



DESERT TORTOISE COUNCIL

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Kern County Planning and Community Development Department
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RE: Comment on Indian Wells Valley Land Use Management Plan Draft EIR/EIS (IWVLMP)
(<http://pcd.kerndsa.com/planning/environmental-documents>)

Mr. Ross Fehrman,

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.

Page 1-5, Section 1.4, Local and Regional Setting: We ask that this section be amended to show the various land designations that were established by the West Mojave Coordinated Management Plan (WEMO Plan; U.S. Bureau of Land Management 2006), particularly the Mohave Ground Squirrel Habitat Management Area (MGS HMA). It would also be helpful to see desert tortoise critical habitat in the southern portions of the IWVLMP (U.S. Fish and Wildlife Service 1994) and proximate portions of the Fremont-Kramer Desert Wildlife Management Area (DWMA) established by the Bureau of Land Management (BLM) in the WEMO Plan.

Page 1-14, Section 1.6, Alternatives to the Project: "Alternative B, the Open Space Alternative, would be the environmentally superior alternative to the proposed project on the basis of its minimization or avoidance of physical environmental impacts, while achieving the project objectives and goals. Therefore, Alternative B would be a practical and feasible alternative to the proposed project." As the environmentally superior alternative, this would be the preferred alternative of the Council.

Page 1-20, Table 1-5, MM 4.4-1: In addition to the plant species listed in MM 4.4-1 that are protected by the California Desert Native Plants Act (Plant Act), Division 23 Sub-section (b) also includes “all species of the family Cactaceae (cacti), except for the plants listed in subdivisions (b) and (c) of Section 80072 (i.e., saguaro and barrel cacti), which may be harvested under a permit obtained pursuant to that section.” Division 23 Sub-section (f) also includes “*Senegalia (Acacia) greggii* (catclaw acacia).” To be in compliance with the Plant Act, we recommend that MM 4.4-1 be modified to include all cacti and catclaw acacia.

Page 1-21, Table 1-5, MM 4.4-2: In addition to the comprehensive list of 23 animal species for which surveys would be required, we recommend that Swainson’s hawk be added to that list. There is an anecdotal account of Swainson’s hawks attempting to nest at the Desert Tortoise Research Natural Area (DTRNA; U.S. Bureau of Land Management 2005) and in the northern portions of Antelope Valley, very near to the southern boundary of Kern County. In addition to visual surveys for Swainson’s hawk, it is recommended that the California Natural Diversity Data Base (CNDDDB) and other sources (e.g., eBird 2015, administered by Cornell University) also be consulted. This is important to ensure that this State-listed Threatened species is not impacted by County-approved projects within the IWVLMP.

On 1/20/2014 for the Springbok/Oryx solar projects and on 2/2/2014 for the Fremont Valley Preservation Project, we formally asked Kern County Planning Department to consider the Desert Tortoise Council as an Affected Party for these and *any other projects affecting the desert tortoise* in eastern Kern County. In spite of that request, we are not among the 530 individuals and organizations contacted for the IWVLMP. Herein, once again, we ask that the Desert Tortoise Council be considered an Affected Interest for all projects in eastern Kern County that may affect the desert tortoise.

Regards,



Edward L., LaRue, Jr., M.S.
Desert Tortoise Council, Ecosystems Advisory Committee, Chairperson

Literature Cited

- eBird. 2015. eBird: An online database of bird distribution and abundance [web application]. Version 2. eBird, Cornell University, Ithaca, New York. Available: <http://www.ebird.org>.
- U.S. Bureau of Land Management. 2005. Final Environmental Impact Report and Statement for the West Mojave Plan, a Habitat Conservation Plan and California Desert Conservation Area Plan Amendment. Dated January 2005. Moreno Valley, CA.
- U.S. Bureau of Land Management. 2006. Record of Decision: West Mojave Plan, Amendment to the California Desert Conservation Area Plan, dated March 2006. Sacramento, CA.
- U.S. Fish and Wildlife Service. 1994. Endangered and threatened wildlife and plants; determination of critical habitat for the Mojave population of the desert tortoise. Federal Register 55(26):5820-5866. Washington, D.C.