



## DESERT TORTOISE COUNCIL

4654 East Avenue S #257B  
Palmdale, California 93552

[www.deserttortoise.org](http://www.deserttortoise.org)  
[ed.larue@verizon.net](mailto:ed.larue@verizon.net)

### Via email only

10 December 2016

Nellis Air Force Base  
99th Air Base Wing Public Affairs  
4430 Grissom Ave., Ste. 107  
Nellis AFB, NV 89191  
[99ABW.PAOutreach@us.af.mil](mailto:99ABW.PAOutreach@us.af.mil)

RE: Department of Defense's intent to withdraw 300,000± acres of Desert National Wildlife Refuge for use by the Air Force

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.

Herein, we provide some general concerns about the proposed land withdrawal and new land use given in the Notice of Intent (NoI), followed by specific components to be addressed in the Legislative Environmental Impact Statement (LEIS).

**General Concerns.** We are seriously concerned about the proposal to withdraw up to 301,507 acres from Desert National Wildlife Refuge (DNWR) for military use. The withdrawal and new land-based uses would predictably result in adverse impacts on currently-protected populations of the federally-listed, Threatened desert tortoise (*Gopherus agassizii*) by expanding into the South Range of the Nevada Test and Training Range (NTTR) facility.

Although we support the No Action Alternative, we are willing to support Alternative 1, which would maintain the status quo and allow existing Air Force use and USFWS management beyond 2021. We strongly oppose Alternative 3C ("Alamos Withdrawal") to withdraw 301,507 acres from DNWR, especially those lands located east of the South Range.

**Specific Components.** Following are specific components that must be addressed in the LEIS with regards to both *current* management and *changed* management under each of the alternatives.

With regards to *current* management:

- Please be sure to post, at a minimum, the following documents on your website for the LEIS: Copies of pertinent natural resource management plan(s); available resource inventories showing existing distributions and densities of tortoises on the South Range; pertinent Biological Opinion(s) for current operations; 2009 USGS study used to model tortoise occurrence throughout the NTTR; baseline inventories and other data collected in support of designating wilderness in the area into which the Air Force wants to expand.
- Document existing distributions and densities of desert tortoises within the South Range of the NTTR, referencing any programmatic inventories that have been performed.
- Maps presented at the 10/20/2016 scoping meeting show only active tortoise burrows, not tortoises, and do not indicate the relative level of effort to find those burrows. All surveys should document both positive and negative results for tortoise sign. Surveys where no tortoise sign was found are important in assessing relative levels of impact.
- Indicate the relationship between “Potential Index” numbers 0 – 0.5 and 0.9 – 1 in the 2009 USGS model and densities of tortoises. Have there been any field studies to test the accuracy of the model?
- Assuming there is a resource management plan (e.g., like the “Integrated Natural Resource Management Plan” or “INRMP” at Edwards Air Force Base, CA), summarize tortoise protective measures in that document as part of current management.
- Document how the Air Force has or has not assisted USFWS in funding distance sampling and other regional inventories intended to determine recovery of the tortoise in Nevada critical habitat units.
- Has a Biological Opinion been issued to the Air Force or other federal agency to regulate take of tortoises at the NTTR? If so, document the annual mortality take limit allowed by the Biological Opinion, describe how take is monitored, and list how many tortoises have been taken annually by Air Force activities since the Biological Opinion was published.
- Similarly, the LEIS must fully document USFWS’ management of tortoises within the DNWR and indicate what authorized and unauthorized take, if any, has occurred at the five targets the Air Force has been using under current management. The LEIS must also document how these impacts have been monitored and the results of monitoring.

With regards to *changed* management:

- For each alternative, include maps that clearly document tortoise distributions and concentrations throughout the South Range, and identify those areas that are not considered tortoise habitat.
- Within suitable tortoise habitats throughout the South Range, perform USFWS-approved programmatic surveys that result in high resolution mapping of tortoise distribution and concentration areas. For example, Tortoise Regional Estimate of Density (TRED) surveys have been performed at several Department of Defense installations for this purpose (i.e., to characterize desert tortoise density and project-related impacts), including at the Fort Irwin National Training Center (Karl 2002), Twentynine Palms Marine Corps Air Ground Combat Center (MCAGCC 2012), and the Chocolate Mountain Aerial Gunnery Range (Marine Corps

Air Station Yuma 2016). These surveys (or others like probabilistic sampling) must occur throughout all potential desert tortoise habitats in the South Range. TRED surveys should provide sufficient resolution to identify tortoise concentration areas that should be avoided when future infrastructure locations are identified.

- All tortoise sign (scat, burrows, carcasses, etc.) should be recorded and mapped.
- The USGS model shows that there are several valleys having higher “Potential Index” numbers than adjacent mountainous areas. The surveys described above should provide sufficient information to determine valley areas that should be off limits to certain uses (e.g., excessive cross country vehicle travel), or perhaps where seasonal restrictions would be appropriate.
- Data obtained from field surveys should be used to test the accuracy of the USGS 2009 model’s “Potential Index” numbers 0 – 0.5 and 0.9 – 1 and show how they relate to densities of tortoises.
- Using the resource inventories described above, show all locations of intended development and land-based uses, and demonstrate how the resource inventory data will be used to avoid or minimize impacts.
- Under each alternative, show how tortoise populations would be adversely or beneficially affected by new management under the Air Force compared to existing management by the USFWS.
- Document how expansion into adjacent areas, particularly to the east, will lead to additional impacts to habitats and tortoises currently protected on the South Range. Impacts should be documented by acreage and numbers of tortoises lost.
- Analyze how tortoise translocation could be used to minimize impacts for each alternative.
- Indicate if a new Biological Opinion (possibly a Programmatic Biological Opinion [PBO]?) will be issued or an existing one amended to regulate additional take of tortoises resulting from base expansion and new use within the South Range. If there is an existing Biological Opinion, show how the annual allowable mortality take limit would likely change under each alternative. This analysis must be based on current resource inventories within alternative expansion areas and not be based on speculation.
- If a new PBO is issued by the USFWS, the LEIS must list and clearly describe all activities that are and are not covered by the PBO, and describe subsequent analyses needed to develop both infrastructure and new land-based uses. For example, would Environmental Assessments be performed to identify specific impacts associated with a “covered activity” in the PBO?
- Include a detailed monitoring plan to determine how the final expansion area is affecting tortoises over the life of the project (i.e., cited as 20 years, 50 years, or indefinitely as proposed in Alternative 4). It is our recommendation that the Biological Opinion not exceed a 20-year time period.
- Demonstrate how adaptive management will be implemented if long-term monitoring shows decreases in tortoises, even if downward trends are not attributable to Air Force activities. If regional tortoise populations continue to decline, how will the Air Force help curtail these declines, especially within the project area?
- Identify programs, such as headstarting at Fort Irwin (Army), Edwards AFB (Air Force), and 29 Palms MCAGCC (Marines) in California that the Air Force can initiate or facilitate to recover depleted tortoise populations in Nevada.
- Document how the resource management plan, if any, will need to be changed to offset new adverse impacts associated with each alternative.

- To offset new impacts, pertinent Air Force personnel associated with the NTTR should attend Management Oversight Group meetings to see how they can fund and facilitate recovery of tortoises in Nevada. The Air Force should begin/or continue to provide funding to the USFWS to implement distance sampling studies in Nevada as part of a cumulative effects analysis of the proposed expansion project.
- The LEIS must consider growth-inducing impacts of subsidized predators, particularly common ravens (*Corvus corax*) and coyotes (*Canis latrans*) for each alternative, and demonstrate how future development and land-based uses will minimize subsidies to these and other tortoise predators. Additionally, consider implementing measures to actively control subsidized predators (see MCAGCC 2016).
- Based on information presented at the scoping meeting in Las Vegas on 10/20/2016, there seems to be a discrepancy between what the Air Force needs and the eastern expansion of the South Range (i.e., “Alamos Withdrawal”). The larger yellow circle in the expansion diagram extended equally in all directions from a central target but did not exceed the existing eastern boundary of the South Range. Given that the yellow circle is intended to show what the Air Force needs for a 360 degree approach on the target, and this circle does not extend east of the existing South Range line, what is the rationale for expanding into DNWR lands in that area? There should be no expansion east of the South Range boundary into areas where the highest incidence of tortoise burrows is depicted on scoping meeting maps.

The Council herein asks that we be considered an Affected Interest and receive a copy of the draft and final LEIS when available.

Regards,



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

### References

- Karl, A. E. 2002. Desert Tortoise Abundance in the Fort Irwin National Training Center Expansion Area. Unpublished report to Charis Corporation, Temecula, CA. 57 pp, plus Appendices.
- Marine Corps Air Station Yuma. 2016. Final Environmental Assessment for the Proposed Range Redesign of Special Warfare Training Areas 4 and 5 at the Chocolate Mountain Aerial Gunnery Range, Imperial and Riverside Counties, California. February
- MCAGCC. 2012. Environmental Impact Statement for Land Acquisition and Airspace Establishment to Support Large-Scale Marine Air Ground Task Force Live-Fire and Maneuver Training at the Marine Corps Air Ground Combat Center, Twentynine Palms, CA. Prepared by TEC under the direction of MAGTF Training Command, MCAGCC Twentynine Palms, and NAVFAC Southwest. July.

MCAGCC. 2016. Draft<sup>1</sup> Supplemental Environmental Impact Statement for Land Acquisition and Airspace Establishment to Support Large-Scale Marine Air Ground Task Force Live-Fire and Maneuver Training at the Marine Corps Air Ground Combat Center, Twentynine Palms, CA. September. Available online at: [http://www.seisforlaa.com/Resources/Documents/508\\_DRAFT\\_29\\_Palms\\_LAA\\_Supplemental\\_EIS\\_SEP\\_2016\\_complete.pdf](http://www.seisforlaa.com/Resources/Documents/508_DRAFT_29_Palms_LAA_Supplemental_EIS_SEP_2016_complete.pdf).

---

<sup>1</sup> Note: the Final Supplemental Environmental Impact Statement for Land Acquisition and Airspace Establishment to Support Large-Scale Marine Air Ground Task Force Live-Fire and Maneuver Training at the Marine Corps Air Ground Combat Center, Twentynine Palms, CA is expected to be released in December 2016. If released on schedule, the LEIS should incorporate active control of subsidized predators contained therein.