JACK L. & DIANE L. CAUFIELD

Appeal from a Decision Record of the Field Manager, Yuma (Arizona) Field Office, Bureau of Land Management, approving the La Posa Travel Management Plan. DOI-BLM-AZ-C020-2013-0003-EA.

Affirmed.

APPEARANCES: Jack L. and Diane L. Caufield, pro se; Michael Williams, Office of the Field Solicitor, U.S. Department of the Interior, Phoenix, Arizona, for the Bureau of Land Management.

OPINION BY ADMINISTRATIVE JUDGE HAUGRUD

Jack L. and Diane L. Caufield have appealed from a March 8, 2016, Decision of the Field Manager, Yuma (Arizona) Field Office, Colorado River District, Bureau of Land Management (BLM), approving the La Posa Travel Management Plan (TMP or Plan). BLM made its Decision after preparing an Environmental Assessment (EA) and issuing a Finding of No Significant Impact (FONSI),1 pursuant to the National Environmental Policy Act (NEPA).2

Appellants contend that BLM erred by preparing an inadequate EA and by committing other procedural errors, such as allegedly failing to respond to public

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comments and provide sufficient notice of its Decision. After reviewing the administrative record, we conclude that Appellants have failed to show any error in BLM's decision to approve the TMP. Accordingly, we affirm BLM's Decision.

BACKGROUND

The TMP governs off-highway vehicle (OHV) use in the La Posa Planning Area (LPPA), which encompasses a total of 384,177 acres of BLM-administered public lands straddling La Paz and Yuma Counties, Arizona, and surrounding the community of Quartzsite, Arizona. The LPPA is part of a larger region of public lands administered by BLM under its Yuma Field Office Resource Management Plan (RMP). The RMP restricts motorized travel throughout most of the LPPA to designated routes and provides for BLM to separately promulgate a TMP that designates whether and how existing routes may be used for OHV travel.

The LPPA contains 2,053 routes, totaling approximately 1,814 miles, each of which is categorized as a Road, Primitive Road, or Trail. The routes are used annually by tens of thousands of local residents and seasonal visitors for hiking, biking, camping, rock collecting (rockhounding), and other recreational purposes. The TMP is intended to "delineate a transportation system" that meets the access needs of all users, including those seeking recreational experiences, "while protecting the natural and cultural resources found on public lands . . . ." To do so, the TMP identifies the existing routes in the LPPA and designates each route as either closed, open, or limited (i.e., open with restrictions) to OHV use, applying regulatory designation criteria.

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3 See Administrative Record (AR), Doc. 5 (EA) at 3-4. In the remainder of this opinion, record documents are initially cited by their document number in the AR with a parenthetical description of the document's name, and subsequent citations use the document's name or abbreviation.


5 See id., Section 2.12 (Travel Management).

6 EA at 4-5.

7 Id. at 5.

8 Id. at 2.

9 See 43 C.F.R. § 8342.1 (Designation criteria).
BLM began the process of developing the TMP in 2007. BLM undertook public scoping from November 2007 through March 2008, receiving comments regarding route designations, resource concerns, and related matters. It also conducted several meetings during this time, attended by over 600 members of the public.

After this initial scoping, BLM used an interdisciplinary team of resource specialists to develop four alternatives that were depicted on maps that were made available to the public in 2012 for a two-month (as extended) comment period. After reviewing comments submitted by Appellants and other members of the public, BLM completed a preliminary EA analyzing the environmental effects of four TMP alternatives, which BLM made available for a forty-five-day public comment period starting in November 2013. Based on the comments, BLM revised the EA and submitted the revised version for an additional sixty-day public comment period starting in January 2015. BLM issued its final EA in March 2016.

In the EA, BLM addressed the likely environmental impacts of the Proposed Action (Alternative C), two action alternatives (Alternative B (Access) and Alternative D (Resource Protection)), and the no action alternative (Alternative A). The routes classified as “open” varied by alternative, ranging from 1,814.17 miles under the No Action Alternative, 1,253.69 miles in the case of Alternative B, 988.65 miles under the Proposed Action (Alternative C), and 569.56 miles under Alternative D. In making its route designations, BLM considered each of the routes individually, in order to address any resource concerns associated with the route, and collectively, in order to address their utility as part of a travel network.

In its March 2016 Decision, BLM approved the TMP by adopting the Proposed Action (Alternative C) of the EA. The approved TMP left open approximately 243.39 miles (93.5%) of the existing roads, which are defined as usable by low-clearance motorized vehicles having four or more wheels, 743.96 miles (48%) of the existing “primitive roads,” which are usable by four-wheel drive and high-clearance motorized

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10 EA at 6-7.
11 See AR Doc. 197 (Internal BLM Draft Proposed TMP and Draft EA/FONSI) at 1-2 through 1-3 (March 2018)) [hereinafter AR Doc. 197]; Answer at 2.
12 AR Doc. 197 at 1-3, supra note 11; EA at 7; see also AR Doc. 196 (Scoping Report).
13 EA at 8-9.
14 Id. at 63.
15 Id.
16 See id. at 9-15.
17 Id. at 12.
18 Id. at 10.
vehicles, and 1.3 miles (24.4%) of the existing trails, which are managed for human-powered forms of transportation, stock, and some OHVs.\(^{19}\) The TMP closes 0.47 miles (0.2%) of the existing roads, 736.15 miles (47.5%) of the existing primitive roads, and 3.87 miles (72.7%) of the existing trails.\(^{20}\) The remaining routes are subject to limited OHV use.\(^{21}\)

BLM concluded that the approved TMP struck a “reasonable balance” between meeting the “strong demands for diverse types of access” and the need to protect the natural resources of the LPPA.\(^{22}\) In the FONSI issued in conjunction with the Decision, BLM concluded that an Environmental Impact Statement was not required because the actions approved in the TMP did not constitute a major Federal action likely to significantly impact the quality of the human environment.\(^{23}\) Appellants timely appealed from the Decision.

**DISCUSSION**

Appellants filed a two-page, combined notice of appeal and statement of reasons.\(^{24}\) They appeal the approval of the TMP “due to the large number of routes being closed to our and others use for rock hounding (including sites with unique rocks, minerals and gem stones), exploring, OHV travel, sightseeing and other uses . . .”.\(^{25}\) Appellants list eight reasons they believe the Decision should be overturned:

1. The EA fails to specifically identify and respond to public comments, so Appellants “have no way to know if our comments were considered and the public won’t know either”;
2. The EA does not address the health and safety effects of closing routes to senior citizens and persons with disabilities;
3. BLM’s Decision will have an adverse impact on the local economy by reducing access opportunities to visitors interested in rockhounding or other recreational pursuits;
4. BLM failed to identify the routes being closed to OHV use in the route maps published with the Decision;

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\(^{19}\) AR Doc. 3 (Decision) at unpaginated (unp.) 1.
\(^{20}\) Id.
\(^{21}\) Id.; see also id. at unp. 2-3 (explaining why other alternatives were not selected).
\(^{22}\) Id. at unp. 1.
\(^{23}\) FONSI at 1. The FONSI is found on BLM’s website (see supra note 1).
\(^{24}\) AR Doc. 1 (Notice of Appeal/Statement of Reasons) [hereinafter SOR].
\(^{25}\) Id. at unp. 1.
5. BLM failed to list the comments and issues raised by the public in the scoping sessions after 2007-2008;
6. BLM failed to address known rockhounding sites in the Plan area as shown in rockhounding books provided to the Bureau;
7. BLM failed to properly provide members of the public with copies of the final EA and Decision; and
8. BLM provided inadequate appeal directions.[26]

We address all eight of these enumerated contentions in the discussion below and conclude that Appellants have not shown error in BLM's Decision.

A. Burden of proof and standard for reviewing BLM's Decision

A BLM decision implementing a land-use plan, such as the promulgation of a travel management plan, will be affirmed if the decision adequately considers all relevant factors, reflects a reasoned analysis, and is supported by the record.27 The appellant bears the burden of demonstrating by a preponderance of the evidence that BLM erred.28

To the extent that Appellants argue that BLM violated NEPA by preparing an inadequate EA, the Board evaluates that adequacy under a “rule of reason”29 which recognizes that the EA “is intended to be an overview of environmental concerns, ‘not an exhaustive study of all environmental issues which the project raises.’” The Board will uphold a BLM decision based on an EA and FONSI when the record demonstrates that BLM has considered all relevant matters of environmental concern, taken a “hard look” at potential environmental impacts, and provided a rational basis for concluding that no significant impact will result or that any such impact will be reduced to insignificance by the adoption of appropriate mitigation measures.30 An EA will not be found defective

26 Id. at unp. 1-2.
28 See id.; see also Southern Utah Wilderness Alliance (SUWA), 194 IBLA 98, 102 (2019) (“A party challenging a BLM decision to approve an action that was analyzed in an EA and for which BLM issued a FONSI has the burden of demonstrating with objective proof that the decision is premised on a clear error of law or demonstrable error of fact, or that the analysis failed to consider a substantial environmental question of material significance to the proposed action.”).
29 SUWA, 194 IBLA at 102.
31 See Meg Scherch Peterson, 193 IBLA 255, 265 (2018).
“merely because the EA could have been more thorough”; rather, the appellant must show that the omitted analysis “compromised the EA so severely as to render the FONSI arbitrary and capricious.” Conclusory allegations, unsupported by evidence showing error, do not suffice.\textsuperscript{33}

**B. BLM properly considered and documented the comments received from the public**

Appellants raise three concerns about BLM’s response to comments.\textsuperscript{34} A recurring theme is that they believe BLM failed to disclose the issues raised by them and other members of the public during scoping and the comment periods on the EA, and that BLM failed to explain its response to those comments and concerns. Given this lack of information, Appellants assert that they “have no way to know if our comments were considered and the public won’t know either.”\textsuperscript{35}

Appellants correctly state that BLM did not separately address each comment made by the public during scoping and the subsequent public review periods for the draft EA and proposed TMP. But neither NEPA nor any other law requires the level of disclosure Appellants desire. While BLM must provide for public involvement “to the extent practicable” in preparing an EA and must consider comments that are timely received,\textsuperscript{36} there is no requirement that the EA list and respond to each of the comments received. In contrast, when an agency prepares an EIS, it is required to include all comments received on the draft and show its response in the final EIS (although voluminous comments may be summarized).\textsuperscript{37} Applying these principles, we have recognized that BLM has significant discretion in how it provides for public participation when preparing an EA,\textsuperscript{38} and we have not required that the final EA show all comments that were received. Instead, we have required that the administrative record in some fashion document that the comments received during the process were actually considered by the agency.\textsuperscript{39}

\textsuperscript{32} Id. at 265, 266 (quoting \textit{Western Watersheds Project v. BLM}, 721 F.3d 1264, 1275 (10th Cir. 2013)).
\textsuperscript{33} Id. at 266.
\textsuperscript{34} SOR at unp. 1-2 (contentions 1, 5, and 6), \textit{supra} note 24.
\textsuperscript{35} Id. at unp. 1.
\textsuperscript{36} 43 C.F.R. § 46.305(a).
\textsuperscript{37} 40 C.F.R. § 1503.4.
\textsuperscript{38} \textit{See, e.g., Wildlands Defense}, 193 IBLA 59, 83 (2018); 43 C.F.R. § 46.305(a) (“[T]he methods for providing public notification and opportunities for public involvement are at the discretion of the Responsible Official.”).
\textsuperscript{39} \textit{See Lynn Canal Conservation, Inc.}, 169 IBLA 1, 11 (2006) (“[W]e are unwilling to hold that the comments were given any consideration by BLM, despite their appearance in the
Here, the record shows BLM's consideration. BLM provided extensive public participation opportunities through the scoping process and two separate opportunities to comment on draft EAs. The administrative record appears to contain all the public comments, including those submitted by Appellants. While BLM did not republish each comment in the scoping report or EA, it did explain the comments it received. The scoping report summarizes the issues raised by the public during the initial scoping period, and the final EA includes a table with a synopsis of each comment received (and the number of commenters who made the comment) concerning individual routes and more general concerns. In addition, the route designation reports describe the comments received concerning each route segment and provide BLM's response to those comments. For example, the report for route LP2793 shows that Appellant Jack Caufield commented that the route should remain open because it is the only road that provides access to certain areas that “may contain fossils and we need access.” BLM's response is that it “changed the B alternative to [ ] Open to provide for general public access.” Similar summaries of Appellants' comments and BLM's responses are provided for the other routes for which Appellants submitted specific comments.

Moreover, BLM states in the final EA that it considered public comments in developing the TMP, and the record supports that assertion. As discussed above, the scoping report discusses issues raised by the public and the route designation reports document BLM's consideration of route-specific comments. And revisions to the EA similarly indicate that BLM considered public comments in the development of the alternatives being considered. For example, BLM proposed in the Preliminary EA that 908.4 miles would be open and 786.42 miles closed under Alternative C (Proposed case record, absent some indication of such in a document dated after the close of the comment period . . . . When, as in this case, BLM's final EA, upon which the DR/FONSI is based, predates the public comment period offered by BLM and the DR/FONSI contains no discussion, or even a reference to comments received, the comments have not been considered.”).

40 See, e.g., AR Docs. 26, 27, 65, 77, and 117 (comments from Appellants).
41 AR Doc. 196.
42 EA at 63-74 (Appendix A, a table summarizing the comments received).
43 See AR Doc. 211 (route designation reports for routes upon which Appellants commented).
44 Id. at page excerpt 2685.
45 Id.
46 See generally id. (route reports containing Appellants' comments).
47 EA at 7-9 (scoping comments considered), 63 (EA public comments considered).
After the public comment period, the mileage figures for Alternative C were modified in the revised Preliminary EA so that slightly more than 925 miles would be open and 770 miles closed. After further public comment, the Final EA revised the mileage so that Alternative C had slightly more than 988 miles open and 740 miles closed. Modifying alternatives is an acceptable way to respond to public comments under governing regulations, and the evolution of Alternative C corroborates BLM's assertion that it considered the comments it received. This documentation of BLM's consideration of comments distinguishes the current case from situations where the record contained no evidence that BLM had considered the public comments it had received.

The one particular comment that Appellants believe BLM may have ignored concerns the rockhounding books that Appellants identified at the request of BLM. According to Appellants, the books show known rockhounding sites in the Plan area, and BLM has failed to explain whether and how it used those materials in deciding whether to close routes. BLM responds that it reviewed the books suggested by Appellants and considered the "general route locations" found in the books, but BLM asserts that many of the routes listed in the books "were not detailed enough" to correlate to specific routes in the planning area.

The record confirms that BLM considered Appellants' comment. After being informed of the books, BLM purchased at least three of them and included excerpts in the record. Moreover, regardless of the precise level of review BLM gave to the books, Appellants have not met their burden to show that BLM erred. Appellants fail to identify any particular rockhounding site or access route identified in the books that was overlooked by BLM in the course of its development of the TMP and associated NEPA.
review. As we have held in analogous situations involving scientific studies, simply referring to studies without relating the information to a deficiency in BLM's analysis is insufficient to show error. As we have held in analogous situations involving scientific studies, simply referring to studies without relating the information to a deficiency in BLM's analysis is insufficient to show error. Accordingly, we find no error by BLM in its consideration and documentation of the books or the other public comments it received.

As a final issue concerning public comment, we note that Appellants contend broadly that the EA is “inadequate for the many reasons [...] previously submitted in our and others['] comments.” But this general statement provides no information that would enable the Board to discern which “reasons” Appellants seek to incorporate into their appeal or how precisely Appellants believe the EA remains defective. Because Appellants bear the burden of demonstrating that BLM erred, this type of unspecific allegation does not provide any justification for overturning BLM’s decision. An “appellant must do more than simply level broadsides charges at BLM; the error alleged must be stated with reasonable particularity and supported by objective proof.” We accordingly conclude that Appellants’ broad statement is insufficient to show that BLM erred.

C. BLM adequately considered the effects of closures on access

Appellants argue that the EA fails to address the “Health and Safety issues” of closing routes to OHV use by senior citizens and persons with disabilities who cannot hike long distances. They allege that “[a]ppproximately 50% of the routes are being eliminated which we [Appellants and other senior citizens and persons with disabilities] use and so we will be unable to utilize large parts of the Plan area either for exploring, rock hounding or other recreation.”

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58 See, e.g., WildLands Defense, 192 IBLA 383, 391 (2018) (“Simply referring to studies is insufficient to demonstrate that BLM erred in concluding that the impacts from the project would not be significant.”); see also Biodiversity Conservation Alliance, 183 IBLA 97, 122 (2013) (“Mere citation does not demonstrate that BLM failed to properly understand the expected consequences of the proposed leasing, or to fully appreciate its significance, and thus does not establish a violation of NEPA.”); Biodiversity Conservation Alliance, 171 IBLA 218, 228 (2007) (“Appellants present no evidence that BLM overlooked any likely impact or failed to appreciate the nature or magnitude of an impact . . . . Appellants’ references to general scientific literature do not suffice to demonstrate error or deficiency in BLM’s analysis.”).
59 SOR at unp. 1 (contention 1), supra note 24.
60 See footnotes 27-33, supra, and accompanying text.
61 In re Upper Floras Timber Sale, 86 IBLA 296, 305 (1985).
62 SOR at unp. 1 (contention 2), supra note 24.
63 Id.
While headlining their concern as one of “Health and Safety,” Appellants’ enunciated issue is really one of reduced recreational access. They do not contend that individuals with mobility issues will risk their health to access sites on foot (nor do they posit any methodology to assess such a risk), but rather contend that areas currently accessible by vehicular travel will no longer be available for their rockhounding and other recreational use because they cannot walk to those areas.

In developing the TMP, BLM did consider the effect of route closures on rockhounding enthusiasts with mobility issues, although it did not highlight the issue in the EA. In an internal memorandum discussing the proposed TMP, BLM discussed how it was addressing the issue:

Amateur geologists (i.e. rock hounds) have also expressed concern that closures to OHV use will require additional foot travel to rock collection sites, presenting a barrier for enthusiasts who do not have the physical capacity to walk far distances. The [Field Office] has worked diligently with rock hound groups to identify preferred areas for this activity and to ensure adequate access to those areas are maintained in the TMP.64

BLM’s consideration of the issue is also documented in the route designation reports. For relevant route segments, BLM specifically noted and responded to commenters who argued for a route to remain open to address “elderly access needs” or to afford access for rockhounding.65 The record thereby reflects that BLM considered these access issues in deciding a route’s designation.

In the EA itself, BLM examined how route closures would affect a variety of recreational users, including rockhounding enthusiasts and hikers. Section 3.9 of the EA addresses the effects on recreational resources under the four alternatives considered for the TMP. BLM specifically addresses the effects on rockhounding and hiking, along with other recreational uses such as camping and hunting.66 BLM recognizes that its proposed trail network under Alternative C would affect rockhounding, concluding that approximately sixty-nine percent of the mileage (800.88 miles) associated with rockhounding would remain open under its proposed action.67

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64 See AR Doc. 8 (Internal Working Draft, Information Memorandum from Arizona State Director, BLM, dated Nov. 30, 2015) at unp. 2.
65 See, e.g., AR Doc. 211 (reports for routes with comments received from Appellant Jack Caufield).
66 See EA at 35-39.
67 Id. at 38 (narrative) and 39 (Table 21).
Although the EA did not separately discuss rockhounding access by senior citizens or individuals with disabilities, that level of detail is not required. The Board has explained that an EA is “intended to be an overview of environmental concerns, not an exhaustive study of all environmental issues” presented by a proposed action. The EA in this instance easily meets this standard. It properly provides an overview of the impact of each alternative on access to rockhounding and other recreational uses without detailed explanation of all sub-issues that were considered, such as rockhounding access by those with mobility issues. The EA’s streamlined discussion is not only adequate but preferred under the Department’s implementing regulations, which state that an EA’s “level of detail and depth of impact analysis should normally be limited to the minimum needed to determine whether there would be significant environmental effects.”

Although we do not read Appellants’ argument as alleging any real deficiency with the health and safety analysis of the EA, we note for comprehensiveness that BLM did consider these issues in Section 3.6 of the EA. Among the issues identified were safety and health concerns with recreational activities near mining sites, particularly the potential for exposure to open mine shafts, and the potential for encountering unexploded ordinance in some areas. BLM took these risks into account in deciding whether to close routes. We conclude that Appellants have not shown any deficiency in BLM’s health and safety analysis.

D. BLM adequately considered the socio-economic impacts of its Decision

Next, Appellants argue that BLM’s Decision will negatively impact the local economy by restricting access to areas used by visitors for rockhounding and other recreational pursuits. Appellants do not support their factual assertion with any evidence, and do not state what legal authority they believe BLM violated (they do not specifically mention the EA in this particular criticism).

To the extent that Appellants argue that BLM failed to adequately discuss economic impacts in its EA, the contention is without merit. BLM devoted an entire section to socio-economic impacts. BLM recognized “the importance of tourism and recreation in the economies of the study area” and “the importance of the public lands

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68 Confederated Tribes of the Goshute Reservation, 190 IBLA 396, 405 (2017) (quoting Center for Biological Diversity, 189 IBLA 117, 129 (2016)).
69 43 C.F.R. § 46.310(e).
70 EA at 31-33.
71 Id. at 33 (Table 18).
72 SOR at unp. 1 (contention 3), supra note 24.
73 See EA at 40-47 (Section 3.10, Socioeconomic Issues and Concerns).
experience for visitors to the study area.\textsuperscript{74} It noted that visitors using the Plan area include “winter visitors” who reside in Arizona from October to March, “weekend visitors” from southern California and the Phoenix metropolitan area, and “local residents who visit for day-use activities on weekends and weekday evenings,” and that the use of OHVs “as transportation . . . for recreation is widespread.”\textsuperscript{75} BLM noted that Quartzsite’s population peaked during the winter visitor season, and that winter visitors were “a major contributor to La Paz County and the Town of Quartzsite’s economy.”\textsuperscript{76} It also noted that the Quartzsite area hosted “[n]ine major gem and mineral shows and 15 swap meets,” drawing a total of 1.5 million visitors each year.\textsuperscript{77} BLM stated that OHV recreation contributed $49.7 million each year to the La Paz County economy, but that this amount was likely to be higher, since it reflected the contribution by State residents, but not out-of-state winter visitors.\textsuperscript{78}

In describing the socio-economic effects of the four management alternatives, BLM did not attempt to make quantitative monetary distinctions but nonetheless assessed the different anticipated impacts on the local economy.\textsuperscript{79} BLM stated that the No Action Alternative was expected to continue to adversely impact the natural resources that draw visitors to the Plan area, thereby “resulting in socio-economic losses to the surrounding communities from diminishing travel and tourism.”\textsuperscript{80} At the other end of the management spectrum, BLM found that the OHV-restrictive Alternative D may limit visitors’ backcountry experiences and was “projected to have the greatest adverse impact on local social and economic conditions.”\textsuperscript{81} In contrast, BLM concluded that Alternative C (Proposed Action) would protect natural resources and provide reasonable access to the backcountry, and thus provide for the “sustainability of both market and non-market values.”\textsuperscript{82}

Other than voice their opinion that the TMP will negatively impact the local economy, Appellants have not attempted to demonstrate any errors or deficiencies with BLM’s socio-economic analysis. Because a mere difference of opinion does not show error

\begin{itemize}
\item \textsuperscript{74} Id. at 42.
\item \textsuperscript{75} Id.
\item \textsuperscript{76} Id.
\item \textsuperscript{77} Id.
\item \textsuperscript{78} Id. at 43.
\item \textsuperscript{79} Id. at 45-47.
\item \textsuperscript{80} Id. at 46.
\item \textsuperscript{81} Id.
\item \textsuperscript{82} Id.
\end{itemize}
in an agency's NEPA analysis, we find no defect in BLM's consideration of socio-economic impacts in its EA.

Finally, Appellants' argument fairs no better if it is construed, not as a NEPA claim, but as a substantive claim that BLM erred by harming the local economy. Not only do Appellants provide no evidence to support their factual premise, but BLM has no duty to maximize economic revenue in developing a travel management plan. BLM's multiple-use mandate does not require, or in some situations even allow, BLM to maximize economic benefits in making its land-management decisions. Instead, the "essence of the multiple use mandate is simply to require a choice regarding the appropriate balance to strike between competing resource uses, recognizing that not every possible use can take place on any given area of the public lands at any one time." To show that BLM erred in exercising its discretion in balancing competing uses, an appellant must demonstrate that BLM's weighing of resource values was unreasonable. Appellants have not done so.

E. BLM committed no error by issuing final maps depicting only the approved travel network

Appellants argue that BLM failed to include maps with the Decision that adequately identified the routes that were being closed to OHV use, thereby "making it impossible for the public including ourselves to determine how we are impacted."

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83 See, e.g., Bill Armstrong, 131 IBLA 349, 351 (1994) ("While appellant's evaluation of safety features may differ from BLM's, that difference of opinion is insufficient to demonstrate that BLM's evaluation [in an EA] is ill-conceived or erroneous.").
84 See 43 U.S.C. § 1732(a) (2012) (directing BLM to manage public lands under the principles of multiple use and sustained yield); id. § 1702(c) (incorporating into the definition of "multiple use" that land management decisions be made with "consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output").
85 See id. § 1732(b) (directing BLM to "take any action necessary to prevent unnecessary or undue degradation of the [public] lands").
86 See National Mining Ass'n v. Zinke, 877 F.3d 845, 872 (9th Cir. 2017) (holding that the multiple use mandate "does not . . . require the agency to promote one use above others").
87 Randy L. Witham, 187 IBLA 298, 302 (2016) (quoting Bristlecone Alliance, 179 IBLA 51, 58 (2010)).
88 Id.
89 SOR at unp. 1 (contention 4), supra note 24.
Appellants also assert that maps showing closed routes “were available earlier for alternat[ive] C for a small group of people, but most of the public was left out.”

BLM responds that it did not show the closed routes in the maps accompanying the approved TMP because the purpose of the final Decision “was to show the public the approved route network.” Accordingly, maps depicting the open and limited routes are available on BLM’s website, but the closed routes are not shown. BLM emphasizes that the earlier maps which were provided for public review did show the closed routes for each alternative being considered, along with the routes proposed to be open or limited. These were digital maps that each covered a different segment of the planning area and allowed the viewer “to zoom in and out . . . to focus on a particular area of interest.” While BLM’s website no longer shows these preliminary maps, print-outs of these maps are included in the record. Although the provided copies are black-and-white and do not reflect the color coding of the digital maps, their legends confirm that they depict the closed, open, and limited routes under each of the action alternatives.

Based on BLM’s uncontroverted statement of the procedure it used, and our review of the record, we conclude that BLM did not err in how it provided maps of the preliminary and final TMP Decision. There is no statutory or regulatory requirement for BLM to show all closed routes in conjunction with the approved TMP. Nor did BLM act unreasonably with its approach. The preliminary maps which showed the proposed closed routes allowed the public to comment meaningfully on the closures, while the final maps show the public which routes can still be used without the unnecessary

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90 Id.
91 Answer at 10; see also AR Doc. 4 (TMP) at 16 (stating that BLM will publish an “Access Guide” that will show routes open to OHV use, but routes deemed “no longer viable or decommissioned by th[e] plan [and thus closed] will not be identified in the Access Guide”).
93 See Answer at 9 (citing EA at 8).
94 Id.
95 See AR Doc. 28 (Preliminary TMP Maps).
96 See, e.g., AR Doc. 27 (Undated comment letter from Mr. Caufield and other self-described “rockhounds”) at unp. 1 (“[O]ur group did spend a lot of time studying the detailed maps showing both the road numbers and proposed closures. . . . In an effort to make our comments clear and to the point we have listed the road numbers, slated for closure, that we want to remain open and have given our reasons why they should remain OPEN.”).
display of closed routes. We also find no evidence contradicting BLM's statements that the preliminary maps were made available to all members of the public via its website or on CD upon request. In short, we find no legal deficiency with BLM's presentation of its route maps.

F. BLM provided sufficient notice of its decision and parties' appeal rights

Appellants assert that BLM did not provide the public with timely and adequate notice of its final EA and Decision, noting that not all members of the public have internet access and many wintering residents had left the region when the decision was issued. Appellants also assert that BLM did not promptly comply with their request for paper copies.

Appellants have shown no error in BLM's process. BLM posted the decision documents on its ePlanning website — including the final EA, FONSI, approved TMP and associated maps — shortly after the decision was made. While Appellants assert that they were not directly notified, they admit that BLM mailed them the decision documents upon request, although they complain that the mailing did not occur “until March 20-21, 2016,” and that they did not receive the documents until after April 1, 2016.

BLM's posting of the EA, FONSI, and Decision on its ePlanning website, coupled with mailing the decision to Appellants and other interested parties, complied with its notice obligations. While BLM is required to provide “public notice of ... the availability of environmental documents,” including EAs and FONSIs, the regulations do not prescribe a set mechanism for providing such notification. BLM accordingly has wide latitude in how to fulfill this duty, which includes doing so by posting the documents on its ePlanning website and providing separate notice of the decision to interested parties

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97 SOR at unp. 2 (contention 7), supra note 24.
98 Id.
99 Answer at 12; see also ePlanning website, supra note 1 (showing that the documents page containing final documents was last updated on Mar. 10, 2016).
100 SOR at unp. 2, supra note 24.
101 See AR Doc. 23 (BLM Mailing List, dated May 29, 2015) (Listing numerous individuals including Appellants).
102 40 C.F.R. § 1506.6(b); see 40 C.F.R. § 1508.10 (“Environmental document includes ... environmental assessment [and] ... finding of no significant impact”).
103 43 C.F.R. § 46.305(c) (“The bureau must notify the public of the availability of an environmental assessment and any associated finding of no significant impact once they have been completed”).
by mailing. While Appellants imply that the timing of the mailing prevented them and potentially other members of the public from having a full thirty days to review and appeal the Decision, that assumption is incorrect. Under Board precedent, when a decision is not published in the Federal Register, the appeal period does not begin to run until a person has actual notice of the decision. Thus, Appellants (like others) had a full thirty days from actual notice of the Decision to file their appeal.

Finally, contrary to Appellants’ assertion, BLM’s Decision fully informed Appellants of their appeal rights. The Decision states that it may be appealed to the Board, cites the appropriate governing regulations, and states to whom the notice of appeal must be sent, along with the mailing address. The Decision also provides instructions on how to file a petition for stay. There is nothing inadequate or inaccurate about the appeal notice.

\[104\] See, e.g., Wildlands Defense, 187 IBLA 233, 243 (2016) (“When the Department has not served the decision on the appellant, we have held that the date of service, for purposes of [the deadline for appeal to the Board], is established by the date when such appellant, or appellant’s authorized representative, received ‘actual notice’ of the decision.”).

\[105\] SOR at unp. 2 (contention 8), supra note 24.

\[106\] Decision at unp. 3.

\[107\] Id.
CONCLUSION

In conclusion, Appellants have not shown error in BLM’s decision to approve the TMP. Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, the decision appealed from is affirmed.

/s/
K. Jack Haugrud
Administrative Judge

I concur:

/s/
Silvia Riechel Idziorek
Acting Chief Administrative Judge

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