



DESERT TORTOISE COUNCIL

4654 East Avenue S #257B
Palmdale, California 93552

www.deserttortoise.org
ed.larue@verizon.net

Via email only

Mr. Mark Slaughter, Natural Resources Supervisor
Bureau of Land Management
Las Vegas Field Office
mslaught@blm.gov

RE: Scoping comments of the Final Stump Springs Translocation Plan

The Desert Tortoise Council (Council) is a non-profit organization comprised of hundreds of professionals and laypersons who share a common concern for wild desert tortoises and a commitment to advancing the public's understanding of this species. Established in 1975 to promote conservation of tortoises in the deserts of the southwestern United States and Mexico, the Council regularly provides information to individuals, organizations and regulatory agencies on matters potentially affecting the desert tortoise within its geographical range.

First, we are concerned that we never received any formal responses from the comments we submitted on 27 July 2014 to Mr. Roy Averill-Murray of the U.S. Fish and Wildlife Service (USFWS) when Stump Springs was then being considered to receive captive and pet tortoises from the Desert Tortoise Conservation Center (DTCC). Although USFWS may not have considered our recommendations, we appreciate that the Bureau of Land Management (BLM) may be willing to consider them now. We would also like to thank the BLM for alerting us to this new proposal; often we hear through a third party of projects affecting tortoises that have not been brought to our attention by the federal lead agencies.

We understand that these are scoping comments, so that you have an opportunity to consider our persisting concerns and presumably include them in the project-specific Draft Environmental Assessment (Draft EA) for this project. Some of our persisting concerns are reiterated below.

1. Previously, we strongly recommended that the Stump Springs area not be used because it borders California and there is the potential for tortoises to cross state lines; although the translocation would not physically transport tortoises into California, it certainly may facilitate movement of displaced tortoises across state lines. We had recommended that no tortoises be translocated within 13 km of the California state line because tortoises at the Fort Irwin project moved as much as 13 km after release. Can the BLM implement translocations in this area and remain 13 km from the California state line? Another alternative may be to install a tortoise-proof fence along the contiguous state border. Although we do not necessarily endorse this measure, we believe that the EA should divulge the pros and cons of such a fence line, which will then allow us to comment on the Draft EA and make an informed recommendation for the Final EA.

2. Has USFWS already translocated captive and pet tortoises from the DTCC into the Stump Springs area? If so, we require that the BLM provide the following information in the Draft EA: How many tortoises have already been translocated from the DTCC into the Stump Springs area? What level of monitoring has been used on these translocated tortoises? How many previously translocated tortoises have lived and how many died? Given these data, what are the current estimated densities of tortoises in the Stump Springs area into which BLM intends to translocate new animals? Please be sure to include any USFWS monitoring reports as appendices to the Draft EA so that we can independently judge the success of these previous translocations.

3. Since the title page to the Translocation Plan, dated 9 December 2015, indicates that the purpose of the translocation is “population augmentation,” we question the use of this area for large-scale translocation because it is also identified as a Solar Energy Zone (SEZ) in the BLM’s programmatic solar environmental impact statement (U.S. Bureau of Land Management and U.S. Department of Energy 2012). Whereas page 4 of the Translocation Plan identifies a few potential solar projects for the translocation area and states that a priority translocation area has been identified, there seems to be no intent to remove the SEZ designation. We therefore recommend that the Preferred Alternative in Draft EA identify this area as a “Solar Exclusion Zone” if it is to be used as a formal translocation area for tortoises.

4. Similarly, the Translocation Plan reports that there are four cattle grazing allotments in this area that are currently closed. As such, we recommend that the Preferred Alternative of the Draft EA state that cattle grazing will no longer be allowed on these four allotments, and that they be formally retired. In a related planning exercise, we recommend herein that the BLM adopt those parts of Alternative 3 in its Draft Resource Management Plan for the Las Vegas Planning Area that would preclude cattle grazing in this area.

5. The Translocation Plan is inadequate in stating the origin of translocated tortoises, except to say on page 12 that “individuals would consist of animals that are displaced during private-land development activities.” We have heard that tortoises may be translocated into this area from road-widening projects and the nearby incline track, referred to as the Advanced Rail Energy System Project (“ARES Project” in an email we received from the BLM on 12/22/2015). Given that the Translocation Plan foresees the introduction of only 10 tortoises in each of five years, we strongly recommend that translocation be the last alternative; that pet or wild tortoises from urbanizing areas be made available for adoption rather than translocation. Similarly, any tortoises that are displaced from projects such as the ARES Project should be allowed to move into adjacent habitats rather than be translocated to Stump Springs. In any case, the Draft EA needs to better define the origin of displaced tortoises and explain why translocation is the most efficacious alternative, if that is the case.

6. We understand that USFWS plans on releasing all tortoises even if drought conditions persist, and considers the expected elevated mortality to be acceptable, so long as translocated tortoises die at the same elevated rate as resident tortoises. We refer to your earlier conclusion in the 3 July 2013 Biological Opinion on Issuance of Recovery Permits under Section 10(a)(1)(A): “Therefore, long-term drought is likely to have even greater effects, particularly given that the current fragmented nature of desert tortoise habitat (e.g., urban and agricultural development, highways, freeways, military training areas, etc.) *will make recolonization of extirpated areas difficult, if not impossible*” (emphasis added). The Council believes that, during drought conditions, no tortoises should be released into the Stump Springs translocation area.

7. Esque et al. (2010) reported that the significant losses of tortoises associated with the Fort Irwin translocation study between 2005 and 2008 were due to drought-induced low population levels of coyote prey species, particularly rabbits and hares, so that coyotes likely preyed more heavily on both resident and translocated tortoises as a result. Esque et al. (2010) also noted that subadult tortoises (as well as female tortoises) were particularly susceptible to coyote predation. Have any studies been performed within the Stump Springs translocation site to determine if current levels of rabbits and hares are abnormally low in response to the last three years of drought? Without data to prove otherwise, we must assume that coyote prey species are indeed abnormally low; in which case the USFWS plan to release tortoises is highly disconcerting.

Related, during the same time period considered by Esque et al. (2010), Berry et al. (2013) reported low mortalities of subadult and adult tortoises in a specific study area with coyote control. Will the USFWS perform coyote control measures to reduce mortality on translocated subadults? What was the loss to coyote predation of any tortoises already released into the Stump Springs area?

8. We believe that the results of recent tortoise translocations (i.e., Hidden Valley, Eldorado Valley, and Trout Canyon) from the DTCC into southern Nevada should be assessed in the EA. How has the design of the Stump Springs Translocation Plan benefitted from results at these other release efforts? We think transparency is critical to the science of this and other USFWS projects and request results of the aforementioned translocation/augmentation reports and annual reports be provided in the Draft EA.

9. “The nearest historic population study plot is a 1-mi² (2.6-km²) plot within the western end of the Greater Trout Canyon translocation area, approximately 7.5 km northwest of the nearest point of the Stump Springs translocation area (Figure 4). The plot was surveyed in 1987 and 1992 (Hardenbrook, undated; Holle et al. 1992) ... Surveyors found 28 adult shell remains (ratio of dead:live adults = 1.17), most of which were estimated to have died >2 years previous to the survey.” Ratios of dead:live tortoises provide little if any information of value, since the remains of dead tortoises are not described by estimated times of death or sizes. Remains could be very old and of different sizes of tortoises. Although we suspect high mortality, we should not claim to know the level that has occurred without better studies and ongoing monitoring.

10. “More recent surveys were conducted southeast of Pahrump, Nevada, during the 2008 range-wide monitoring season between 19 and 29 May (USFWS 2012) ... Within the entire Pahrump Valley (i.e., north and south of Pahrump), 28 of 58 tortoise detections were of shell remains; the ratio of dead:live tortoises (0.93) exceeded the average for all other monitoring strata in Nevada (range = 0.16-0.83; USFWS, unpubl. data). Twenty-nine full or partial transects were walked within the boundaries of the Stump Springs translocation site, and only 16 of 34 tortoise detections were of live animals.” We reiterate the previous statement here about this data set of the dead tortoises or shell-skeletal remains. The ratios of dead:live tortoises provide no useful information because remains of adults can persist for many years whereas remains for juveniles deteriorate rapidly.

The Council appreciates that historic data are referenced. On one hand, we understand that these data are presented to justify the release of tortoises into the translocation area. On the other, the data document that an above-average level of mortality has occurred in the area. What are the mortality factors that affected resident tortoises? How have these factors been addressed to avoid similar mortalities of translocated tortoises? We do not think sound science is in play here, because the USFWS has not demonstrated how or why this might be an appropriate site for a release or augmentation when the causes of death are not stated or potentially unknown.

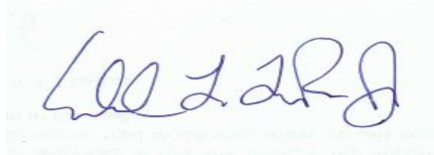
11. “Population augmentation is an important tool for conservation of the Mojave desert tortoise (USFWS 2011). The primary goal for translocation to the Stump Springs area is to augment the population to increase density to a level comparable to that seen within the surrounding Eastern Mojave Recovery Unit. For a successful translocation, the number of tortoises in any area should not exceed the capacity of the surrounding desert. Little to no information on specific habitat characteristics or measures of habitat quality exist relative to carrying capacity for Mojave desert tortoises (USFWS 2011). Therefore, we will use densities recently observed elsewhere in the recovery unit to set a conservative population-density target.” Again, we are concerned that this Translocation Plan is more of an arbitrary opportunity to translocate tortoises than a scientifically-based exercise to augment the population.

Additionally, since this area appears to have experienced above normal mortality rates (USFWS has not established or stated what “normal” mortality rates means for this area or region), is it appropriate to compare densities elsewhere in the recovery unit that have not suffered as high mortality? USFWS (2011) reported: **“It is important to realize that if the causes of tortoise population declines are not addressed, simply increasing population numbers in the wild through augmentation will not result in recovery.”** In the absence of knowing the carrying capacity, or why tortoises at the proposed relocation site are dying at a faster rate than nearby areas, it is very risky to translocate tortoises to this area, particularly under the current prolonged drought conditions.

As in previous comment letters on translocation, we believe this latest proposal is ill-advised. Clark County displaced thousands of tortoises into the DTCC, which were later “dumped” into the southern Nevada deserts, including critical habitat, because there was not a second alternative. We believe that, at the rate of 10 tortoises per year, there is no real need to perpetuate translocation into this area, particularly in the absence of reports on the efficacy of previous translocations. This Draft EA must report available findings regarding translocations in southern Nevada, and if none exist, report the lack of findings. If augmentation has not been accomplished by previous efforts, this current effort should not be referred to as population augmentation.

Again, thank you for alerting us to this latest intent to translocate tortoises. Please consider the Desert Tortoise Council as a member of the interested public and/or affected party and alert us to the availability of the Draft EA so we can see how our scoping comments were addressed and analyzed therein.

Regards,

A handwritten signature in blue ink, appearing to read "Ed L. LaRue, Jr.", is written over a light blue rectangular background.

Edward L., LaRue, Jr., M.S.

Desert Tortoise Council, Ecosystems Advisory Committee, Chairperson

Literature Cited

- Berry, K.H., J.L. Yee, A.A. Coble, W.M. Perry, and T.A. Shields. 2013. Multiple factors affect a population of Agassiz's desert tortoise (*Gopherus agassizii*) in the northwestern Mojave Desert. *Herpetological Monographs* 27:87-109.
- Esque, T.C., K.E. Nussear, K.K. Drake, A.D. Walde, K.H. Berry, R.C. Averill-Murray, A.P. Woodman, W.I. Boarman, P.A. Medica, J. Mack, and J.H. Heaton. 2010. Effects of subsidized predators, resource variability, and human population density on desert tortoise populations in the Mojave Desert, U.S.A. *Endangered Species Research*, Vol. 12-167-177, 2010, doi: 10.3354/esr00298.
- Hardenbrook, D.B. undated. Results from the Trout Canyon desert tortoise study plot, Clark County, Nevada. Report by the Bureau of Land Management, Las Vegas District Office, Las Vegas, Nevada.
- Holle, E., K. Palmer, and G.O. Goodlett. 1992. Desert tortoise population study at Trout Canyon permanent study plot, Clark County, Nevada. Report to Bureau of Land Management, Las Vegas, Nevada.
- U.S. Bureau of Land Management and U.S. Department of Energy. 2012. Final programmatic environmental impact statement (PEIS) for solar energy development in six southwestern states. FES 12-24. DOE/EIS-0403.
- U.S. Fish and Wildlife Service. 2011. Revised recovery plan for the Mojave population of the desert tortoise (*Gopherus agassizii*). U.S. Fish and Wildlife Service, Pacific Southwest Region, Sacramento, California.
- U.S. Fish and Wildlife Service. 2012. Range-wide monitoring of the Mojave desert tortoise (*Gopherus agassizii*): 2008 and 2009 reporting. Report by the Desert Tortoise Recovery Office, U.S. Fish and Wildlife Service, Reno, Nevada.