



DESERT TORTOISE COUNCIL

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Via email only

28 June 2022

Attn: Ms. Kirsten Cannon
Executive Committee Chair, BLM Southern Nevada District Office
4701 North Torrey Pines Drive
Las Vegas, NV 89130
k1cannon@blm.gov, snplma@blm.gov

RE: Public Comment on Bureau of Land Management's \$327 Million in Funding Recommendations

Dear Ms. Cannon,

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 expenditure of these funds. Given the expenditure of these funds in habitats likely occupied by Mojave desert tortoise (*Gopherus agassizii*) (synonymous with Agassiz's desert tortoise), our comments pertain to enhancing protection of this species during activities funded, authorized, or carried out by the Bureau of Land Management (BLM), which we assume will be added to the Decision Record for this project as needed. Please accept, carefully review, and include in the relevant project file the Council's following comments and attachments for the proposed project.

The Mojave desert tortoise is among the top 50 species on the list of the world's most endangered tortoises and freshwater turtles. The International Union for Conservation of Nature's (IUCN) Species Survival Commission, Tortoise and Freshwater Turtle Specialist Group, now considers the Mojave desert tortoise to be Critically Endangered (Berry et al. 2021), as it is a "species that possess an extremely high risk of extinction as a result of rapid population declines of 80 to more than 90 percent over the previous 10 years (or three generations), population size fewer than 50 individuals, other factors." It is one of three turtle and tortoise species in the United States to be critically endangered. This status, in part, prompted the Council to join Defenders of Wildlife and Desert Tortoise Preserve Committee (Desert Tortoise Council 2020) to petition the California Fish and Game Commission in March 2020 to elevate the listing of the Mojave desert tortoise from threatened to endangered in California.

The BLM's press release dated May 16, 2022 describes this project as follows: "[T]he public will have the opportunity to review and comment on almost \$327 million of proposed funding recommendations that will improve the quality of life for residents and visitors in Nevada and portions of Arizona and California from the Southern Nevada Public Land Management Act (SNPLMA) Round 19 expenditures. The Bureau of Land Management (BLM) will accept written comments until June 29, 2022.

"This program protects lands and makes people's lives better. More than 1,500 projects have previously been funded under the Southern Nevada Public Land Management Act to enhance a myriad of recreation opportunities, improve access, promote species and habitat conservation, protect environmentally sensitive land, restore landscapes, and reduce the threat to communities from wildland fire."

"The Southern Nevada Public Land Management Act funds are generated from the sale of public land managed by the BLM in the Las Vegas Valley. The preliminary recommendations include expenditures of approximately \$326.6 million for a variety of conservation, restoration, and improvement projects throughout Nevada, the Lake Tahoe Basin, and the Lake Mead National Recreation Area, and a set aside for a Southern Nevada Public Land Management Act Special Account Reserve:

- Environmentally Sensitive Land Acquisitions - \$4,930,923
- Capital Improvements - \$63,396,740
- Multi-Species Habitat Conservation Plan and Implementation - \$3,501,521
- Parks, Trails and Natural Areas - \$219,774,535
- Conservation Initiatives - \$5,557,046
- Eastern Nevada Landscape Restoration Project - \$12,066,350
- Hazardous Fuels Reduction and Wildfire Prevention - \$17,455,760
- Special Account Reserve - \$15,000,000"

The list of proposed projects is then provided at the following link: <https://www.blm.gov/snplma>. As a programmatic statement, we ask the BLM to consider the Desert Tortoise Council as a designated Affected Interest for all projects that are funded by the SNPLMA that may affect desert tortoises and their habitats. There are likely to be funded projects in urbanizing areas and other regions where tortoises are absent for which we need not be contacted, but there are also likely to be projects where tortoises may be adversely and/or beneficially affected by expenditure of funds. Therefore, rather than document our preferences for any given project in this letter, we believe that we can be most responsive and helpful by reviewing and commenting on documents as they become available for SNPLMA-funded projects.

We assume that the development of each of these projects will be subject to National Environmental Policy Act (NEPA) considerations, as they will be authorized, funded, and/or carried out by BLM, resulting in requisite analyses that are published in pertinent environmental documents. And as an Affected Interest, the Council will be provided with opportunities to provide scoping comments and copies of each of these documents (e.g., environmental assessments, environmental impact statements, etc.). We are taking the time to reiterate this request because, even for the current project, it was a third party, not the BLM, that brought this proposed action to our attention, despite dozens of requests over as many years asking BLM offices in Nevada to recognize our standing¹.

Given the increasing severity of climate change and the importance of protecting native habitats and reducing greenhouse gas emissions to lessen the impacts of climate change, we believe BLM should focus its funding on projects that would help address these issues. These would include restoration of native vegetation communities, elimination of invasive non-native plant species to reduce the likelihood of wildfires and protection of existing vegetation communities. As is, we are disappointed that funding seems to be heavily recreation-centric, and wish that more funds would be directed towards Conservation Initiatives, Environmentally Sensitive Land Acquisitions, Landscape Restoration Projects, and Multi-Species Habitat Conservation Plans.

A few specific recommendations are given below, where the outline numbers follow those given in the appendix to Round 19 Preliminary Recommendations given in the above link:

Capital Improvements Nominations

2. Red Rock Canyon Legacy Trail Phase II: On May 7, 2022, the Council provided extensive comments on Phase I of the Red Rock Canyon Legacy Trail project (Desert Tortoise Council 2022²). Herein we provide a link to that comment letter, incorporate it by reference, and ask that the concerns and comments expressed for Phase I of this project also be applied to future phases, including Phase II.

4. Red Rock Canyon Campground Expansion: Depending on the specific physical location of this project, we believe that desert tortoises may be affected by its development, and specifically ask that BLM provide the Council with both an opportunity to provide scoping comments and to review and comment on draft and final environmental documents when they become available.

14. Red Rock Canyon Fiber Optic Line: Like the campground expansion project listed above, we specifically ask to be contacted for this project. Linear projects, compared to individual parcels, generally impact more tortoise habitats and potentially more animals if protective measures are not conscientiously implemented (LaRue and Dougherty 1998), so we would like the opportunity to review proposed measures and suggest others, if necessary.

¹ <https://www.dropbox.com/s/xx5wmxcae1c1cju/BLM%20Southern%20Nevada%20District%20Managers%20Council%20as%20an%20Affected%20Interest.11-7-2019.pdf?dl=0>

² <https://www.dropbox.com/s/1g1za2ykmecmbzm/Red%20Rock%20Canyon%20NCA%20Legacy%20Trail%20EA.5-7-2022.pdf?dl=0>

Parks, Trails, and Natural Areas Nominations

We see in this section a total of 20 projects that all seem to enhance recreation opportunities. As given herein, we ask to be directly contacted for those projects that may affect tortoises. As a programmatic concern, given the significant declines in tortoises through most of the listed population, we believe that the BLM needs to be proactive in educating public users of these projects and to elevate protection of tortoises and tortoise habitat including linkage habitat so that minimal impacts to habitats and tortoises result from these BLM-funded actions and habitats from unauthorized recreation activities are restored.

We appreciate this opportunity to provide comments on this project and trust that BLM will contact us on a project-by-project basis so that the Council has future opportunities to provide recommendations intended to protect tortoises during any resulting SNPLMA-funded activities.

Respectfully,



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

Literature Cited

- Berry, K.H., L.J. Allison, A.M. McLuckie, M. Vaughn, and R.W. Murphy. 2021. *Gopherus agassizii*. The IUCN Red List of Threatened Species 2021: e.T97246272A3150871. <https://dx.doi.org/10.2305/IUCN.UK.2021-2.RLTS.T97246272A3150871.en>
- Desert Tortoise Council. 2022. Red Rock Canyon National Conservation Area: Legacy Trail Phase 1 - NV FLAP 500(1) - Red Rock Trail and Intersections Improvements Project (DOI-BLM-NV-S020-2021-0008-EA). Formal comment letter, dated May 7, 2022, addressed to BLM Red Rock/Sloan Field Office and Federal Highway Administration. Acton, CA.
- LaRue, E. and S. Dougherty. 1998. Federal Biological Opinion analysis for the proposed Eagle Mountain Landfill project. Proceedings of the 1997-1998 Symposia of the Desert Tortoise Council.