



DESERT TORTOISE COUNCIL

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Via email only

18 February 2016

Mr. Randall Porter, Geologist
Bureau of Land Management, Ridgecrest Field Office
300 South Richmond Road
Ridgecrest, California 93555
rporter@blm.gov

RE: Environmental Assessment DOI-BLM-CA-D050-2016-0006 for Sampling the Purple Sage Placer Claim Plan of Operations CACA-56420

Dear Mr. Porter,

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.

In general, the Bureau of Land Management (BLM) must carefully consider each and every action it authorizes that *may affect* the desert tortoise. In spite of the conservation ostensibly provided by the California Desert Conservation Area Plan since 1980 and its many amendments, particularly the regional plans including the West Mojave Plan in 2006, desert tortoises continue to decline in critical habitats and Desert Wildlife Management Areas (DWMAs), which are intended to be the best places to facilitate recovery. The U.S. Fish and Wildlife Service (USFWS 2014) has estimated that 106,000 adult tortoises have been lost within the listed range since 2004, and that most of this decline has occurred in the West Mojave Desert. They estimate, in the West Mojave alone, there were 152,967 tortoises in 2004, which decreased to 76,644 tortoises by 2012, which is a loss of approximately 76,300 tortoises, or a 50% decrease in the West Mojave planning area, which includes the proposed action.

We would like to thank the BLM for contacting us in a direct and timely manner to inform us of this proposed project. Following are a few recommendations that we believe will enhance protection of both tortoises and their habitats if the proposed action is implemented:

1. In Chapter 2 under Proposed Action (we note there are no page numbers we can reference, and ask that future documents have page numbers to facilitate referring to specific sections), we note the following wording: “BLM also has a set of standardized tortoise requirements derived from Biological Opinion(s) of the U.S. Fish & Wildlife Service, shown in Appendix C and **applicable if the action occurs in months when tortoise are typically active (i.e., after March 1)** (bold emphasis added).”

Although we appreciate that this seasonal limitation is given to minimize impacts to tortoises, we note that tortoises and their habitats may be affected regardless of the time of year. A tortoise in its burrow is still susceptible to crushing regardless of the season, so please be sure that appropriate protective measures are implemented *regardless of the time of year*. At the very least, this should include preconstruction protocol surveys and biological monitoring by BLM-approved biologists. We note, too, that the protective measures listed in Appendix C do not have a seasonality stipulation associated with them, meaning that all such measures should be implemented regardless of the time of year.

2. On page 4 under “Tortoise and Mohave Ground Squirrel Specific Stipulations,” we recommend that all construction workers be given a tortoise awareness briefing regardless of the time of year. Typical measures such as maintaining a clean workplace, slower speed limits, restricting vehicle travel to existing routes, prohibiting cross country vehicle travel, and requiring biological monitoring are all pertinent protective measures regardless of the time of year; nor are seasonal restrictions identified in Appendix C of your EA. Both juvenile and adult tortoises have been observed aboveground every month of the year, so it is important that pre-activity briefings occur regardless of the time of year. So, although the measures listed are appropriate, BLM should emphasize that these measures are to be implemented regardless of the season.

3. The measures listed on page 4 are considered appropriate with several exceptions; they fail to indicate that perimeter fences must be installed or require that an authorized biologist performs preconstruction surveys of the impact area prior to ground disturbance. These particular measures are identified in Measures 1h and 1i in Appendix C. We are concerned that the text of the EA identifies only a subset of measures given in Appendix C, which may lead the proponent to think that the other measures are not applicable. Therefore, we strongly recommend that the BLM advise the proponent that all measures given in Appendix C should be applied to the proposed action regardless of the time of year of those actions.

4. If an active tortoise burrow is found during these preconstruction surveys, the proponent should move the trenches to a nearby location that still satisfies their needs but would not affect any tortoise burrows. We note that the EA does not authorize take of tortoises, which we assume would be authorized under the BLM’s small mine programmatic biological opinion? In any case, moving the activity to avoid active tortoise burrows is deemed prudent.

5. Measures 1j, 1k, and 3 are protective measures identified prior to 1992, at which time the Council's "Guidelines for Handling Tortoises during Construction Projects" (Desert Tortoise Council 1999) replaced the Arizona Game and Fish protocol of 1990. In any case, even our guidelines, which were used from 1992 until 2009, are no longer the most current; currently acceptable protective measures are identified in the U.S. Fish and Wildlife Service's (USFWS) 2009 Field Manual. Please be sure that these latest protective measures are being used by the biologists working on this and other projects on BLM-administered lands.

6. Similarly, Measure 1n in Appendix C indicates that injured or dead tortoises should be reported to Ventura or Carlsbad USFWS biologists. Please note that the current pertinent office is in Palm Springs and that Brian Croft is the appropriate contact. Again, although it may be too late for this project, we ask that the BLM biologist in Ridgecrest take some time to review the protective measures given in Appendix C and update them to meet current standards.

Thanks for this opportunity to comment. We look forward to reviewing future environmental documents relative to this and all other projects on BLM-administered lands that may affect the desert tortoise.

Regards,



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

Desert Tortoise Council, Ecosystems Advisory Committee, Chairperson

Literature Cited

Desert Tortoise Council. 1999 (revised from 1994 version). Guidelines for handling desert tortoises during construction projects. Edward L. LaRue, Jr., editor. San Bernardino, California.

U.S. Fish and Wildlife Service. 2009. Desert Tortoise (Mojave Population) Field Manual: (*Gopherus agassizii*). Region 8, Sacramento, California.

U.S. Fish and Wildlife Service. 2014. Update of Mojave desert tortoise population trends (dated 10 March 2014). Unpublished report prepared by the Desert Tortoise Recovery Office of the USFWS. Reno, NV. 2 pages.