

2.4 Relationship to the Key Elements Report to Congress and Preliminary Review of the Expansion Plan by the USFWS

The formulation of the compensation and mitigation elements of the Proposed Project has been guided in part by the two documents: The Key Elements Report of the Proposed Expansion Plan, and the USFWS Preliminary Review of the Proposed Expansion Plan (US Army and DOI 2001, USFWS 2001a). Each of these documents recommendations and suggestions have been responded to in Tables 2-3a and 2-3b below:

2.4.1 Key Elements Report

In 2001, Congress directed that a Key Elements Report be jointly drafted by the DOI and the Army. The report was designed to outline a plan for the expansion of Fort Irwin while protecting endangered and threatened species. The report stated several elements that, at the time, were believed to be important to consider in the expansion plan. Table 2-3a indicates the suggested mitigation and compensation measures in the Key Elements Report and the proposed Army action based on those suggestions.

Table 2-3a: Compensation and Mitigation Elements from the Key Elements Report

SUGGESTED MITIGATION AND/ OR COMPENSATION MEASURES	PROPOSED ARMY ACTION	
	KEY ELEMENTS REPORT	ACTION(S) TO BE TAKEN
1) Expand the Fort Irwin Study Site by 484 acres. The area would become the new East Alvord Mountain Research Natural Area. The Army and BLM will jointly manage the area.	This area of land was withdrawn to the Army and will be added to the FISS - the area is part of the proposed UTM 90 Conservation Area East. The Army and BLM will coordinate management of the adjacent areas to the fullest extent possible.	The Army has no jurisdiction or authority to designate a Research Natural Area - RNA is a BLM land use designation and not an Army designation.
2) Army will seek to manage appropriate areas of the UTM 90 Area to protect the desert tortoise and its habitat.	Three desert tortoise conservations areas have been identified in the UTM 90 Area and will be managed to protect desert tortoise and habitat.	
3) A working group composed of government resource management staff will evaluate proposals for land acquisition and research needs.	The Army has consulted with resource management staff from the BLM and USFWS in the formulation of this BA. Further consultation with such interested agencies will occur during formal consultation at the request of the USFWS.	

<p>4) The BLM will designate approximately 500km² south of Fort Irwin as an ACEC. Approximately 3,100 acres of existing Fort Irwin will become part of this ACEC. Land will be managed by BLM.</p>	<p>The referenced 3,100 acres of Fort Irwin will become a Conservation Area as part of the proposed UTM Conservation Area East, however it will not be added to the proposed BLM ACEC. The land will remain under Army control and the Army will manage the conservation area for the benefit of the desert tortoise.</p>	<p>The Army has no jurisdiction or authority to designate an ACEC. The Army does not control the land outside Fort Irwin and ACEC is a BLM land use designation. The BLM has indicated its intention to designate the area south of Fort Irwin as a desert tortoise ACEC.</p>
<p>5) Establishment of ACECs which encompass wildlife management areas.</p>	<p>The Army has no jurisdiction or authority to designate ACECs. The BLM has indicated its intention to designate all proposed DWMMAs as ACECs by BLM land use designations in the WMP.</p>	<p>The Army has no jurisdiction or authority to designate ACECs. The BLM has indicated its intention to designate all proposed DWMMAs as ACECs by BLM land use designations in the WMP.</p>
<p>6) Establishment of an East Alvord Mountain RNA, a Paradise Valley RNA and mechanism for designating additional RNAs.</p>	<p>The Army has no jurisdiction or authority to designate RNAs. This is a BLM land use designation. There is no indication that the BLM intends to designate these areas as such. Note however that the designation of RNA carries with it no added protection for the land, wildlife or resources.</p>	<p>The Army has no jurisdiction or authority to designate RNAs. This is a BLM land use designation. There is no indication that the BLM intends to designate these areas as such. Note however that the designation of RNA carries with it no added protection for the land, wildlife or resources.</p>
<p>7) Acquisition of non-federal lands within wildlife management areas.</p>	<p>The Army proposes to purchase approximately 130,000 acres of non-federal land in and adjacent to proposed DWMMAs.</p>	<p>The Army proposes to purchase approximately 130,000 acres of non-federal land in and adjacent to proposed DWMMAs.</p>
<p>8) Construction of barriers, fences, and other structures.</p>	<p>The Army will install tortoise-proof fencing along the south boundary of Fort Irwin between the UTM 90 and Coyote Basin areas.</p>	<p>The Army will install tortoise-proof fencing along the south boundary of Fort Irwin between the UTM 90 and Coyote Basin areas.</p>
<p>9) Funding of research studies for endangered or threatened species and their critical habitats.</p>	<p>Funding such studies is not part of the Proposed Project as studies and research do not either compensate or mitigate for impacts to habitat and/or endangered species. The Army will continue to fund such research and studies as part of the Fort Irwin DPW operating budget as they have for the past 15+ years.</p>	<p>Funding such studies is not part of the Proposed Project as studies and research do not either compensate or mitigate for impacts to habitat and/or endangered species. The Army will continue to fund such research and studies as part of the Fort Irwin DPW operating budget as they have for the past 15+ years.</p>
<p>10) Implementation of vehicle access routes in management areas, restoration of closed routes and signing.</p>	<p>The Army will contribute labor and/or funding to route rehabilitation, closures and signage in Lane Mountain milk-vetch habitat and desert tortoise habitat.</p>	<p>The Army has no ability to designate a route access network on public lands - this action is in the purview of the BLM.</p>

11) Establishment of line distance sampling monitoring program (30 years).	Line distance sampling is not a part of this Proposed Project as it does not mitigate or compensate for potential impacts to endangered species. However, the Fort Irwin DPW has funded this effort for two years and intends to fund the effort for upcoming years.
12) Education program that promotes the conservation and recovery of the desert tortoise and protection of DWMAs.	The Army will continue to educate installation staff, civilians, the public and Army personal regarding the biology, protection and conservation of desert tortoises.
13) Initial research to determine impacts of the proposed expansion that may occur outside the training areas (effects of dust and obscurants).	An analysis of potential impacts due to dust and obscurants is included in this BA.
14) Withdrawal of lands necessary for the long-term survival and recovery of the desert tortoise and Lane Mountain milk-vetch from mining, location, leasing, sale, entry, and other conflicting land uses.	The Army will seek to acquire all compensation land with the maximum protections possible including impairment or elimination of ability to explore and develop mineral deposits.
	Research beyond this initial analysis is not part of the Proposed Project as research does not either mitigate for or offset potential impacts. The Army has no ability to affect a mineral withdrawal or impose other land use regulations on public lands managed by the DOI. Any such restrictions would have to be placed by the BLM through the WMP. The BLM intends to withdraw from mineral entry only the area of proposed Lane Mountain milk-vetch ACECs.

2.4.2 USFWS Preliminary Review of the Fort Irwin Expansion Plan

In 2001, the USFWS published its Preliminary Review of the Proposed Expansion Plan. The Preliminary Review examined the actions recommended in the Key Elements Report and added several specific suggested measures. Table 2-3b indicates the suggested mitigation and compensation measures in the USFWS Preliminary Review and the proposed Army action based on those suggestions

Table 2-3b: Compensation and Mitigation Elements from the USFWS Preliminary Review

SUGGESTED MITIGATION AND/OR COMPENSATION MEASURES	PROPOSED ARMY ACTION	
KEY ELEMENTS REPORT	ACTION(S) TO BE TAKEN	NO ACTION/ RATIONALE
15) Examination of potential sources of environmental contamination and remediation of any such areas.	The Army will follow its standard procedures for handling toxic and hazardous substance spills throughout the project area.	
16) Control of feral and domestic dogs.	Base occupants will continue to be educated as to the control of domestic dogs. All dogs on base are pit tagged for identification purposes and returned to the owners upon capture. Feral dogs have not been a problem in the past on Fort Irwin due to the remote location. However, if a feral dog is detected it will be captured pursuant to current base policy and procedure.	
17) Eliminating threats from mining or other activities.	The Army will seek to acquire all compensation land with the maximum protections possible including impairment or elimination of ability to explore and develop mineral deposits.	
18) Fully conserve, through land acquisition, route designation, and land use planning or withdrawals, newly located occurrences of milk-vetch outside the expansion area.	The Army will attempt to purchase all non-federal land that contains known Lane Mountain milk-vetch populations as compensation. The Army will fund route closure and rehabilitation and fencing actions in this area.	
19) If no substantial new occurrences of the Lane Mountain milk-vetch are found outside the expansion area, protect milk-vetch within the expansion area to the extent its survival and recovery can be ensured.	Substantial new occurrences were located outside the withdrawal area during the 2001 field season. However to provide the maximum conservation effort possible two large conservation areas are planned to be designated and milk-vetch habitat protected inside the withdrawal area, as well as protection for the occurrences outside the withdrawal area.	

20) Fence the boundaries of the expanded NTC to prevent military vehicles from straying outside training areas.	The Army will install appropriate barriers consisting primarily of fences and dirt berms in all areas where military vehicles may stray outside the bounds if not appropriately marked.	
21) Develop a research program to determine whether obscurants or dust generated in training would degrade desert tortoise habitat outside of the NTC. Develop a management program to reduce potential habitat degradation using this research and its findings.	Fort Irwin DPW personnel shall continue to monitor air quality on and off the installation.	Research into dust and obscurant impacts on desert tortoise is not part of the Proposed Project, as it does not act to mitigate or offset impacts. This BA contains a preliminary analysis of potential dust impacts outside the training area.
22) Avoid clay soils near the Superior Dry Lakes that are likely to generate dust if disturbed.	All dry lake beds will be off-limits to training - no ground disturbing activity will be allowed within 25 m of the lake edge.	
23) Appropriate the majority of funds to offset effects of the proposed expansion to land acquisition within the Superior-Cronese Lakes and Fremont-Kramer Critical Habitat Units. FWS should have final approval of acquisition program.	The majority of funds proposed to be expended for compensation and mitigation actions as part of the Proposed Project are slated for land purchases within the proposed DWMMAs. All purchases will be made with the concurrence of the USFWS.	
24) Permanently protect all lands set aside for conservation of the desert tortoise and Lane Mountain milk-vetch from activities that would inhibit conservation including but not limited to grazing, mineral entry, and new rights-of-way.	The Army is pursuing an agreement for the voluntary retirement of four grazing allotments in desert tortoise habitat, three of which are within designated critical habitat. These allotments total 478,379 acres. The Army will make every attempt to restrict mineral entry potential on lands purchased for compensation.	The Army does not have the ability to control the granting of rights-of way on public lands unless the applicant applies to cross land under the military's jurisdiction. The Army is unable to say whether it would permit any such application at this time as each application would have to be examined on a case-by-case basis.

25) Fence Highway 395 where it crosses desert tortoise critical habitat, the remainder of Highway 58, and Fort Irwin Road, which should be closely coordinated with the California Dept. of Transportation.

The Army proposes to fence Irwin Road from the intersection of Fort Irwin Road to the City of Barstow as this area is a high-density tortoise area and will provide extra protection for tortoises in the area.

Fencing of Highway 395 is anticipated to be funded by Cal Trans in an upcoming effort; Fort Irwin Road is being fenced for mitigation for the Fort Irwin Road Improvement project funded by the Federal Government.
