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**Via email only**

8 December 2021

Attn: Mr. John Asselin, Calico Basin RAMP
Bureau of Land Management
4701 N. Torrey Pines
Las Vegas, NV 89130
jasselin@blm.gov, BLM_NV_SNDO_RR_CalicoBasinRAMP_EA@blm.gov

RE: Calico Basin Recreation Area Management Plan

Dear Mr. Asselin,

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

Unless otherwise noted, page numbers referenced below pertain to the 116-page Calico Basin Recreation Area Management Plan and Draft Environmental Assessment (herein "Draft RAMP/EA"), dated October 2021.

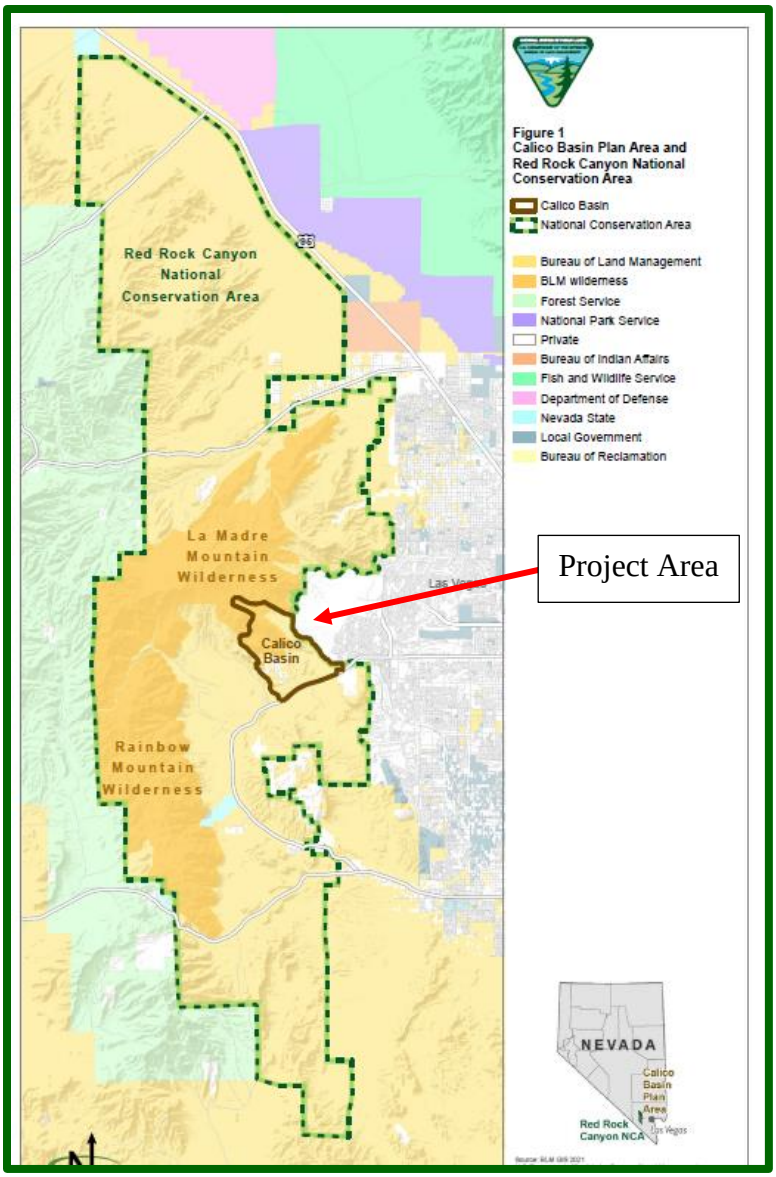
Despite numerous, persisting requests of the Southern Nevada District of the BLM and a specific letter to your District Manager, Tim Smith on 7 November 2019[1], we learned of this project from a third party, and not from the BLM. In fact, we read on page 1-8 of the Draft RAMP/EA that a solicitation for public scoping comments was distributed in early 2021, which we are learning about now for the first time. Please note that although a BLM comment report (BLM 2021a) is referenced, it was not included in the Draft RAMP/EA, was therefore unavailable for our review, and in the literature section on page 6-2, was one of the few references that did not provide a link enabling our review. We note that desert tortoise is not listed among the five bullets on page 1-9 signifying the public's concerns under "Topic 3 – Biological Resources," which would certainly have been there had the Council been informed of the project and been allowed to provide scoping comments.

Page 1-1 describes the area as, "The Calico Basin occupies approximately 5,190 acres within the 201,617-acre RRCNCA [Red Rock Canyon National Conservation Area]. The area is comprised of BLM-administered lands (4,980 acres) and private lands (210 acres) [Figure 1, next page; herein Project Area]. Approximately 1,660 acres in the northwest portion of the Calico Basin are within the La Madre Mountain Wilderness. Typical recreation includes, but is not limited to, hiking, rock climbing, horseback riding, picnicking, viewing of archaeological and cultural sites, and photography." Further, "The RRCNCA is the most visited national conservation area in the nation, with over 3.5 million visitors in 2020. Visitation in the RRCNCA is projected to exceed 4 million visitors by 2022 and 5 million by 2024. In 2019, approximately 700,000 people visited the Calico Basin. Demand for recreation at the Calico Basin and other areas in the RRCNCA is largely the result of population growth in nearby Las Vegas."

A search of the Draft RAMP/EA reveals that the words, "desert tortoise," appear three times, each time indicating that the species occurs within the Project Area. This means that there is no analysis of desert tortoise occurrence within the Project Area, where the tortoise may and may not occur, within the Affected Environment discussion in the Draft RAMP/EA; no description of current management to protect desert tortoises; no proposals to upgrade protection of desert tortoises in the Alternatives Analysis in Chapter 2, particularly given recent ubiquitous declines in the listed population of *Gopherus agassizii* (Allison and McLuckie 2018); there is no explanation how raven management, elimination of nonnative weeds, fire suppression, and adaptive management addressing climate change may need to be augmented to protect desert tortoises and there habitats.

In short, a naïve member of the public reading the Draft RAMP/EA has no idea of the current status of tortoises within the Project Area, how the BLM has managed for the species, and how the BLM intends to manage for tortoises given impacts likely to result from burgeoning visitor use documented in Section 4.2.1 on page 4-1. Given these and other recommendations below, the Draft RAMP/EA is significantly flawed and deficient, requiring that the Final RAMP/EA be substantially modified to address these deficiencies.

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




To address the general deficiencies alluded to above, the Council recommends the following specific, bulleted components be added to the Final RAMP/EA:

• Map showing suitable and (if possible) occupied habitats of the desert tortoise within Calico Basin.

• Based on the distribution of tortoises depicted in the aforementioned map, please show:

(1) Locations of existing and future kiosks, to be upgraded and established, respectively, to inform visitors of tortoise protection measures, which include, at a minimum, prohibition of collecting tortoises and releasing pet tortoises; prohibitions of littering and feeding wildlife like ravens and coyotes, which are known tortoise predators; etc.

(2) Locations of signs informing visitors they are in tortoise habitats and to exercise heightened awareness of those prohibitions listed above and others the BLM may identify.

• The two signage recommendations given above should be considered in the context of "**Goal 1.4 (Trails and Access), Trails and Access Strategy 1**," listed on page 2-10 as "Develop a trail sign plan and provide signs on designated trails that clearly communicate trail information and appropriate trail uses, and encourage users to stay on designated trails."

• Assuming they exist, please modify kiosks at the trailheads listed on page 2-10 (i.e., Red Spring Boardwalk and Picnic Area, Kraft Mountain, Gene's Trailhead, Calico Spring Trailhead, Brownstone Trailhead) to identify tortoise occurrence and protective measures applicable to the areas accessed at those trailheads (i.e., if it is determined no tortoises occur in a given area, this information may be excluded). And, if such kiosks do not exist, develop them with the tortoise-protective measures clearly identified. Protecting tortoises while enjoying the encounters, instead of prohibitions, should be emphasized.

• In addition, we suggest this information be provided digitally on BLM's website for the Calico Basin Recreation Area and that the kiosks display QR cods that will link a smart phone user to this information.

• On page 2-6, augment Principle 1 with the bold clause inserted below: "Resource Protection—Protect ecologic, scenic, cultural, other natural resources**, including threatened and endangered species**; wilderness; and recreation resources for present and future generations."

• With regards to "**Resource Protection Strategy 2**: Restore areas with native plant materials that are appropriate for use within the Calico Basin" and "**Resource Protection Strategy 3**: Restore burned areas or degraded habitats to improve wildlife habitat and visitor enjoyment of the Calico Basin," given on page 2-7, we are pleased to provide you with a set of best management practices for desert restoration (Abella and Berry 2016) with a link in the Literature Cited section below.

• With regards to "**Goal 1.3 (Special Recreation Permits)** [SRP]: Provide opportunities for commercial and noncommercial group events and filming that are compatible with the area's natural resources," given on page 2-9, if not already, we ask that BLM develop a brochure to be distributed to all SRP holders that inform them of tortoise occurrence in the area and nondiscretionary protective measures to be implemented during their exercise of the SRP.

• We ask that BLM close all areas of significant tortoise densities to SRP activities that involve large crowds (e.g., a wedding of X-number people). To implement such a measure, it is advisable that BLM complete programmatic surveys and/or assessments in appropriate areas [see Nussear et al. (2009), Feinberg et al. (2019), Gray et al. (2019)] to determine suitable and occupied habitats so that high density areas can be delineated and subsequently avoided.

• In its current form, the information given in the Draft RAMP/EA and its associated Appendix A are conflicting and misleading. For example, on page 2-8, "Recreation Use Decision 2" prohibits camping, off-highway vehicle (OHV) use, mountain biking, and shooting yet Appendix A, "Approved Commercial, Competitive, and Organized Use," lists all these activities, except for shooting, as permissible. We assume that Appendix A pertains to the entire RRCNCA and has been inserted for convenience into the Calico Basin-specific Draft RAMP/EA. Since this is a stand-alone document, operating independently of the RRCNCA RMP, we recommend that Appendix A be substantially modified in the Final RAMP/EA to list only those pertinent activities that are permissible in Calico Basin.

• A similar situation exists with Table 4-3 on pages 4-5 and 4-6, which tabulates an extensive list of permitted activities within the larger RRCNCA, many of which are prohibited from the Project Area, but fails to specify the truncated list of permissible activities in the Calico Basin RAMP. Since Chapter 4 combines the Affected Environment with the Environmental Effects, we feel that a new table, perhaps "Table 4.3a," needs to be included in the Final RAMP/EA that lists only those activities that are allowed within the Calico Basin Project Area.

• With regards to "**Trails and Access Decision 1**: Do not evaluate or authorize the construction of any new trails with this RAMP," given on page 2-12, it is not clear to us the intent and function of "Inventoried Trails" versus "BLM designated trails." Except for Figures 3, 7, and a few others, we do not find any mention of Inventoried Trails elsewhere in the text of the Draft RAMP/EA. Will all Inventoried Trails be open for all uses, which is implied at the top of page 2-12? Does BLM intend to close some of these trails, or alternatively, will they function as BLM-designated trails? In any case, please explain in the Final RAMP/EA what the intent and function of Inventoried Trails is compared to BLM-designated Trails.

• Although it is a bit outside our mission statement, how does the BLM intend to protect nesting special status raptors, such as prairie falcons (*Falco mexicanus*), which is not mentioned in the Draft RAMP/EA, and peregrine falcon (*Falco peregrinus*), which is listed on page 3-1, from climbing impacts? Spring inventories may be necessary to see if prairie falcons and peregrine falcons are nesting in designated rock-climbing areas. We assume that discussions will ensue as part of "**Trails and Access Decision 3**: As part of a separate climbing management plan, inventory trails that provide access to popular climbing areas and routes in the RRCNCA, and work to designate an appropriate travel network that supports access to climbing areas," given on page 2-12 (see also reference to a climbing management plan on page 4-38).

• The kiosk sign depicted in Figure 8 on page 2-16 is an excellent example of the sort of signs we would like to see developed for desert tortoise protection in the Calico Basin. The Desert Tortoise Council is willing to be identified as one of the partners working on "**Goal 1.7 (Education**): Expand visitor understanding and appreciation of the Calico Basin by providing diverse educational and interpretive opportunities." Herein, we make available our Education and Outreach Committee, currently chaired by Dr. Maggie Fusari (outreach@deserttortoise.org). We may be able to partner with the BLM to create the brochure recommended above and to develop strategically-placed kiosks promoting tortoise protection. As such, we support the strategies listed on page 2-19, under "**Goal 2.3 (Partnerships),**" and offer our assistance in implementing them.

• We assume that any new roads envisioned by the "**Roads and Parking Strategy 1**: Consider maintenance costs, benefits, impacts, and other concerns when evaluating the need for a new road," given on page 2-21, will be evaluated in project-specific environmental assessments, and that avoidance of impacts to tortoises will be part of site selection and subsequent alternatives analyses and mitigation. If not, please explain in the Final RAMP/EA the types of projects that would and would not be analyzed by future project-specific environmental assessments.

• Under "**Goal 2.5 (Roads and Parking)**," on pages 2-20 through 2-22, we ask that the BLM clarify speed limits associated with all existing roads in the Final RAMP/EA. For those roads accommodating traffic through tortoise habitats, we ask that 15 mile per hour speed limits and tortoise-crossing signs be posted at strategic locations.

• On page 3-1 where specific candidate species and special status species *are* listed, we ask that desert tortoise be identified as an example of the threatened species to be monitored, and that the first bullet be modified to include the following bold wording: "The BLM will conduct an ongoing program of population monitoring for threatened and endangered species **(Mohave desert tortoise [*Gopherus agassizii*]),** candidate species (blue diamond cholla [*Cylindropuntia multigeniculata*]), and other special status species (Charleston Mountain angelica [*Angelica scabrida*], alkali mariposa lily, Mojave milkvetch [*Astragalus mohavensis* var. *hemigyrus*], peregrine falcon [*Falco peregrinus*] and Spring Mountains springsnail)." Additional bullets and specified approaches will be needed to codify BLM's intent to manage for tortoises and adequately monitor tortoise populations at Calico Basin.

• The mention of desert tortoise as the token federally threatened species in Section 4.2.5 on page 4-14 under "Special Status Species" does not constitute an analysis of status, current management, or new management under the Proposed Action, which is the requisite, regulatory function of a DEA. This and other sections need to be rewritten to provide sufficient baseline information that identifies tortoise concentration areas, resource conflicts, and proposed remedies for those conflicts that would be addressed by the Final RAMP/EA. Pertinent sections of the Final RAMP/EA must be rewritten to address these deficiencies. In fact, it is not clear to us why, for this Draft RAMP/EA, the BLM has chosen to depart from the standard environmental assessment format that routinely addresses threatened and endangered species in their own subsection, apart from a subsection for special status species, both of which are components of the larger Biological Resources section?

• As an example, it is inexplicable why a paragraph is dedicated to alkali mariposa lily (*Calochortus striatus*), which is a BLM-designated Sensitive species, at the bottom of page 4-15 and top of page 4-16, while not more than the common and scientific names of three federally endangered species and one federally threatened species are listed in Table 4-5 and not discussed anywhere in the text.

• At a minimum, there should be an appendix in the Final RAMP/EA that includes occurrence status, distribution including maps, threats, protection under current management, and foreseeable protection under future management under the Proposed Action for each of the species listed in Table 4-5. Having thoroughly studied the Draft RAMP/EA over the past several hours, we found no information in the Draft RAMP/EA on where tortoises do and do not occur in Calico Basin, which is evidence that the document has failed to inform the public and the decision maker of vital information necessary to see if the Goals and Strategies given in Section 2.2.3 will function as intended or need to be augmented.

• Again, we note that there is no mention in Section 4.3.3 how proposed recreation management in the Draft RAMP/EA will conserve, protect, and enhance tortoises in the Calico Basin. This section needs to be augmented in the Final RAMP/EA relative to tortoises and perhaps other species to be complete and acceptable.

• Finally, we note that the words, "Cumulative Effects/Impacts," do not appear anywhere in the Draft RAMP/EA, and must be included in the Final RAMP/EA (Klamath-Siskiyou Wildlands Center v. BLM 2004, 9th Circuit Court of Appeals No. 03-35461 CV-02-03062-HO). Is this an oversight or was this requisite section intentionally excluded from the analysis? We understand that the cumulative impacts analysis in the Draft RAMP/EA must follow the Council on Environmental Quality (CEQ) (1997) guidance on how to analyze cumulative environmental consequences, which contains eight principles listed below:

**1. Cumulative effects are caused by the aggregate of past, present, and reasonable future actions.**

The effects of a proposed action on a given resource, ecosystem, and human community, include the present and future effects added to the effects that have taken place in the past. Such cumulative effects must also be added to the effects (past, present, and future) caused by all other actions that affect the same resource.

**2. Cumulative effects are the total effect, including both direct and indirect effects, on a given resource, ecosystem, and human community of all actions taken, no matter who (federal, non-federal, or private) has taken the actions.**

Individual effects from disparate activities may add up or interact to cause additional effects not apparent when looking at the individual effect at one time. The additional effects contributed by actions unrelated to the proposed action must be included in the analysis of cumulative effects.

**3. Cumulative effects need to be analyzed in terms of the specific resource, ecosystem, and human community being affected.**

Environmental effects are often evaluated from the perspective of the proposed action. Analyzing cumulative effects requires focusing on the resources, ecosystem, and human community that may be affected and developing an adequate understanding of how the resources are susceptible to effects.

**4. It is not practical to analyze the cumulative effects of an action on the universe; the list of environmental effects must focus on those that are truly meaningful.**

For cumulative effects analysis to help the decision maker and inform interested parties, it must be limited through scoping to effects that can be evaluated meaningfully. The boundaries for evaluating cumulative effects should be expanded to the point at which the resource is no longer affected significantly or the effects are no longer of interest to the affected parties.

**5. Cumulative effects on a given resource, ecosystem, and human community are rarely aligned with political or administrative boundaries.**

Resources are typically demarcated according to agency responsibilities, county lines, grazing allotments, or other administrative boundaries. Because natural and sociocultural resources are not usually so aligned, each political entity actually manages only a piece of the affected resource or ecosystem. Cumulative effects analysis on natural systems must use natural ecological boundaries and analysis of human communities must use actual sociocultural boundaries to ensure including all effects.

**6. Cumulative effects may result from the accumulation of similar effects or the synergistic interaction of different effects.**

Repeated actions may cause effects to build up through simple addition (more and more of the same type of effect), and the same or different actions may produce effects that interact to produce cumulative effects greater than the sum of the effects.

**7. Cumulative effects may last for many years beyond the life of the action that caused the effects.**

Some actions cause damage lasting far longer than the life of the action itself (e.g., acid mine damage, radioactive waste contamination, species extinctions). Cumulative effects analysis need to apply the best science and forecasting techniques to assess potential catastrophic consequences in the future.

**8. Each affected resource, ecosystem, and human community must be analyzed in terms of its capacity to accommodate additional effects, based on its own time and space parameters.**

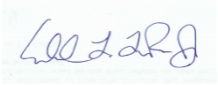
Analysts tend to think in terms of how the resource, ecosystem, and human community will be modified given the action's development needs. The most effective cumulative effects analysis focuses on what is needed to ensure long-term productivity or sustainability of the resource. It is our finding that the Proposed Action envisioned in Section 2.3.3 is well-written and well-intentioned, but incomplete.

It is our conclusion that the Draft RAMP/EA has failed its regulatory function to adequately document current management and define future management of Calico Basin that will promote the conservation and recovery of tortoises in the context of multiple use management. Whereas, if conscientiously implemented, many of the Goals and Strategies identified in Section 2.3.3 will likely benefit tortoises, it is important that the desert tortoise be specifically included in pertinent prescriptions, some of which are given above, so that these measures are intentionally implemented and modified as needed in the context of adaptive management for this species.

We appreciate this opportunity to provide input and trust that our comments will help protect tortoises during any resulting authorized activities. Herein, we reiterate that the Desert Tortoise Council wants to 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

project is provided to us at the contact information listed above. Additionally, we ask that you respond in an email that you have received this comment letter so we can be sure our concerns have been registered with the appropriate personnel and office for this project.

Respectfully,



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

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**Literature Cited**


Abella S.R. and K.H. Berry. 2016. Enhancing and restoring habitat for the desert tortoise (*Gopherus agassizii*). Journal of Fish and Wildlife Management 7(1):xx–xx; e1944-687X. doi: 10.3996/052015-JFWM-046. https://www.dropbox.com/s/nx1b5m2b5ehya12/%23Abella%20and%20Berry%202016.pdf?dl=0

Allison, L.J. and A.M. McLuckie. 2018. Population trends in Mojave desert tortoises (*Gopherus agassizii*). Herpetological Conservation and Biology 13(2):433–452.

[BLM] U.S. Bureau of Land Management. 2021a. Calico Basin Recreation Area Management Plan and Environmental Assessment: Early Planning and Information Gathering Period Public Comment Report. Las Vegas, Nevada.

[CEQ] Council on Environmental Quality. 1997. Considering Cumulative Effects under the National Environmental Policy Act.

Feinberg, P., M. Moskwik, J. Page, and M. Salvo. 2019. Protecting the Mojave Desert Tortoise: A Model Approach - New habitat, connectivity and disturbance models for conserving a threatened species. Defenders of Wildlife. Washington, D.C. https://defenders.org/sites/default/files/2019-11/Desert-Tortoise-Report.pdf

Gray, M. E., B. G. Dickson, K. E. Nussear, T. C. Esque, and T. Chang. 2019. A range-wide model of contemporary, omnidirectional connectivity for the threatened Mojave desert tortoise. Ecosphere 10(9):e02847. 10.1002/ ecs2.2847.

Nussear, K.E., Esque, T.C., Inman, R.D., Gass, Leila, Thomas, K.A., Wallace, C.S.A., Blainey, J.B., Miller, D.M., and Webb, R.H., 2009, Modeling habitat of the desert tortoise (*Gopherus agassizii*) in the Mojave and parts of the Sonoran Deserts of California, Nevada, Utah, and Arizona: U.S. Geological Survey Open-File Report 2009-1102, 18 p.