



**DESERT TORTOISE COUNCIL**

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**Via email only**

28 June 2018

Ms. Katrina Symons  
Bureau of Land Management, Barstow Field Office  
2601 Barstow Road  
Barstow, CA 92311  
[ksymons@blm.gov](mailto:ksymons@blm.gov)

RE: Dumont Communications Site Environmental Assessment (DOI-BLM-CA-D080-2018-0027-EA, CACA 55507)

Dear Ms. Symons,

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 desert tortoise species. Established in 1975 to promote conservation of tortoises in the deserts of the southwestern United States and Mexico, the Council routinely provides information and other forms of assistance to individuals, organizations, and regulatory agencies on matters potentially affecting desert tortoises within their geographic ranges.

We appreciate this opportunity to provide comments on the above-referenced project. Given the location of the proposed project in habitats likely occupied by Agassiz's desert tortoise (*Gopherus agassizii*) (synonymous with "Mojave desert tortoise"), our comments pertain to enhancing protection of this species during activities authorized by the Bureau of Land Management (BLM).

The BLM's Draft EA (2018) describes the project as follows: "The total ROW grant would be 2.29 acres, which would include (1) a 144-foot by 79-foot communication site lease area, covering 11,376 square feet; (2) use of an existing roadway segment approximately 5,600 feet in length and 14 feet in width; and 3) a 100-foot by 100-foot staging area. Areas of new and permanent disturbance would total approximately 0.49 acre."

The Draft EA reports that three different tortoise surveys were conducted in April and May 2013 and again in May 2017 and only a few potential tortoise burrows were found. The U.S. Fish and Wildlife Service (USFWS) 2010 survey protocol was in effect during the timing of these surveys, which recommends that zone of influence surveys be performed in adjacent areas at 200, 400, and 600-meter intervals. Although these peripheral surveys were discontinued in August 2017 (USFWS 2017), they were an established part of the survey protocol during all of AECOM's (2017) April-May 2013 and May 2017 surveys. Even so, peripheral transects were not surveyed by AECOM, nor did the biologists conduct protocol surveys for burrowing owl (*Athene cunicularia*), where California Department of Fish and Wildlife (CDFW) requires peripheral transects be surveyed at 30, 60, 90, 120, and 150-meter intervals (CDFG 2012). The BLM would have been presented with more complete and detailed information had these peripheral transects been surveyed, and the likelihood of encountering tortoise signs would have been increased with more survey effort in adjacent areas.

Since peripheral surveys were not performed, we expect that tortoises are most likely to occur and be encountered along the one-mile access road. Although the baseline information (minus recommended peripheral surveys) prompted the BLM to determine the project would have no effect on tortoises, if tortoises are encountered during construction, operations, and maintenance activities, we expect that the BLM would be obligated to determine the project "may affect" tortoises and initiate consultation with the USFWS or authorize the project under an existing small-project biological opinion. Alternatively, authorized biologists and/or biological monitors would take steps, without handling tortoises, to avoid all tortoises. As such, we ask that the Applicant-Proposed Measures (APMs) given in Appendix D be amended to outline specific changes and new measures to be implemented if a desert tortoise is encountered during BLM-authorized activities for this project. Please be sure that BLM, USFWS, and CDFW all authorize experienced biologists before enlisting them to implement protective measures.

We appreciate, as given in Appendix B, that a biological monitor will be onsite during the estimated 45-day construction period (LUPA-BIO-2 on page B-1) and decommissioning period (LUPA-BIO-8), that a worker education program will be administered (LUPA-BIO-5), and that a 15-mile per hour speed limit will be implemented during all construction, maintenance, and operations activities (page 17 of the Draft EA). It may be prudent to post the speed limit should members of the public begin using the construction-enhanced access road.

The new cell tower is likely to provide nesting habitat for ravens, which may depredate hatchling and juvenile tortoises. Maintenance personnel should be required to destroy raven nests out of the nesting season if any are established, or notify the BLM, who can contact Wildlife Services. As given in Appendix B, the proponent should participate in the raven management plan and pay pertinent fees to the National Fish and Wildlife Foundation's Raven Management Fund for regional and cumulative impacts.

We appreciate this opportunity to provide input and trust that our comments will further protect tortoises during authorized project activities. Herein, we ask that the Desert Tortoise Council be identified as an Affected Interest for this and all other BLM projects that may affect species of desert tortoises, and that any subsequent environmental documentation for this particular project is provided to us at the contact information listed above.

Regards,



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

Desert Tortoise Council, Ecosystems Advisory Committee, Chairperson

### **Literature Cited**

AECOM. 2017. Dumont Communication Site – 2013 and 2017 desert tortoise pre-project survey results report, San Bernardino County, California. Unpublished letter report prepared on behalf of BLM. San Diego, CA.

Bureau of Land Management. 2018. Dumont Communications Site Environmental Assessment (DOI-BLM-CA-D080-2018-0027-EA, CACA 55507). Unpublished report prepared by the Barstow Field Office of the Bureau of Land Management. Barstow, CA.

California Department of Fish and Game. 2012. Staff report on burrowing owl mitigation. The 7 March 2012 memo replacing 1995 staff report, State of California Natural resources Agency, Department of Fish and Wildlife. Sacramento, CA.

U.S. Fish and Wildlife Service. 2010. Preparing for any action that may occur within the range of the Mojave desert tortoise (*Gopherus agassizii*). USFWS Desert Tortoise Recovery Office. Reno, NV.

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