



**DESERT TORTOISE COUNCIL**

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**Via email only**

19 March 2020

Mr. David Kiel  
Bureau of Land Management  
St. George Field Office, Recreation Program  
345 East Riverside Drive  
St. George, UT 84790  
[dkiel@blm.gov](mailto:dkiel@blm.gov)

RE: Cottonwood Trailhead Improvements Draft Environmental Assessment (EA)

Dear Mr. Kiel,

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 that could be occupied by Agassiz's desert tortoise (*Gopherus agassizii*) (synonymous with "Mojave desert tortoise") at the time of development, our comments pertain to enhancing protection of this species during activities authorized by the Bureau of Land Management (BLM). Unless otherwise noted, page numbers pertain to the draft EA.

1. Page 2, we note that part of the project description is "Expansion of the current parking area to accommodate approximately 50 passenger vehicles and 10 equestrian truck-trailers." As given in the second bullet under "General Measures" on page 6, we appreciate that the parking area will be enclosed in tortoise-proof fence to avoid the foreseeable impact where a tortoise crawls beneath a parked vehicle and is crushed by unsuspecting visitors who may not know to check beneath their vehicles. We believe that the EA should also obligate the BLM to perform regular fence checks to ensure the integrity and function of the fence is maintained.

2. Page 2, given that the timeline for construction is cited as October to December 2020, we strongly suggest that project construction not occur in October when tortoises are likely to exhibit elevated activity prior to entering dormancy, and that construction is restricted to November or December. This schedule is also given on page 5, maintaining the option to work in October, which would not likely avoid the tortoise activity period. Even then, it is recommended that all construction activities be monitored by a qualified Authorized Biologist to avoid impacts.

3. Page 2, here the draft EA mentions "...the increase in visitation to the Cottonwood Trailhead has been exponential." That being the case, we recommend that BLM provides signage to educate the general public and let them know they are in desert tortoise critical habitat. Issues that need to be conveyed to the public to minimize impacts to tortoises include prohibition of discarding both organic and inorganic trash that will attract ravens, coyotes, and other tortoise predators; a statement that tortoises are not to be removed or released by trail users; and, depending on current uses and policy, a requirement that all domestic dogs be either prohibited or kept on leash. These recommendations are consistent with the first bullet at the top of page 6 in the draft EA, although no specifics are documented in the draft EA. We note, too, that several maps (e.g., Map 2, page 10 and Map 3, page 15) show the location of a kiosk without describing the specific information to be conveyed.

4. Page 6, bullet 6 under "General Measures:" We note on page 6 that the BLM has consulted with the U.S. Fish and Wildlife Service (USFWS), which is appropriate. But there is no mention that a biological opinion has been issued for this activity. In the absence of a project-specific biological opinion or other programmatic opinion covering BLM activities, we note that it would be in violation of the Federal Endangered Species Act (FESA) for a tortoise to be relocated as per the sixth bullet and the one at the bottom of page 6; tortoises cannot legally be handled in the absence of formal USFWS authorization. The BLM needs to identify a contingency plan that does not involve handling tortoises should one be found within the project area, acknowledging that it may be necessary to obtain a biological opinion before any tortoises are "taken" by this otherwise unauthorized activity.

5. Page 14, Section 2.2.9, "Rehabilitate Surface Disturbance:" The Council has developed best management practices for rehabilitation of tortoise habitats (Abella and Berry 2016), which we herein attach for your consideration and use.

6. Page 32, we note here in the last paragraph and several other places that the BLM proposes to minimize impacts by removing Russian thistle (*Salsola tragus*). Whereas this is commendable, we recommend that the following non-native species also be sought at regular intervals in mid-to late-spring and be removed from the site on an annual basis until qualified biologist(s) determine there is no likelihood of future invasions: London rocket (*Sisymbrium irio*), tansy mustard (*Descurainia sophia*), tumble mustard (*Sisymbrium altissimum*), short-pod mustard (*Hirschfeldia incana*), and Saharan mustard (*Brassica tournefortii*).

7. Page 33, Section 4.3.4, "Vegetation Excluding USFW Designated Species:" We notice here and elsewhere that part of the mitigation "...includes the permanent addition of 4.6 acres of vegetation through rehabilitation." However, no success criteria are identified in the draft EA. We ask that the BLM develop a detailed revegetation plan that will, among other things, identify

how revegetation success is to be monitored and quantified, and describe remedial actions that will be implemented if initial restoration efforts fail to reach the established success criteria. For example, how many of the 500 container stock of creosote bushes (see page 32) must survive over what period of time for the effort to be considered successful? And, if this threshold is not met, will additional stock be planted at a later date?

8. Page 34: How does BLM expect to monitor the following conclusion: “Use levels in the affected area are not expected to change as a result of the Proposed Action in either the short- or long-term?” We believe that accommodating increased levels of parking and other improvements may very well result in increased visitor use. If so, increased use at this trailhead could result in increased indirect impacts, which is a basis for recommending the signage above in point 3.

9. We also ask that BLM take this opportunity, using the kiosk information described above in point 3, to prohibit the use of electric bikes (also called “e-bikes”) in the Red Cliffs National Conservation Area. Unlike mountain bikes, e-bikes are bicycles with an integrated electric motor that allows travel up to 25 miles per hour. We believe that the use of these propulsion bicycles could impact tortoises, particularly smaller individuals, and that they, like motorcycles, should be banned from the reserve.

We appreciate this opportunity to provide input and trust that our comments will help protect tortoises during any 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

## Attachments

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.