



## DESERT TORTOISE COUNCIL

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**Via email only**

6 February 2015

Gayle Marrs-Smith, Field Manager  
Las Vegas Field Office, Southern Nevada District Office  
U.S. Bureau of Land Management  
4701 N. Torrey Pines Drive  
Las Vegas, Nevada 89130  
[sndo\\_rmp\\_revision@blm.gov](mailto:sndo_rmp_revision@blm.gov)

Subject: Las Vegas and Pahrump Field Offices Draft Resource Management Plan/Draft  
Environmental Impact Statement

Dear Ms. Marrs-Smith:

The Desert Tortoise Council (Council) is a private, 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 historical range.

The Council would like to commend the Bureau of Land Management (BLM) for proposing many positive actions to facilitate the recovery of the Mojave desert tortoise, with an emphasis on establishing Areas of Critical Environmental Concern (ACEC) for protecting tortoise habitat, identifying the need for restoring tortoise habitat, and controlling invasive plants. Implementing these and other actions is critical to addressing many of the immediate concerns regarding tortoise conservation.

In that respect, we offer the following observations, comments, and recommendations to enhance these and other actions identified in the Las Vegas and Pahrump Field Offices' Draft Resource Management Plan/Draft Environmental Impact Statement (Draft RMP/EIS).

## Specific Comments

The following comments are based on the BLM's Preferred Alternative—Alternative 3.

### Table 2.6, Goal 1.1, SSS-04, Page 42.

The overall goal, under any management alternative, to “manage, protect, restore, and/or improve desert tortoise habitat to meet recovery criteria for the federally listed desert tortoise” represents BLM’s responsibilities under section 7(a)(1) of the Endangered Species Act (ESA)—Federal agencies are directed “to utilize their authorities to carry out programs for the conservation of threatened and endangered species.” The Council enthusiastically supports these efforts. Our understanding of this explicit goal would be that BLM would not authorize any discretionary action that would be counter to or would otherwise hinder the recovery of the tortoise.

### Table 2.6, Goal 1.1, SSS-05, Page 42.

The Council is strongly supportive of the goal to “manage, protect, restore, and/or improve habitats that provide genetic and demographic corridors..., and that support the population growth of federally listed species...Do not authorize actions that could sever connectivity through an identified corridor.” Consistent implementation of these measures is essential for recovery of the tortoise.

### Table 2.6.Goal 1.1, SSS-13, Page 42; Table 2.36. Lands and Realty. L&R-21. Page 168.

Apparently, the objective from the existing Resource Management Plan to manage and expand the Desert Tortoise Conservation Center (DTCC) was not accomplished. The future management of the DTCC, as a joint responsibility of various agencies including BLM and the U.S. Fish and Wildlife Service, appears to be in question. The Draft RMP/EIS does not provide much information concerning the function and purpose of the DTCC and surrounding lands, or the role of BLM in the management of the facility. To maintain options for continued use of facilities, and to support research associated with the DTCC, the Council recommends that management objective SSS-13 under Alternative 2, to include the DTCC as part of the Bird Springs ACEC, be included as the selected management action under the Preferred Alternative, Alternative 3. Also, it is unclear of the purpose for allowing for transfer of the DTCC to another federal agency (page 168).

### Table 2.7. Management Actions for Nye County Areas of Ecological Importance. Page 45. Reserve Units, Page 7.

The designation of Areas of Ecological Importance is not entirely understood but appears to be an interesting concept if this designation brings additional protection to the tortoise. However, this does not seem to be an official designation, and it is unclear why these areas would not be managed under the established designation of ACEC. Also, if these areas are to be used as “reserve units” to mitigate for actions on private land (see page 7), where is there a net benefit to the tortoise since BLM would (should) be managing these lands already for tortoise conservation? These areas should be evaluated for ACEC designation.

Regardless of the designation of these areas as Areas of Ecological Importance, the management criteria under Alternative 2, Lands and Realty, Minerals, Recreation, Fire, and Vegetation (page 45) should apply to the Preferred Alternative (Alternative 3) as well as to all areas of desert tortoise habitat in both the Las Vegas and Pahrump field offices. This would be consistent with the primary stated goal (SSS-04) to manage BLM lands for the recovery of the tortoise, as well as provide substance to explain how this management goal would be achieved by BLM.

Table 2.37. ACEC Summary Table. Gold Butte, Part A. Page 182; Table 2.39. Management Actions Pertaining to Specific ACECs. Gold Butte, Part ACEC. ACEC-29. Page 211.

We ask that BLM include the larger acreage designation for the Gold Butte, Part A ACEC under the Preferred Alternative.

Table 2-10. Wildland Fire. Objective 1.2, FIRE-04, -06, and -19. Page 56.

Thank you for acknowledging that wildland fire is a very serious threat to the tortoise, as well as the actions taken to suppress those fires. The general management criteria outlined are appropriate, but the level of implementation is non-specific. We ask that the Final RMP/EIS specify how implementation is to be accomplished.

Table 2.17. Livestock Grazing Management Actions. Objective 1.1, GRA-04, -05, and -08. Pages 84-86.

Though grazing is excluded from ACECs, all grazing should also be excluded from designated tortoise critical habitat and other areas with moderate to high quality tortoise habitat (see USGS habitat model, BLM Map 3.2.6.1-4). The Draft RMP/EIS provides an excellent discussion of the consequences of grazing within desert habitats and the extended time required for restoration of degraded lands. Both the Lower Mormon Mesa and Flat Top Mesa allotments include tortoise habitat and should be closed to all grazing. As long as any grazing occurs (even at low numbers), potential recovery of these lands is delayed or precluded. By allowing grazing in tortoise habitat on BLM lands, it would appear BLM would not be meeting goal SSS-04, to support the recovery of the tortoise. Meeting ESA section 7 consultation requirements assures meeting the non-jeopardy standard but does not necessarily support recovery.

Table 2.19. Fluid Leasable Mineral Management Actions. Goal 2. Page 90.

Though the maps provided by BLM are often difficult to compare, it appears there are several areas of designated tortoise critical habitat open to mineral entry. We recommend that BLM amend the criteria for the Preferred Alternative to specifically preclude mineral entry into designated desert tortoise critical habitat and that this be clearly shown on the maps.

Table 2.19. Fluid Leasable Mineral Management Actions. Objective 2.1. MIN-10. Page 92.

Based on the current wording, it is unclear if the “buffer” is within or outside of the designated ACEC. It is stated in the Draft RMP that the ACEC “will be closed with the exception of having a 1-mile buffer.” Under no circumstances should these activities be allowed within a designated ACEC. Please state this clearly in the Final RMP/EIS.

Table 2.23. Locatable Mineral Management Actions. Objective 4.1. MIN-15. Page 98.

Please add to the criteria for the Preferred Alternative that BLM will initiate withdrawal of lands within ACECs from future mining claims.

Table 2.25. Salable Mineral Management Actions. Objective 5.1. MIN-16. Page 101.

Though the maps provided by BLM are often difficult to compare, it appears there are several areas of designated tortoise critical habitat open to salable mineral entry. We ask that BLM amend the criteria for the Preferred Alternative to specifically preclude salable mineral entry in designated desert tortoise critical habitat and that this be clearly shown on the maps.

Table 2.25. Salable Mineral Management Actions. Objective 5.1. MIN-17. Page 102.

We assume the standard of “detrimental” established for impacts to desert tortoise by this criterion is equivalent to “adverse effect” under ESA section 7 guidelines? Please clarify in the Final RMP/EIS.

Table 2.27. Recreation Management Actions. Speed-Based Permitted Recreation. REC-11. Page 107.

Under no circumstances should any speed-based recreational activities be allowed within designated desert tortoise critical habitat. Please modify the criteria to specifically prohibit this activity. In areas not designated critical habitat but occupied by tortoises, speed-based recreation should not occur in areas modeled as high or moderate quality habitat (see USGS habitat model, BLM Map 3.2.6.1-4), and sharply curtailed wherever else tortoises may occur.

Table 2.27. Recreation Management Actions. Speed-Based Permitted Recreation. REC-12. Page 108.

High-speed events can impact tortoises at any time of the year, regardless of tortoise activity periods. Managing speed events in compliance with issued biological opinions is certainly required of BLM. However, BLM has established that the management goal under this RMP is to support recovery, providing for a higher standard than that achieved under consultation.

Table 2.27. Recreation Management Actions. Non-Speed Permitted Recreation. REC-13. Page 109; Table 2.31. Page 145; Table 2.32. Page 147.

Those activities that include more than a single motorized vehicle should be prohibited from desert tortoise ACECs and critical habitat. All other single vehicle motorized activities (e.g., commercial scenic tours) and non-motorized activities (e.g., bicycles) should be restricted to designated roads and trails.

Table 2.28. Group 1: Speed-Based Recreation in Critical Desert Tortoise Habitat. Page 142;

Table 2.29. Group 2. Page 143; Table 2.30. Group 2. Page 144.

Under no circumstances should any speed-based recreational activities be allowed within designated desert tortoise critical habitat at any time of the year. Please include this restriction under the Preferred Alternative criteria.

Table 2.33. OHV Area Allocations. TRV-03. Page 151.

The Council strongly supports that motorized travel would be restricted to designated routes for all areas not specifically designated open or closed.

Table 2.36. Land and Realty Management Actions. Renewable Energy. L&R-36. Page 172.

Though the maps provided by BLM are often difficult to compare, it appears there are several areas of designated tortoise critical habitat open to solar development. We ask that BLM amend the criteria for the Preferred Alternative to specifically preclude solar development from designated desert tortoise critical habitat and that this be clearly shown on the maps.

Table 2.36. Land and Realty Management Actions. Renewable Energy. L&R-37. Page 173.

Though the maps provided by BLM are often difficult to compare, it appears there are several areas of designated tortoise critical habitat open to wind development. We ask that BLM amend the criteria for the Preferred Alternative to specifically preclude wind development from designated desert tortoise critical habitat and that this be clearly shown on the maps.

Table 2.38. Management Actions Pertaining to all ACECs. ACEC-11. Page 188.

The Council strongly supports these criteria for the management of ACECs for the benefit of desert tortoises. Please expand these criteria to specifically support restoration of habitat as needed, including active restoration following fires and control of non-native plants.

Table 2.39. Management Actions Pertaining to Specific ACECs. Bird Spring Valley ACEC. ACEC-22. Page 196.

The criteria for the Preferred Alternative should include the larger acreage designation of 78,959 acres.

Table 2.39. Management Actions Pertaining to Specific ACECs. Ivanpah Valley ACEC. ACEC-36. Vegetation. Page 230-231.

The criteria provide for restoration of habitat impacted by permitted activities. However, if an activity could result in habitat degradation, that activity should not have been permitted to occur within a designated ACEC and critical habitat.

3.2.7.1.1.2.1. Mojave Desert Tortoise. Page 345.

Reference is made to the USGS tortoise habitat model (see BLM Map 3.2.6.1-4 USGS habitat model) but appropriately cautions that the map “should not be interpreted to indicate actual presence of tortoises.” Also as noted, the map does not take into account areas that have been developed, or other disturbances such as the effects of wildland fire. The extensive areas of mapped high value tortoise habitat west of the Spring Mountains may be over stated, resulting in an apparent interpretation that high quality habitat is wide-spread and abundant on BLM lands. It is unclear how BLM intends to use this map in its planning process.

3.4.1.1.8. Desert Tortoise Critical Habitat ACECs. Page 485.

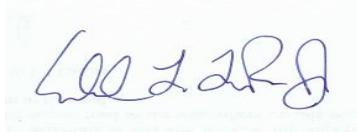
The Council strongly supports the designation of ACECs for the protection of tortoise habitat, and especially for designated critical habitat. However, the management objectives are not just intended to protect acres, but to protect acres of quality habitat. During 2005, an astonishing

amount of critical habitat burned within the BLM-Las Vegas district, including designated ACECs. Tens of thousands of acres burned. How has this affected tortoises and the ability of these habitats and ACECs to support tortoises over the long-term? It appears that determining the effects of previous and future fires should be a priority for BLM, as this provides the baseline understanding of issues related to tortoise viability, fire suppression priorities, and habitat restoration.

The Council appreciates the opportunity to review and comment on the BLM Las Vegas and Pahrump Draft RMP/EIS. BLM manages public lands that are extremely important to the long-term conservation of the Mojave desert tortoise. The Council recognizes BLM's commitment to the conservation of the tortoise, and would like to work with BLM to identify a "demonstration area" (perhaps an established ACEC) where all actions taken are for the benefit of the tortoise. "Best management practices" would be developed and implemented to ameliorate threats, restore degraded habitat, and achieve a quantifiable improvement in tortoise populations. This would represent a long-term commitment by both BLM and the Council.

We ask that you continue to identify the Desert Tortoise Council as an Affected Interest, and that we continue to receive updates, including the Final RMP/EIS, as they become available. Thank you for considering our concerns, and we look forward to working with you on this and other important matters affecting public lands occupied by tortoises.

Regards,

A handwritten signature in blue ink, appearing to read "Ed LaRue", is centered on a light blue rectangular background.

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

Desert Tortoise Council, Ecosystems Advisory Committee, Chairperson