

**PROPOSED EXPANSION PLAN
FOR
FORT IRWIN AND THE NATIONAL TRAINING CENTER**

I. Executive Summary.

Congress directed the Department of the Army and Department of the Interior to draft a proposed plan that would expand the maneuver training lands at the National Training Center while protecting endangered and threatened species and their critical habitats. Public Law 106-554, *Consolidated Appropriations Act, 2001*, incorporates by reference H.R. 5666, *Miscellaneous Appropriations*, Section 323 of which calls upon the Secretaries jointly to provide to Congress the key elements of the proposed expansion plan no later than 45 days after enactment. Within 90 days after enactment, the Director of the Fish and Wildlife Service is to provide the Secretaries with a preliminary review of the plan that identifies an approach for implementing the plan consistent with the Endangered Species Act. Within 120 days of enactment, the Secretaries are required to submit a proposed expansion plan and to propose legislation for the withdrawal and reservation of public lands for the National Training Center expansion. All activities are to be taken in full compliance with the Endangered Species Act, the National Environmental Policy Act, and other applicable laws and regulations.

In partial satisfaction of the requirements of the Fort Irwin National Training Center Expansion provision, the Secretaries submitted the Key Elements Report to Congress on January 12, 2001, identifying the proposed expansion areas that are necessary to meet training requirements and setting forth proposed conservation measures to preserve and protect sensitive species and their habitats.

On March 28, 2001, the Director of the Fish and Wildlife Service provided the Secretaries with a Preliminary Review of the plan, identifying an approach for implementing the proposed expansion plan consistent with the Endangered Species Act. The Fish and Wildlife Service reviewed the key elements of the proposed expansion plan, including the proposed conservation measures, and provided its preliminary analysis of the effects of the proposed expansion on the desert tortoise and the Lane Mountain milkvetch. The Service also provided information on the aspects of an expansion for which additional information must be developed prior to the initiation of formal consultation pursuant to section 7(a)(2) of the Endangered Species Act. The Service noted that although it had attempted to provide the most complete analysis possible, the receipt of new information between the date of the Preliminary Review and the conclusion of formal consultation may alter the conclusions it reached. The purpose of the Preliminary Review was to provide early information so the Department of the Army could prepare an expansion proposal that includes appropriate measures for ameliorating the effects to the desert tortoise and Lane Mountain milkvetch. The Preliminary Review does not constitute the Fish and Wildlife Service's biological opinion for the National Training Center's proposed expansion.

This Proposed Expansion Plan builds on the comments provided by the Fish and Wildlife Service in its *Preliminary Review of the Effects of the Expansion of the National Training Center/Fort Irwin on the Desert Tortoise and Lane Mountain Milkvetch* and is submitted concurrently with a draft of proposed legislation providing for the withdrawal and reservation of public lands for the expansion of the National Training Center. We understand and reiterate to the Congress and to the public that these documents do not substitute for the processes required under the Endangered Species Act, the National Environmental Policy Act, or other applicable laws and regulations.

II. Introduction.

The National Training Center (NTC) at Fort Irwin, California, is the only instrumented training area in the world suitable for force-on-force and live fire training of heavy brigade-sized military forces. It provides the Army with essential training opportunities necessary to maintain and improve military readiness and promote national security. The NTC must be expanded to meet the critical need of the Army for additional training lands suitable for the maneuver of large numbers of military personnel and equipment, which is necessitated by advances in equipment, by doctrinal changes, and by Army Transformation requirements.

The lands being considered for expansion of the NTC are home to the desert tortoise (*Gopherus agassizii*) and Lane Mountain milkvetch (*Astragalus jaegerianus*), which are protected under the Endangered Species Act of 1973 (ESA), 16 U.S.C §§ 1531 et seq. Any plan for the expansion of the NTC must provide for such expansion in a manner that complies with the ESA, the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321 et seq., and other applicable laws.

By legislation, Public Law 106-554, *Consolidated Appropriations Act, 2001*, incorporating by reference H.R. 5666, *Miscellaneous Appropriations*, Section 323, entitled *Fort Irwin National Training Center Expansion* (Attachment 1), Congress directed the Secretaries of the Interior and Army to:

1. Within 45 days of enactment, prepare and submit to Congress a joint report on key elements of a proposed plan to expand the NTC and to provide for conservation measures;
2. Within 90 days of enactment, obtain the U.S. Fish and Wildlife Service's (FWS) preliminary review of the proposed expansion plan for the purpose of identifying an approach for implementing the plan consistent with the ESA;
3. Within 120 days of enactment, prepare and submit to Congress a proposed expansion plan that takes into account the content of the FWS's preliminary review;

4. Within 120 days of enactment, prepare and submit to Congress proposed legislation providing for withdrawal and reservation of public lands for the expansion of the NTC;
5. Initiate as soon as practicable, and complete within 24 months of enactment, consultation required under Section 7 of the ESA; and
6. Within 30 months of enactment, complete any analysis required under NEPA.

III. Fort Irwin and the National Training Center.

A. Establishment, Purpose, and Mission.

In 1940, President Roosevelt established the Mojave Anti-Aircraft Range, a military reservation of 1,000 square miles, in the area of present-day Fort Irwin. In 1942, the post was re-named Camp Irwin in honor of Major General G. Leroy Irwin, World War I commander of the 57th Field Artillery Brigade. The post was deactivated in 1944. It was reactivated in 1951 as a training center for combat units in the Korean War.

The post was designated a permanent Class 1 installation in August 1961 and was designated Fort Irwin. During the Viet Nam buildup, many units, primarily artillery and engineer, were trained and deployed to Southeast Asia directly from the post.

In January 1971, the post was again deactivated and placed in maintenance status under the control of Fort McArthur, California. Despite deactivation, the post continued to serve as a training site for the National Guard and Army Reserve.

On October 16, 1980, Fort Irwin was selected from several candidates to become the site of the new National Training Center. On July 1, 1981, Fort Irwin was reactivated as an active Army installation.

The mission of the NTC since its inception has been to provide tough, realistic combined arms and joint training to be conducted under conditions that must remain relevant to the combat situations our forces must face. Advances in weaponry, demands in logistics and command/control, and developments in information technology emphasize the need to train brigades across the full spectrum of operations. Such training carries the added benefit of allowing brigades to be trained with their full complement of combat and support units during each NTC rotational training exercise. These larger training operations enhance the development of doctrine and technology for the future. The NTC is limited by its current available acreage to provide a realistic training environment to meet the expanding needs of Army brigades.

B. Need for Expansion.

The expansion of the NTC at Fort Irwin is essential to maintaining operational readiness for national security. It is the only instrumented training area in the world suited for force-on-force and live fire training of heavy brigade-sized and battalion task forces. Advances in equipment (e.g., longer engagement ranges of weapon systems), doctrinal changes (expansion of the battlespace by at least a factor of four), and the ongoing Army Transformation require the expansion.

Because of advances in weapon systems, brigades and battalions are required to cover more ground; they operate in dispersed areas of operation; mass to conduct decisive combat operations; and then disperse again. Units are required to cover and operate over more ground than ever before -- 50km¹ x 100km, as opposed to the 26km x 58km-maneuver space currently available. These factors drive the Army's requirement for additional maneuverable training land at the NTC to accommodate brigade-sized and battalion task force training operations.

When Fort Irwin was designated the NTC in 1980, tactics were structured around equipment that could effectively engage an enemy at ranges of 1 to 12 miles. Today, the Army effectively engages the enemy at ranges up to 60 miles away. Also, the pace of tactical operations has increased from 10 miles per hour to more than 25 miles per hour. The effectiveness of NTC training were first demonstrated during Desert Storm, and the success of the Army during Desert Storm was directly attributable to having trained with these new weapon systems at the NTC.

C. History and Alternatives.

In the mid-1980s, the need for additional land for training at the NTC was identified because of changes in doctrine, equipment, and tactics. This need was subsequently validated and quantified by two Land Use Requirements Studies (LURS). The studies indicated a shortfall of about 193,000 net maneuverable acres on the NTC to adequately meet training needs. Various alternatives were developed and studied to enable the NTC to meet the needs identified in the LURS. These alternatives included variations of land configurations adjacent to the NTC, as well as use of other military installations. Each of the studied alternatives presented disadvantages as to impacts on the environment, training value of the land, cost, and co-use complications.

The Army has identified a proposed expansion plan that incorporates the advantages of both an eastern and western expansion. This alternative involves acquisition of approximately 110,000 new acres on the east (East Gate parcel) and southwest (Superior Valley parcel) sides of the existing NTC and the return to training use of about 22,000 acres in the south that are currently set aside on the NTC. While this total is less than the 193,000 acres identified in the LURS, it satisfies the most critical needs for additional maneuver lands, while taking into

¹ 1 kilometer equals approximately 0.62 miles.

account the Army's environmental stewardship responsibilities.

The Superior Valley parcel and the area south of the UTM 90 line would be used for these brigade-sized force-on-force maneuvers. This training involves the rapid movement of large numbers of tracked and wheeled vehicles over extensive areas. The East Gate parcel would be used primarily as a staging area.

IV. West Mojave Desert.

A. Endangered and Threatened Species.

Twelve federally listed threatened and endangered species are found within the West Mojave Desert. These include endemic plants with a very limited range to wide ranging species that are endangered by disease and human-related actions. An additional 106 unlisted species have been identified as target species for protection by the West Mojave Desert Coordinated Management Plan (West Mojave Plan), a habitat conservation plan that is being prepared in accordance with section 10(a)(1)(B) of the ESA, 16 U.S.C. § 1539(a)(1)(B). This plan is described in greater detail in section C of this part of the Report.

Two listed species occur within the proposed Fort Irwin expansion area -- the desert tortoise and the Lane Mountain milkvetch. Training activities on the proposed Fort Irwin expansion lands will not proceed unless the Army ensures, pursuant to section 7(a)(2) of the ESA, 16 U.S.C. § 1536(a)(2), and in consultation with the FWS, that the training activities will not be likely to jeopardize the continued existence of these species or destroy or adversely modify any designated critical habitat. Critical habitat is defined as areas that contain the physical or biological features essential to the conservation of the species, and that may require special management considerations or protection.

1. Desert Tortoise.

On August 4, 1989, the FWS published an emergency rule listing the Mojave population of the desert tortoise as endangered. In its final rule, dated April 2, 1990, the FWS determined the Mojave population of the desert tortoise to be threatened. The desert tortoise was listed in response to habitat loss and degradation caused by numerous human activities including urbanization, agricultural development, military training, recreational use, mining, and livestock grazing. The loss of individual desert tortoises to increased predation by common ravens (*Corvus corax*), collection by humans for pets or consumption, collisions with vehicles on paved and unpaved roads, and mortality resulting from diseases also contributed to the FWS's listing of this species. In 1994, the FWS designated critical habitat for the desert tortoise that includes substantial tracts of land on and around Fort Irwin, including the Superior Valley portion of the proposed expansion area. 59 Fed. Reg. 5820-5866 (1994). Additional information is available in the U.S. Fish and Wildlife Service *Desert Tortoise (Mojave Population) Recovery Plan*, 1994

(FWS 1994).

2. Lane Mountain Milkvetch.

The final rule determining endangered status for the Lane Mountain milkvetch was published on October 6, 1998 (63 *Federal Register* 53596). The FWS has not proposed or designated critical habitat for the Lane Mountain milkvetch. Little is known about the life history of the Lane Mountain milkvetch. Presumably, as with other perennial species in the Mojave Desert, the plant begins growth in the late fall or winter, once sufficient soil moisture is available, and goes dormant in the late spring or summer when soil moisture has been depleted. Blooming typically occurs in April and May.

Threats to the Lane Mountain milkvetch include habitat destruction from dry wash gold mining, other mining activities (materials lease mining), rock and mineral collecting, off-highway vehicle (OHV) activity, and potentially from increasing fire frequency and any associated fire suppression activities. The proximity of the species to roads, active mining areas, and private lands and dwellings (at the Coolgardie Mesa site) render the Lane Mountain milkvetch vulnerable to unplanned, potentially destructive, human activities, such as land clearing, OHV activity, and unauthorized or unregulated mining. Non-native annual grasses that have been spread as a result of road grading and grazing activities can facilitate the spread of fire when they occur in desert ecosystems. Where non-native grasses occur in burned areas of the Mojave Desert, seed banks of species present were affected and species richness was reduced. The resulting shifts in species composition could ultimately prove to be deleterious for a species as rare as the Lane Mountain milkvetch.

Because of the small numbers of populations and total number of individuals, Lane Mountain milkvetch is also vulnerable to extinction caused by random (stochastic) natural events. Natural random events, such as fluctuations in climate including short- or long-term drought and severe storm events that cause fire, flooding, erosion, or deposition on habitat for the species, can reduce the viability of populations, or eliminate them altogether.

The FWS is currently drafting a recovery plan. Actions identified as needed to achieve the recovery of this species include protection and management of existing habitat; surveys for additional populations; research on management-oriented issues, demographics, life history, and ecology; establishment of an off-site seedbank; and restoration of degraded habitat.

B. Sensitive Species.

A number of unlisted, but sensitive, plants and animals occur within the proposed expansion area. Animals include the LeConte's thrasher, Bendire's thrasher, golden eagle, prairie falcon, burrowing owl, and the state-listed Mohave ground squirrel. Plants include small-flowered androstephium, desert cymopterus, Barstow woolly sunflower, alkali mariposa lily, and Clokey's cryptantha. Many of the mitigation measures that will be implemented to protect listed species, especially land acquisition, should have a salutary impact on these sensitive species.

C. Description and Purpose of Proposed West Mojave Desert Wildlife Management Areas.

The *Desert Tortoise (Mojave Population) Recovery Plan* (FWS 1994) recommended that four Desert Wildlife Management Areas (DWMA) be established within the West Mojave Desert: Superior-Cronese, Fremont-Kramer, Ord-Rodman, and Joshua Tree. These areas consist of approximately 1.5 million acres of habitat that is considered essential to the conservation of tortoises. Through the West Mojave planning process, biologists used 1998 and 1999 tortoise survey information, land ownership patterns, and discussion with scientists and agency personnel to propose DWMA boundaries for consideration by the West Mojave Supergroup, a group that includes federal, state, and local agency officials, as well as representatives of the environmental community and development interests. The Superior Valley portion of the proposed expansion area lies within the proposed Superior-Cronese DWMA. If the proposed expansion goes forward, the boundaries of this proposed DWMA will need to be changed to exclude most of these lands.

DWMAs will be managed for desert tortoise conservation. Protective management prescriptions would apply, with a goal of ensuring the long-term survival and recovery of the desert tortoise. Desert tortoise DWMAs would be designated by BLM as Areas of Critical Environmental Concern (ACEC), a designation applied to “public lands where special management attention is required . . . to protect and prevent irreparable damage to important . . . wildlife resources, or other natural systems or processes.” (43 C.F.R. §1601.0-5)

D. Description and Purpose of Wilderness Study Areas.

Five former BLM Wilderness Study Areas (WSA) identified in the 1980 California Desert Conservation Area Plan lie adjacent to the National Training Center. The Death Valley National Park Boundary, Kingston, Avawatz Mountains, South Avawatz Mountains, and Soda Mountains WSAs were legislatively designated in October 1994 by the California Desert Protection Act (CDPA) and the public lands withdrawn from entry. The CDPA allowed these areas to remain under wilderness review pending a final decision on the National Training Center expansion.

The proposed expansion area affects two of the designated WSAs: a portion (approximately 20 percent) of the Avawatz Mountains WSA and all of the South Avawatz WSA. Although not directly affected, the Soda Mountains WSA would border the proposed expansion area, separated by the Boulder Utility Corridor (Corridor D). A legislative authorization for a Fort Irwin expansion and public land withdrawal for military purposes would result in a release of a small portion of the Avawatz and the entire South Avawatz WSAs from further consideration for wilderness designation. It would also, however, free the Congress to make final decisions to designate wilderness areas on the remaining portion of the Avawatz WSA, as well as on the Soda Mountain, Kingston, and Death Valley National Monument Boundary

WSAs.

E. West Mojave Desert Coordinated Management Plan.

The West Mojave Plan is a habitat conservation plan that is being prepared in accordance with section 10(a)(1)(B) of the ESA, 16 U.S.C. § 1539(a)(1)(B). The Bureau of Land Management (BLM) is one of several agencies and local jurisdictions involved in its preparation.

Although BLM has provided the leadership for the plan, the FWS, California Department of Fish and Game, four counties, 11 cities, and numerous other stakeholders are participating in the development of the West Mojave Coordinated Management Plan for a 9.5-million acre area in the western Mojave Desert. As noted previously, these parties are working together as the West Mojave Supergroup to prepare the plan. The goal of this planning effort is to develop a programmatic consultation for public lands and a habitat conservation plan for non-federal lands, pursuant to sections 7(a)(2) and 10(a)(1)(B) of the ESA, respectively, that would function to conserve listed and sensitive species and expedite the process of complying with the ESA. This planning effort was initiated in 1992; a draft environmental impact statement and habitat conservation plan should be released for public review in Spring 2002. The plan's implementation depends upon the stakeholders' ability to agree on an array of land uses that can be approved by the FWS and California Department of Fish and Game.

The West Mojave Plan is designed to meet two needs. First, the plan will establish a consistent, regional conservation strategy to conserve and recover populations of the desert tortoise and other sensitive species within the West Mojave Desert. Local governments and agencies having jurisdiction over portions of this area would implement a single, consistent wildlife management program, based upon the best science reasonably available.

Second, the plan will establish an improved and streamlined process for compliance with the federal and California endangered species acts. Non-federal entities, such as the cities and counties participating in the plan, would be issued incidental take permits pursuant to section 10(a)(1)(B) of the ESA, 16 U.S.C. § 1539(a)(1)(B), that would allow future development projects to be approved quickly and with predictable measures to minimize and mitigate the incidental take associated with their projects. Federal agencies, such as the BLM, would consult with the FWS pursuant to section 7(a)(2) of the ESA, 16 U.S.C. § 1536(a)(2), on the implementation of the plan. Ongoing activities authorized, funded, or implemented by the participating federal agencies would include standard procedures, developed during the planning effort, to conserve listed and other sensitive species. The plan will also use standardized guidelines to facilitate streamlined evaluation of larger actions that may affect listed and sensitive species.

Section 323(g) of Public Law 106-554 notes that any analysis required under the National Environmental Policy Act of 1969 (NEPA) with respect to the proposed expansion of the National Training Center shall be coordinated, to the extent practicable and appropriate, with the review of the West Mojave Coordinated Management Plan. As details of the proposed expansion and the West Mojave Coordinated Management Plan are developed, such analysis will

be possible; indeed, this analysis is required for the decision-makers and the public to fully understand the effects and relationship of the two projects.

If Fort Irwin expands as proposed, conserving sensitive species in the western Mojave Desert will become more difficult, because most of the lands in the proposed expansion area will no longer be available for species conservation purposes. The conservation measures proposed as part of the expansion should be taken into account as the West Mojave Coordinated Management Plan is developed. Consequently, the development of the West Mojave Coordinated Management Plan and the proposed expansion of Fort Irwin should be coordinated closely to ensure that the adverse and beneficial impacts of both actions can be fully considered in the decision-making processes.

F. Research Natural Areas to Protect and Promote Conservation of Desert Tortoise.

Research natural areas (RNA) can be established to protect public lands having natural characteristics that are unusual or that are of scientific or other special interest (43 C.F.R. § 8223.0-1). Their primary purpose is to allow “research and education because the land has one or more of the following characteristics: . . . A threatened or endangered plant or animal species.” (43 C.F.R. § 8223.0-5).

Two areas adjacent to the proposed expansion area meet the standard for establishing a research natural area. An East Alvord Mountain RNA would straddle the boundary between the National Training Center and the adjacent BLM public lands. The Department of Army currently supports several ongoing research projects in the proposed East Alvord Mountain RNA, including important work involving the biology of hatchling desert tortoises. The desert tortoise populations in this area are – for the most part – currently disease-free. A Paradise Valley RNA would include an important desert tortoise population immediately adjacent to the Superior Valley expansion area. Due to its isolation, threats to desert tortoise populations in this area are low. Those populations are also relatively disease-free.

Both of these proposed RNAs lie within the ACEC to be established for the Superior-Cronese Desert Wildlife Management Area described above. Establishment of the two small RNAs will complement the management and protection to be provided by the larger ACEC.

V. Key Elements of Proposed Expansion Plan.

A. Assumptions.

Army must establish a second, brigade-sized maneuver corridor at the NTC. Currently, the Army has only one maneuver corridor suitable for brigade-sized maneuvers. The second corridor must enable units to operate over an area of 90 kilometers in depth and 15-40 kilometers in width.

The expansion must be expedited to satisfy the training needs of the new interim brigade

combat teams (IBCT) that are scheduled to train at the NTC in 2003. The new IBCT features improved mobility and acquisition capability, enabling it to detect and fight enemy forces at longer ranges and move faster over hostile terrain. Additionally, the Army is changing its doctrine to combat current and future threats. This new doctrine requires Army units to fight with dispersed elements over a greater zone of action.

The expansion must comply with applicable environmental laws and regulations, including the ESA and NEPA.

No maneuver training may begin until environmental requirements have been met. Interior and Army acknowledge that limited activities may be conducted on the expansion lands, after an appropriate environmental analysis and provided that such activities do not constitute an irreversible or irretrievable commitment of resources that would have the effect of foreclosing the formulation or implementation of reasonable and prudent alternatives necessary to avoid jeopardizing the continued existence of a listed species or adversely modifying critical habitat, as required by section 7(d) of the ESA, 16 U.S.C. § 1536(d). Such activities may include, but are not limited to: surveys for plants and animal life subject to any permits required by FWS or California Department of Fish and Game, land surveys, soils and geology investigations, RF spectrum analysis and testing, pre-construction surveys, equipment testing that will not result in any soils or vegetation disturbances, and siting of antenna facilities in the proposed expansion area directly to the east of the NTC.

B. Expansion of Fort Irwin and the NTC.

The proposed expansion includes two parcels of land contiguous with the existing NTC boundaries. Parcel 1 (Superior Valley) is situated west of the NTC and contains about 63,673 acres. It is roughly rectangular in shape with its eastern-most boundary contiguous with NTC's southwest corner. The parcel is bounded on the north by the China Lake Naval Air Weapons Station Mojave B Range; on the south by the Paradise Range and Lane Mountain, and on the west by Superior Dry Lake. Parcel 2 (East Gate) includes about 46,438 acres directly east of and contiguous with the NTC. It is bounded on the north by the Avawatz Mountains with its eastern and southern boundaries running adjacent to the Boulder Utility Corridor (Corridor D). The area of NTC that is proposed to be returned for training use (UTM 90 Gridline Area) is composed of about 22,139 acres on the southern-most portion of the NTC. It is comprised of a rectangular shaped piece of approximately 26 kilometers by 3 kilometers. These lands are shown on maps as located below the UTM 90 Gridline. The proposed expansion areas described above are depicted on the attached map.

Subject to limited exception, the UTM 90 Area (approximately 22,139 acres) would be opened for maneuver training, thereby completing the needed brigade-sized maneuver corridor, for a total of 132,250 additional acres for maneuver training.

With the expansion described above, the Army expects that maneuver training

requirements can be met without expansion into Paradise Valley, which contains sensitive desert tortoise habitat.

C. Conservation Measures.

Public Law 106-554 authorizes appropriation of \$75 million to the Secretary of the Army for conservation measures necessary to comply with the ESA for listed species impacted by the proposed expansion. These proposed conservation measures would be provided for with this funding and are based on analysis of potential impacts of the proposed Fort Irwin expansion. The conservation measures are intended to offset direct and indirect impacts of the proposed expansion, and are part of the Fort Irwin expansion proposal that will be reviewed during consultation under Section 7(a)(2) of the ESA, 16 U.S.C. § 1536(a)(2). Additional conservation benefits provided by the Army through supplemental on-the-ground management actions not identified below will be considered at the time the Section 7 consultation is conducted.

A Working Group, composed of staff from the Army, FWS, California Department of Fish and Game, and BLM, will evaluate proposals for land acquisition and other conservation measures (e.g., research needs and priorities, management practices) to ensure they meet the appropriate criteria and provide for adequate conservation of the species to reduce or offset the impacts of the proposed expansion. The FWS, after consultation with the Working Group, will make the final determination as to whether any specific parcel of land should be acquired or whether any other conservation measure, including research, is appropriate and should be funded with the authorized appropriations.

Conservation measures under consideration include:

1. In addition to withdrawal of the lands described above for maneuver training, an additional 484 acres will be withdrawn to expand the existing Fort Irwin Study Site to approximately 10 square kilometers. The research conducted at this site has provided valuable insight into the ecology of hatchling desert tortoises. Fort Irwin and BLM may jointly manage this area, which will be adjacent to BLM lands that will constitute the new East Alvord Mountain Research Natural Area.
2. To the extent practicable and consistent with military needs and the ESA, the Army will seek to manage appropriate areas of the UTM 90 Area in such a way as to protect the desert tortoise and its habitat. To assess the potential effects of this measure, the Army should clearly define in their biological assessment which areas would be used for training or be available for conservation of the desert tortoise.
3. The BLM will designate an area just south of Fort Irwin as an Area of Critical Environmental Concern (ACEC). Approximately 3100 acres of existing Fort Irwin lands will become part of this ACEC to be managed by BLM. This area encompasses critical habitat for the desert tortoise and establishes a land bridge between populations of desert tortoise located

east and west of the installation. It also assures that Fort Irwin will not be expanded to the south in the future. The BLM will manage this ACEC for the protection and conservation of the desert tortoise and its habitat and for research on the desert tortoise. The designation of an ACEC through an amendment to the California Desert Conservation Area Plan could increase protection for the desert tortoise. The level of protection that would be afforded to the desert tortoise by the ACEC would depend primarily on the management prescriptions that would be subsequently developed in a management plan for the area. To conserve the desert tortoise in this area, the following actions should be required:

- (a) All non-federal lands or their development rights within this area must be acquired;
- (b) The effects of activities that may conflict with conservation of the desert tortoise and Lane Mountain milkvetch must be eliminated or minimized through the land use planning or withdrawal processes;
- (c) A route network for vehicle access must be designated so as to ensure large blocks of undisturbed habitat are available for the desert tortoise;
- (d) Closed routes must be restored at least to the degree that they can no longer be used by vehicles; and
- (e) An on-the-ground presence must be maintained to ensure compliance with the protective measures for this ACEC.

The Army should also consider in its biological assessment which lands within the existing National Training Center south of the UTM 90 line supporting substantial numbers of desert tortoises can be added to this ACEC, thereby increasing the conservation value of this ACEC.

4. The BLM will establish other Areas of Critical Environmental Concern that encompass wildlife management areas in the West Mojave Desert. The ACECs will provide special management attention to protect and prevent irreparable damage to important wildlife resources within areas (see 43 C.F.R. § 1601.0-5). As discussed previously, ACECs can provide substantial conservation benefits to the desert tortoise and Lane Mountain milkvetch if the appropriate measures are adopted. ACECs should be of sufficient area to conserve the desert tortoise in the western Mojave Desert. The ACECs currently being evaluated for the West Mojave Coordinated Management Plan provide reasonable conservation areas for the desert tortoise. Each ACEC should also be managed in a manner that promotes the conservation of the desert tortoise. In addition to the management prescriptions listed above, additional management prescriptions could include, but are not limited to, fencing to prevent desert tortoises from entering roads where they may be crushed; an examination of potential sources of environmental contamination and remediation of any such areas, if needed; control of feral and domestic dogs; and eliminating threats from mining and other activities that threaten the desert tortoise and the Lane Mountain milkvetch.

5. The BLM will establish an East Alvord Mountain Research Natural Area and a Paradise Valley Research Natural Area. Establishment of a mechanism through the West Mojave

Plan for designating additional RNAs to support future research as the need arises, which might include, for example, RNAs encompassing areas to which desert tortoises are translocated; hatchling tortoise production areas; epidemiological research areas; or urban interface study areas.

6. Non-federal lands or development rights on such lands within the wildlife management areas in the West Mojave Desert will be acquired. The recovery plan for the desert tortoise cites such acquisitions as being important for the long-term survival and recovery of the species. This measure is the most important action for offsetting the impacts of the proposed expansion. In order to achieve the conservation goals of the acquisitions, any areas that are acquired should be managed in the manner similar to that applicable to ACECs. These areas would be segregated into distinct acquisition polygons, and priorities would be established for acquiring lands within those polygons. Lands or development rights would be acquired from willing sellers in areas with the greatest potential for contributing to the conservation and recovery of desert tortoise populations within the Western Mojave Tortoise Recovery Unit.

The following criteria are proposed to guide the selection process:

- (a) Desert tortoise or Lane Mountain milkvetch occurrences;
- (b) Suitable desert tortoise habitats;
- (c) Overlap of desert tortoise, Lane Mountain milkvetch, and other sensitive species;
- (d) Potential for conflict with preservation of the desert tortoise, Lane Mountain milkvetch, and other sensitive species (preference being given to acquiring lands that have the most imminent threat of being developed);
- (e) Ability to facilitate vehicle route network implementation;
- (f) Relative disturbance (preference being given to acquiring lands that have the least amount of disturbance);
- (g) Relative distance from nearby development (preference being given to acquiring lands that have the most imminent threat of being developed); and
- (h) Cost of land.

7. Construction of barriers, fences, and other structures that are designed primarily to conserve the endangered or threatened species and their critical habitats may also be undertaken. Barriers and fences, if properly installed, can substantially reduce the level of mortality experienced by at least some populations of the desert tortoise. Fencing areas of the expanded National Training Center where substantial numbers of desert tortoises reside adjacent to the installation's boundary, in a manner that precludes desert tortoises from entering the facility and helps prevent military vehicles from leaving, would reduce the effect of the expansion on the desert tortoise. Fences to preclude desert tortoises from entering roads may be installed offsite as a means to offset the impacts of the expansion.

8. Conduct research studies on protecting and promoting conservation of the desert tortoise, Lane Mountain milkvetch, and other endangered or threatened species and their critical

habitats. The Working Group would make recommendations regarding research needs and priorities. The FWS will make the final determination regarding the research projects that will be funded with the authorized appropriations.

9. Other conservation measures that the Working Group may recommend as being necessary and appropriate to protect and promote the conservation of the desert tortoise, Lane Mountain milkvetch, and other endangered or threatened species and their critical habitats. The FWS will make the final determination as to whether a conservation measure should be funded with the authorized appropriations. These might include, but would not be limited to, the following:

- (a) Designation and implementation of a vehicle access network within the West Mojave wildlife management areas, including restoration of closed routes and signage. Particular consideration will be given to those areas where route designation and closure would best benefit the conservation of the desert tortoise, Lane Mountain milkvetch, and other special status species. These measures would benefit the desert tortoise and Lane Mountain milkvetch if implemented as part of the establishment of any ACEC and land acquisition. The highest priority for implementing such measures should be in the Rand Mountains and Fremont Valley, the Ord and Rodman Mountains, and south of the southeast portion of Edwards Air Force Base areas.
- (b) Establishment of a line distance sampling monitoring program for desert tortoise populations, to be implemented over 30 years throughout the West Mojave wildlife management areas based on the best available scientific information. The recovery plan for the desert tortoise recommends that a method to determine population trends be developed and implemented. Funding of this measure would allow land managers and the FWS to track the response of desert tortoise populations to conservation efforts.
- (c) An education program that promotes the conservation and recovery of the desert tortoise and the protection of the West Mojave Desert's wildlife management areas. Although information regarding the desert tortoise is currently available through the BLM, National Park Service, California Department of Parks and Recreation, and others, an educational program directed towards specific causes of decline (e.g., poaching) may benefit the desert tortoise.
- (d) Initial research or analysis to determine impacts of the proposed expansion that may occur outside training areas, such as, but not limited to, the effects of dust and obscurants on the desert tortoise and Lane Mountain milkvetch. The Army should consider in its biological assessment the potential for dust and obscurants to affect the desert tortoise and Lane Mountain milkvetch outside of the expansion area and any measures to avoid or minimize those effects. This research should be included in a complete package initiating formal consultation.

10. Withdrawal of BLM lands identified as necessary for the long-term survival and recovery of the desert tortoise and Lane Mountain milkvetch from mining, location, leasing, sale, entry, and other conflicting land uses in order to prevent the loss of the conservation value of the lands by these competing and incompatible uses. A withdrawal is the withholding of an area of public lands from settlement, sale, location or entry under some or all of the general land laws or for transfer of jurisdiction of the lands to another Federal agency. The type of actions prevented are usually those that are either non-discretionary or that lead to conveyance of title out of Federal ownership. The BLM's response to other actions that are discretionary (e.g., permits and rights-of-way,) is guided by land use planning decisions and subsequent plan implementation decisions (i.e., management plans for specific ACECs).

The BLM often uses the land-use planning process to identify areas of the public lands as not available for disposal rather than initiating a withdrawal process. For example, the Resource Management Plan or activity plan (ACEC Plan) could identify that public lands will not be disposed of or exclusion areas where rights-of-way would not be granted by the BLM. When this method is used, the only action that cannot be prevented by planning decisions is location under the mining law. A withdrawal would still be required to prevent mining locations.

To determine the effectiveness of this proposed measure, and of ACEC designation in general, the historic, current, and predicted impacts of the activities requiring control must be identified. Once these activities and their impacts have been identified, the actions necessary to control them, whether land-use planning or withdrawal, can be identified. This evaluation should be taken within any ACEC that is established to offset the effects of the proposed expansion on the desert tortoise and Lane Mountain milkvetch.

D. Water Rights.

The expansion does not establish a reservation in favor of the United States with respect to any water or water rights on the lands withdrawn and reserved by this title; or authorize the appropriation of water on lands withdrawn and reserved, except as may be accomplished in accordance with applicable State law. This expansion does not affect any water rights acquired or reserved by the United States before the date of the proposed withdrawal and reservation, including the right of the Army to exercise any such previously acquired or reserved water rights.

E. Mineral Withdrawal.

The Draft Proposed Withdrawal Legislation withdraws the lands from entry, location, leasing, and sale under the applicable public land laws and provides that the withdrawn lands shall not be open to any forms of appropriation under the general land laws, including the mining, mineral leasing, and geothermal leasing laws.

VI. Consideration of the Preliminary Review of the Key Elements of the Proposed

Expansion Plan.

The Director of the FWS provided the Secretaries with a Preliminary Review of the key elements of the proposed expansion plan. The Secretaries have relied on the Preliminary Review to assist in more precisely defining the nature and scope of an expansion plan for the NTC and to identify elements that must be addressed in the formal consultation process under Section 7 of the ESA. The Director's Preliminary Review does not constitute formal consultation under Section 7 of the ESA.

In addition to the FWS's specific comments regarding components of the Key Elements Report, the FWS has emphasized that any plan for the proposed expansion must contain measures that reduce and offset the adverse effects of the expansion. The Preliminary Review and the Key Elements Report describe several measures that could be taken to reduce or offset the effects of the proposed expansion on the desert tortoise and Lane Mountain milkvetch. In addition to the conservation measures already discussed, the Preliminary Review identified those measures believed to be the most important for implementing the proposed expansion plan consistent with the ESA.

The Army will consider all the following recommendations, and incorporate them, as appropriate, during development of the more detailed expansion plan subject to NEPA and ESA evaluation. In light of the efficacy of certain of these recommendations even now, the Army has initiated or implemented some of these recommendations. The Army will continue to evaluate the appropriateness of the following measures as part of the NEPA and ESA processes.

A. Additional Information. The Army is currently working to obtain information appropriate for initiation of formal consultation, including conducting surveys for the Lane Mountain milkvetch, developing detailed maps, and investigating the potential effects of obscurants. For example, the Army began its milkvetch survey effort in Spring 2001 since the plant is best located and identified during its Spring growing season. Thus far, the survey has identified plants, in numbers that may be significant, in previously unknown areas outside of the proposed expansion area.

B. Measures to Reduce the Effects of the Expansion.

1. Prior to ground-disturbing activities in areas of Lane Mountain milkvetch populations, fully conserve newly located occurrences of the Lane Mountain milkvetch that occur outside the proposed expansion area.

2. If no substantial new occurrences of the Lane Mountain milkvetch are found outside of the proposed expansion area, implement alternative conservation measures to protect the Lane Mountain milkvetch within the proposed expansion, including consideration of changes in the proposed boundary lines for the expansion.

3. Work with the FWS and BLM to determine the specific areas to fence and the specific type of fencing to be used to prevent military vehicles from straying outside of training areas and desert tortoises from entering training areas.

4. Develop a research program to determine whether obscurants or dust generated by training would degrade habitat of the desert tortoise outside of the NTC. Develop an adaptive management program that appropriately uses this research and its findings to reduce habitat degradation.

5. Consider altering the boundaries of the proposed expansion area near the Superior Dry Lakes to avoid clay soils that may generate dust if they are disturbed.

C. Measures to Offset Effects of Expansion.

1. Direct the majority of the funds to be appropriated to offset the effects of the proposed expansion to land acquisition within the Superior-Cronese and Frement-Kramer Critical Habitat Units. The Draft Proposed Expansion Plan proposes a reasonable means to prioritize acquisitions. The FWS should have final approval of any acquisition program. All lands set aside shall be managed for the conservation of the desert tortoise and Lane Mountain milkvetch. Activities that are not compatible include, but are not limited to, grazing, mineral entry, and new rights-of-way.

2. To offset impacts due to the expansion by enhancing the conservation of the desert tortoise, fence Highway 395, where it crosses designated critical habitat of the desert tortoise, the remainder of Highway 58, and Fort Irwin Road to preclude passage by desert tortoises. This effort should be closely coordinated with the California Department of Transportation.

Some of the conservation measures that may be implemented as part of the expansion may also be under consideration in the West Mojave Coordinated Management Plan. Thus, the Army, BLM, and FWS will coordinate, to the extent practicable and appropriate, the NEPA and ESA processes with the review of the West Mojave Coordinated Management Plan

VII. Proposed Expansion Plan and Proposed Withdrawal Legislation.

This Draft Proposed Expansion Plan has taken into account the content of the Preliminary Review by the Director of the FWS, and incorporated various provisions where appropriate. Other aspects of the FWS's Preliminary Review will be considered during the Army's development of its biological assessment prior to initiation of its formal consultation under Section 7 of the ESA or during the required evaluation under NEPA. After introduction of legislation proposing withdrawal of the lands needed for the expansion of the NTC, the Secretaries shall publish a "notice of availability" in the Federal Register and shall make this Draft Proposed Expansion Plan available to the public.

Ground-disturbing military use of the land to be withdrawn will not occur until the Secretaries certify that there has been full compliance with the ESA, NEPA, and other applicable laws.

VIII. Compliance with Environmental and Other Laws.

The Secretaries shall initiate formal consultation pursuant to Section 7 of the ESA as soon as practicable and shall complete such consultation not later than two years after enactment of legislation withdrawing and reserving the proposed expansion lands. The Secretaries shall complete any analysis required under NEPA not later than six months following completion of the formal consultation required under Section 7 of the ESA. The analysis shall be coordinated, to the extent practicable and appropriate, with the review of the West Mojave Coordinated Management Plan. The Secretaries shall comply with requirements of all applicable laws.

Appendix 1

H.R. 5666 Miscellaneous Appropriations (extract)

(146 Cong. Rec. H12262, December 15, 2000)

Incorporated by reference into

Public Law 106-554, Consolidated Appropriations Act, 2001

SEC. 323. FORT IRWIN NATIONAL TRAINING CENTER EXPANSION.

(a) FINDINGS.--Congress makes the following findings:

(1) The National Training Center at Fort Irwin, California, is the only instrumented training area in the world suitable for live fire training of heavy brigade-sized military forces and thus provides the Army with essential training opportunities necessary to maintain and improve military readiness and promote national security.

(2) The National Training Center must be expanded to meet the critical need of the Army for additional training lands suitable for the maneuver of large numbers of military personnel and equipment, which is necessitated by advances in equipment, by doctrinal changes, and by Force XXI doctrinal experimentation requirements.

(3) The lands being considered for expansion of the National Training Center are home to the desert tortoise and other species that are protected under the Endangered Species Act of 1973, and the Secretary of Defense and the Secretary of the Interior, in developing a plan for expansion of the National Training Center, must provide for such expansion in a manner that complies with the Endangered Species Act of 1973, the National Environmental Policy Act of 1969, and other applicable laws.

(4) In order for the expansion of the National Training Center to be implemented on an expedited basis, the Secretaries should proceed without delay to define with specificity the key elements of the expansion plan, including obtaining early input regarding national security requirements, Endangered Species Act of 1973 compliance and mitigation, and National Environmental Policy Act of 1969 compliance.

(b) PURPOSE.--The purpose of this section is to expedite the expansion of the National Training Center at Fort Irwin, California, in a manner that is fully compliant with environmental laws.

(c) PREPARATION OF PROPOSED EXPANSION PLAN.--

(1) PREPARATION REQUIRED.--The Secretary of the Army and the Secretary of the Interior (in this section referred to as the "Secretaries") shall jointly prepare a proposed plan for the expansion of the National Training Center at Fort Irwin, California.

(2) SUBMISSION AND AVAILABILITY.--The plan required by paragraph (1) (in this section referred to as the "proposed expansion plan") shall be completed not later than 120 days after the date of the enactment of this Act. When completed, the Secretaries shall make the proposed expansion plan available to the public and shall publish in the Federal Register a "notice of availability" concerning the proposed expansion plan.

(d) KEY ELEMENTS OF PROPOSED EXPANSION PLAN.--

(1) JOINT REPORT.--Not later than 45 days after the date of the enactment of this Act, the Secretaries shall submit to Congress a joint report that identifies the key elements of the proposed expansion plan.

(2) LANDS WITHDRAWAL AND RESERVATION.--The proposed expansion plan shall include the withdrawal and reservation of an appropriate amount of public lands for--

(A) the conduct of combined arms military training at the National Training Center;

(B) the development and testing of military equipment at the National Training Center;

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(C) other defense-related purposes; and

(D) conservation and research purposes.

(3) CONSERVATION MEASURES.--The proposed expansion plan shall also include a general description of conservation measures, anticipated to cost approximately \$75,000,000, that may be necessary and appropriate to protect and promote the conservation of the desert tortoise and other endangered or threatened species and their critical habitats in designated wildlife management areas in the West Mojave Desert. The conservation measures may include--

(A) the establishment of one or more research natural areas, which may include lands both within and outside the National Training Center;

(B) the acquisition of private and State lands within the wildlife management areas in the West Mojave Desert;

(C) the construction of barriers, fences, and other structures that would promote the conservation of endangered or threatened species and their critical habitats;

(D) the funding of research studies; and

(E) other conservation measures.

(d) PRELIMINARY REVIEW OF EXPANSION PLAN.--

(1) REVIEW REQUIRED.--Not later than 90 days after the date of the enactment of this Act, the Director of the United States Fish and Wildlife Service shall submit to the Secretaries a preliminary review of the proposed expansion plan (as developed as of that date). In the preliminary review, the Director shall identify, with as much specificity as possible, an approach for implementing the proposed expansion plan consistent with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(2) RELATION TO FORMAL REVIEW.--The preliminary review under paragraph (1) shall not constitute a formal consultation under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), but shall be used to assist the Secretaries in more precisely defining the nature and scope of an expansion plan for the National Training Center that is likely to satisfy requirements of the Endangered Species Act of 1973 and to expedite the formal consultation process under section 7 of such Act.

(3) CONSIDERATION OF PRELIMINARY REVIEW.--In preparing

the proposed expansion plan, the Secretaries shall take into account the content of the preliminary review by the Director of the United States Fish and Wildlife Service under paragraph (1).

(e) DRAFT LEGISLATION.--The Secretaries shall submit to Congress with the proposed expansion plan a draft of proposed legislation providing for the withdrawal and reservation of public lands for the expansion of the National Training Center. It is the sense of the Congress that the proposed legislation should contain a provision that, if enacted, would prohibit ground-disturbing military use of the land to be withdrawn and reserved by the legislation until the Secretaries have certified that there has been full compliance with the appropriate provisions of the legislation, the Endangered Species Act of 1973, the National Environmental Policy Act of 1969, and other applicable laws.

(f) CONSULTATION UNDER ENDANGERED SPECIES ACT OF 1973.--The Secretaries shall initiate the formal consultation required under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) with respect to expansion of the National Training Center as soon as practicable and shall complete such consultation not later than two years after the date of the enactment of this Act.

(g) ENVIRONMENTAL REVIEW.--Not later than six months following completion of the formal consultation required under section 7 of the Endangered Species Act of 1973 with respect to expansion of the National Training Center, the Secretaries shall complete any analysis required under the National Environmental Policy Act of 1969 with respect to the proposed expansion of the National Training Center. The analysis shall be coordinated, to the extent practicable and appropriate, with the review of the West Mojave Coordinated Management Plan that, as of the date of the enactment of this Act, is being undertaken by the Bureau of Land Management.

(h) FUNDING.--

(1) IMPLEMENTATION OF CONSERVATION MEASURES.--There are authorized to be appropriated \$75,000,000 to the Secretary of the Army for the implementation of conservation measures necessary for the final expansion plan for the National Training Center to comply with the Endangered Species Act of 1973.

(2) IMPLEMENTATION OF SECTION.--The amounts of \$2,500,000 for "Operation and Maintenance, Army" and \$2,500,000 for "Management of Lands and Resources, Bureau of Land Management" are hereby appropriated to the Secretary of the Army and the Secretary of the Interior, respectively, only to undertake and complete on an expedited basis the activities specified in this section.