



DESERT TORTOISE COUNCIL

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22 September 2016

Via email only

Ms. Jennifer Fox, Ecologist, jennifer_fox@nps.gov
Bureau of Land Management, Grand Canyon-Parashant National Monument
345 East Riverside Drive
St. George, Utah 84790

RE: Pakoon Springs Public Use Environmental Assessment (DOI-BLM-AZ-A030-2016-0004-EA)

Dear Ms. Fox,

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 geographic range.

First, I would like to thank you for proactively sending the public notice and a pdf copy of the Pakoon Springs Public Use Environmental Assessment (DOI-BLM-AZ-A030-2016-0004-EA) (herein "EA"), which was received via email on 7 September 2016 from your office. I understand from the notice that public comments are due by 22 September 2016, and that our comments herein are being submitted before that deadline. Finally, in addition to these comments, I am including scoping comments previously submitted to you by the Council for the same project, which are dated 12 February 2016 (attached).

The Purpose and Need for the proposed action are given on page 5 of the EA as follows: "The purpose of the proposed action is to relocate visitor information and signage, increase protection of the springs through additional fencing, enhance wildlife habitat through the construction of a shallow armored run, and allow for future research activities.

"The need for the proposed action is to address increasing public use of the Pakoon Springs site by improving recreational access, enhancing the educational nature of visitor use infrastructure, increasing protection of the spring area from trespass livestock and feral animals in the event of boundary fence damage, assuring open water for the use of bats and other wildlife, and allowing for increased emphasis on research activities."

In each of our following comments, we preface the comment with a bullet (●), the EA page number and subsection number, the verbatim wording from the EA italicized, followed by our comments and recommendations, which are given in bold for ease of tracking.

- Page 8, MA-TE-30. *To the extent possible, project activities will be scheduled when tortoises are inactive (October 15 through March 15). The following project activities will only be authorized between October 15 and March 15: organized, non-speed vehicular events; construction and non-emergency maintenance activities in ROWs; and non-emergency maintenance of existing roads.*

Comment: We note that juvenile tortoises may be active throughout the year, even in the winter when it rains and temperatures are suitably warm. Adult tortoises may become active in early March and remain active until the end of October, and like juveniles, may be aboveground on warm and/or wet days throughout the year. Whereas we concur that monitoring and other protective measures identified in the EA may help avoid impacts during authorized activities, **we strongly recommend that the time period given above – October 15 through March 15 – be changed to be between October 31 and March 1 of a given year.** We believe that two weeks later in the fall and to weeks earlier in the spring are more realistic dates to avoid heightened tortoise activity periods. We note that this date revision would also apply to MA-TE-36.

- Page 8 and 9, MA-TE-31. *Reclamation will be required for activities that result in loss or degradation of tortoise habitat. Habitat will be restored or reclaimed to as close a pre-disturbance condition as practicable.*

Comment: We would refer the Bureau of Land Management (BLM) and National Park Service (NPS) to a recent publication completed by two of our Board members in 2016. Abella and Berry (2016) provide very specific recommendations and Best Management Practices (BMPs) to restore desert tortoise habitats in their paper, entitled “Enhancing and Restoring Habitat for the Desert Tortoise *Gopherus agassizii*.” We will send this document to you as a separate attachment, as it is too large to attach to this particular email. We would also refer you to our website (deserttortoise.org), which includes five BMP fact sheets for restoring degraded desert tortoise habitats.

- Page 9, MA-TE-34: *Authorized actions that may result in adverse effects to desert tortoises will require implementation of project stipulations including personnel education programs, pre-construction clearances, defined construction areas, operational restrictions, and procedures for moving tortoises out of harm's way. (See Appendix G for a list of stipulations.)*

Comment: We would like to have reviewed these project stipulations but note that the EA includes Appendices A, B, and C, only; although referenced here on page 9, Appendix G is not included in the EA, so we are unable to provide additional input.

- Page 17, Bat Run: *The bat run would be located adjacent to the weir in the existing watercourse above the wash (Map 1)... Open water of the run would be approximately 14 feet by 10 feet to accommodate the largest bats known to occur in the area.*

Comment: Our 12 February 2016 comment letter, Comment 1 at the top of page 2, recommended that this bat pond not be installed as it may subsidize tortoise predators, including common ravens and coyotes. We also noted that the Grand Canyon-Parashant National Monument Plan (BLM and NPS 2008) prohibits the subsidy of these predators in desert tortoise habitat. In spite of this recommendation and citation, the proposed action of the EA still plans to develop this new open water source without any intent to implement protective measures to prevent use of this water by these predators. **The Council strongly recommends that this bat pond not be constructed. If this recommendation is not followed, the BLM must design and fund a monitoring program to see if tortoise predators are using this new water source resulting in increased predation of tortoises, and if so, either eliminate it or install structures and/or facilities that would prevent coyotes and common ravens from using the water source. Further, the Adaptive Management discussion in Section 2.1.1 on page 20 of the EA should be augmented to address this specific concern of subsidizing tortoise predators with this new bat pond.**

- Page 22, Section 2.1.3, Term and Condition 7. *No standing water as a result of project operations will be permitted.*

Comment: As noted above regarding the bat pond, we see here that the Biological Opinion issued by the U.S. Fish and Wildlife Service (USFWS) expressly prohibits the creation of standing water associated with project operations. **If the USFWS has not already been consulted, we insist that BLM contact the pertinent USFWS biologist, divulge that a bat pond is to be created, and determine (a) if the bat pond should not be constructed or (b) a monitoring program and protective measures be implemented to ensure no loss of tortoises to an increase in predators subsidized by this new water source.**

- Appendix C, Public Scoping Comments and Responses. We see in the table that you have addressed most of the concerns identified in our comment letter of 12 February 2016. We note on page 51, one response indicates: *Existing educational signage does not specifically address protection of tortoise; rather it incorporates information about OHV use, Tread Lightly and a brief overview of Pakoon Springs.*

Comment: **We recommend that existing signage be amended to make visitors aware of the desert tortoise, protective measures, what to do and not to do, and other pertinent information that may further reduce or eliminate any new impacts to tortoises by visitors attracted to the new facilities.**

- Appendix C, Public Scoping Comments and Responses. In our previous comments we expressed the following concern on page 2, Comment 4: “We note that the proposed action will include research projects. Are any of these research projects related to desert tortoises? Please be sure to indicate the full range of proposed research activities in the Draft EA.”

Comment: We see that this particular comment has not been included or addressed in Appendix C. We assume that this implies there will be no associated research. **However, we reiterate that a monitoring plan should be designed and implemented to see if the proposed action will subsidize predators, and if so, that adaptive management prescriptions be implemented to reduce any new predation on tortoises associated with the bat pond.**

Thank you for your time and consideration of our persisting concerns.

Regards,

A handwritten signature in blue ink, appearing to read "E. LaRue, Jr.", is enclosed in a light blue rectangular box.

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

Desert Tortoise Council, Ecosystems Advisory Committee, Chairperson