in the Algodones Dunes, California, 2005-06. Prepared for the American Sand Association.

Phillips, A. M., III and D. J. Kennedy. 2007. Assessing the effects of drought conditions on Peirson's Milkvetch (*Astragalus magdalenae* var. *peirsonii*) in the Algodones Dunes, California, 2006-07. Report submitted to the American Sand Association.

Rainfall-triggered closure of Dune Buggy Flats (DBF)

This proposal is mentioned several times in vol. I, and described in Appendix E in vol. II. The one-page discussion is insufficient to justify such a major action, and there is no explanation of how the rationale for closure was developed. The entire proposal is based upon the premise that OHVs are bound to illegally enter closed areas and that BLM has insufficient resources to enforce the closures. No justification is provided for this assumption; in fact, illegal OHV entry into administrative closures has been a minor problem since they were decreed in 2001.

The nearest PMV populations of any consequence are more than a mile from DBF and are rarely disturbed. Sandy ridges are used as pass-through areas by drivers wishing to access higher dunes from the Sand Highway. Whoever conceived of the closure was apparently not familiar with PMV distribution and OHV use patterns in the dunes east of DBF. If there is a concern at DBF, it is the pall of particulates in the air on a Saturday night, surely exceeding State air quality standards. Without further explanation and justification, the proposed rainfall-induced closure of DBF is without any merit.

OHV Closures and PMV CH

The preferred alternative, Alt. 8, calls for closure of all areas designated as Critical Habitat (CH) for PMV by FWS. This includes an area of the north dunes north of the wilderness area, the wilderness area, an area from the central dunes southward nearly to I-8, and a small area near the border south of I-8. The large proposed central dunes closure is irregular in shape, and includes several narrow “peninsulas” extending eastward from the main body of the closure. There is a break at the southern end with a disconnected area to the south.

Marking such an area on the ground would be a difficult task, and the narrow peninsulas would be extremely confusing. The lack of pass-throughs for miles and miles would make entry into the open area to the east difficult. This would be confusing to both recreationist and law enforcement.

As an alternative to the CH closures proposed in Alt. 8, I propose a smoothed boundary around the main body of the CH, eliminating the peninsulas from closures. Unlike the temporary closures, the boundaries should follow the morphology of the dunes, in the interest of safety and clarity. This would not need to be as wide as the closures in Alt. 5 and 7, because the eastern third to half of those areas is beyond the CH boundary and without significant PMV populations.

Clearly marked pass-through routes should be established every half-mile to mile along the central closure to allow OHVs to access open areas to the east from the Sand Highway and remove the temptation to cross the closed area. It will not be difficult to

locate areas that can be safely traversed without PMV; lateral sand ridges are frequent in the area and are currently used without affecting any PMV plants. This will also eliminate the necessity of rainfall-induced closure of DBF, as the temptation to closed CH area will be reduced by having regularly distributed designated crossings. The boundaries of the closure and the pass-throughs should be clearly marked and maintained.

Insect studies

The large number of unprocessed specimens makes this study incomplete. Since none of the species are listed by FWS or considered as Sensitive, it is difficult to evaluate its significance. Apparently, most of the collecting occurred in areas accessible by road, with little attention paid to the central dunes, where vegetation is better developed and disturbance due to human activity is less, so coverage of the dunes is incomplete.

The report states (sec.3.6.4, p. 3-28 through 3-32) that less than 2% of insect specimens collected have been identified and processed, and that collection localities were not comprehensive in their coverage of the dunes. Since no Special Status insects are apparently known from the PA, it is questionable why the lengthy insect report is included as Appendix G of vol. II. While the information is interesting and not available elsewhere, the DRAMP does not seem to be a relevant place to present it. Perhaps one of the several available PMV reports could be inserted in its place?

On p. 3-30, sec. 3.6.4.6, Human Impacts on insects, *Tiquilia plicata*, listed as a plant associated with various insects, is much more widespread than indicated. It is in fact one of the most common associates of PMV and associated shrubs in the central dunes. The report also states that it is “endemic;” to where is not specified. In fact, its distribution includes the head of the Gulf of California in Sonora and Baja California, Mexico; southern California; western Arizona; and southern Nevada. It is “endemic” to many desert areas of the Greater Southwest and northern Mexico.

Microphyll woodland

This is an environmentally sensitive area the importance of which extends well beyond the list of birds recorded there. It is home to many other desert animals, as well as a specialized suite of plant species. Unlike the dunes, damage in the woodland is not repaired with the next wind storm. I have not personally seen the microphyll woodland areas south of Wash 25 or in the north dunes area, so I cannot evaluate or compare the two areas. However, I am very familiar with comparable microphyll woodland areas in the Sonoran Desert in southwestern Arizona and have come to appreciate their importance in the overall landscape.

BLM has apparently not conducted vegetation and habitat analysis studies within the microphyll woodland (Appendix O, p. 19). Since vegetation is the underlying component not only for the avifauna component reported, but also for all other elements of the microphyll woodland community, a comprehensive baseline analysis of the plant community would seem to be an imperative component of any decision-making process that involves Alternatives affecting management of the microphyll woodland. The report included as Appendix O also cites deficiencies in the avifauna analysis including sampling shortcomings and errors that should be resolved before an informed management decision is possible. The decision to implement camping restrictions but not travel restrictions in Alternative 8 (but not in other Alternatives) appears to have been arbitrary and should be further explained. Decisions involving management alternatives for the microphyll woodland appear to have been made prematurely and without adequate scientific study and analysis.

Other concerns

P. 3-123 sec. 3.16.4 – the last sentence states “the 1994 CDPA designated the North Algodones Dunes Wilderness within the Planning Area, **withdrawing it from all forms of land entry**. This is inconsistent with sec. 3.12.11, p. 3-95, which states that [the] **wilderness area is closed permanently to OHVs and other mechanized use, with hiking and horseback access permitted**.

Pages 4-32 and 4.33, and Table 4-6, and Appendix F, page F-4, do not appear to agree on the number of acres open and closed to OHVs under the various alternatives.

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