



March 19, 2019

California State Parks  
OHMVR Division  
1725 23<sup>rd</sup> Street  
Sacramento, CA 95816  
Attention: Sixto J. Fernandez, Grants Manager  
Sent via email to: [Sixto.Fernandez@parks.ca.gov](mailto:Sixto.Fernandez@parks.ca.gov)

Re: comments on grant funding applications

Dear Mr. Fernandez;

Thank you for the opportunity to submit comments on grant funding applications received by the Off-Highway Motorized Vehicle Recreation Division of the California Department of Parks and Recreation. Comments in this letter are submitted by Defenders of Wildlife (Defenders) and the Desert Tortoise Council (Council), and are specific to grant funding applications submitted by the Barstow and Ridgecrest Field Offices of the Bureau of Land Management (BLM) for the 2018-2019 funding cycle.

Defenders is a national conservation organization with 1.8 million members and supporters in the U.S., including 279,000 in California. Defenders is dedicated to protecting all wild animals and plants in their natural communities. To this end, we employ science, public education and participation, media, legislative advocacy, litigation, and proactive on-the-ground solutions to impede the accelerating rate of extinction of species, associated loss of biological diversity, and habitat alteration and destruction.

The 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 tortoises and their habitats. Established in 1975 to promote conservation of tortoises and their habitats in the deserts of the southwestern United States and Mexico, the Council routinely provides information to individuals, organizations, and regulatory agencies on matters potentially affecting desert tortoises.

Our comments on the grant applications are as follows:

**1. Scoping comments submitted to BLM's Barstow and Ridgecrest Field Offices:** Defenders and the Council submitted scoping comments in response to BLM's invitation for the public to submit scoping comments. We also provided you with a copy of that letter so you would be aware of our issues and recommendations.

We have reviewed the BLM's applications and find they do not reflect consideration of or incorporation of our comments into the grant funding applications for ground operations, law enforcement and restoration. The only reference to our scoping comment letter is contained in the BLM's Ridgecrest Field Office application for Ground Operations under Item #4 of the Evaluation Criteria. In response to the question regarding development of the project based on public input prior to the application deadline, BLM stated, in part, "*Defenders of Wildlife submitted comments by email. Requests made by all were: continue trail maintenance; signing; cleanup projects; add more shade structures in the Rademachers; and more education.*"

Defenders and the Council submitted a scoping comment **letter** attached to our email to the BLM Field Office Managers and staff responsible for preparing the grant funding applications. Our scoping comments **did not** advocate for trail maintenance, cleanup projects, adding shade structures and education. We did recommend that BLM provide a scoping report on comments it received concurrent with its submission of preliminary grant applications, which it did not do, and that it apply for funding for installation of additional signs specifying speed limits, and for enforcement of those limits, in all areas occupied by the desert tortoise, a species listed as threatened under the California Endangered Species Act and federal Endangered Species Act.

We address our recommendations and BLM's apparent disregard or failure to use them in developing grant project proposals in greater detail below.

**2. Scoping comment regarding law enforcement activities:** We recommended that both BLM Field Offices apply for grants for the following:

- **Monitors/observers:** BLM should hire and deploy monitors/observers in each of the travel management areas that have documented ongoing violations involving off-highway vehicles. These additional personnel could request assistance to specific locations for law enforcement action by BLM law enforcement rangers. We recommended that high-use holidays, particularly President's Day, Thanksgiving, New Year's Day, etc., be targeted for heightened monitoring by these additional personnel; and suggested that the BLM-authorized event referred to as "King of Hammers," occurring in February in Johnson Valley, be targeted for monitoring because it attracts in excess of 30,000 participants and spectators, which takes place in an area known to be inhabited by desert tortoises. **BLM did not apply for funding to hire and deploy these monitors/observers.**
- **Helicopter assistance:** BLM should propose and seek grant funding for use of helicopters from local law enforcement agencies or the California Highway Patrol to

augment law enforcement capability. Use of helicopters has proven to be an effective tool in detecting and responding to unauthorized off-highway vehicle use in the past, such as in the Rand Mountains and Fremont Valley within jurisdiction of the Ridgecrest BLM Field Office. Helicopters should be used as a law enforcement enhancement tool in travel management areas with known high-levels of non-compliance, such as in Juniper Flats, Fremont Peak, Red Mountain, Cuddeback Lake, Rand Mountains, Fremont Valley and the Jawbone-Butterbrecht Area of Critical Environmental Concern (ACEC). **BLM did not apply for funding for helicopter assistance in its grant application.**

- **Trail cameras:** We recommended that BLM increase the use of trail cameras to obtain digital images of off-road vehicle use violations in sensitive habitats, such as in all ACECs designated for desert tortoise conservation; and in ACECs designated for protection of sensitive resources, such as Juniper Flats, Jawbone-Butterbrecht, and the high-use unauthorized vehicle impact area one half mile east of Highway 395 along Cuddeback Road. Digital images can be used by law enforcement rangers to document frequency of use and also identify responsible parties. Law enforcement grant applications should include funding to purchase, operate and maintain an effective trail camera network. **BLM did not apply for funding for the use of trail cameras in its grant application.**

**3. Scoping comment regarding ground operations activities:** We recommended that both BLM Field Offices develop and apply for grant funding for projects or activities that will ensure that off-highway vehicle use is in compliance with BLM's California Desert Conservation Area (CDCA) Plan, as amended by the 2016 Desert Renewable Energy Conservation Plan (DRECP). The DRECP included biological goals and objectives, and application of Conservation Management Actions (CMAs) necessary to achieve those goals and objectives. Also recommended was a Mohave ground squirrel study to determine to what extent this species occurs within BLM-designated Open Areas where unrestricted off-highway vehicle use is allowed. We recommended the following specific actions regarding ground operations activities:

- **Desert tortoise habitat linkages:** In order to comply with CMA # LUPA-BIO-IFS-1, BLM should analyze the effects of off-highway vehicle use on desert tortoise linkages and, in coordination with the USFWS and CDFW, identify where the extent and intensity of off-highway vehicle use compromises linkage function, and take actions to prohibit such use or reconfigure or relocate off-highway vehicle use to restore linkage functionality. **BLM did not apply for funding to ensure compliance with this requirement in the DRECP amendments to the CDCA Plan.**
- **Off-road vehicle speed limits:** In order to comply with CMA # LUPA-BIO-LUPA-BIO-IFS-9, BLM should establish and enforce a 15 mile per hour speed limit for all off-highway and motorized vehicle use within suitable, occupied habitat for the desert tortoise, with priority given to designated critical habitat. **BLM did not apply for funding to ensure compliance with this requirement in the DRECP amendments to the CDCA Plan.**
- **Mohave ground squirrel occurrence:** To properly manage public lands within BLM-designated Open Areas, we recommended that BLM apply for grant funding to support Mohave ground squirrel occurrence surveys in the Dove Spring, Jawbone, Spangler Hills, El Mirage and Stoddard Valley Open Areas. The Mohave ground squirrel is listed as a

threatened species under the California Endangered Species Act. CDFW's Mohave Ground Squirrel Technical Advisory Group (MGS TAG) identified the southern part of the species range, including the El Mirage Open Area, as a high priority for detecting residual populations of MGS; and the Stoddard Valley Open Area is just east of the known MGS range and has not been subjected to any focused MGS studies. **BLM did not apply for grant funding to support our recommended Mohave ground squirrel surveys.**

**4. Scoping comment regarding restoration activities:** We recommended that BLM evaluate the effectiveness of proposed habitat restoration activities which include vertical mulching and other route-camouflaging techniques. Little effectiveness monitoring of such activities in achieving self-sustaining natural plant communities has been done; and annual accomplishment reports submitted by BLM for past grant funded activities indicate a significant number of restored areas have been damaged by unauthorized off-highway vehicle use. **BLM did not apply funding to evaluate the effectiveness of proposed restoration activities in restoring self-sustaining natural plant communities.**

In addition to the effectiveness of vertical mulching and other route-camouflaging techniques, we raise the issue of high cost of proposed restoration activities in the BLM's Ridgecrest Field Office application. They have applied for \$810,000 to support restoration of 8 to 12 acres of habitat damaged by off-highway vehicle use, which equates to approximately \$80,000 per acre. Given that current costs to acquire private land in the western Mojave Desert averages approximately \$800 per acre, approximately 100 acres of habitat could be acquired for the same amount spent on restoration on a per-acre basis. Thus, we recommend that a reasonable portion of restoration grant funding be devoted to acquisition and protection of private land to offset, in part, the widespread habitat destroyed or fragmented by unauthorized off-highway vehicle use. Such acquisition and protection would provide far greater ecological benefits in the western Mojave Desert, especially if high quality habitat for the desert tortoise was acquired and managed for conservation. Grant funds for habitat acquisition and long-term management could be applied for by the California Department of Fish and Wildlife, with acquired land added to its existing West Mojave Ecological Reserve.<sup>1</sup>

## **Conclusion**

Defenders and the Council submit the above comments on BLM's grant applications to address deficiencies and gaps in BLM's overall management of off-highway vehicle use in the western Mojave Desert where the threatened Desert tortoise and Mohave ground squirrel have been adversely impacted by habitat loss and fragmentation associated with a variety of land uses, including off-highway vehicle use. Our comments and recommendations are intended to align off-road vehicle recreation use on BLM-managed lands in the western Mojave Desert with requirements of the CDCA Plan, as amended by the DRECP; make off-highway vehicle use a more sustainable form of recreation that is consistent with California laws and regulations. The current situation in the western Mojave relative to the desert tortoise is bleak, and recovery of

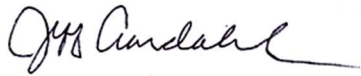
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<sup>1</sup> <https://www.wildlife.ca.gov/Lands/Places-to-Visit/West-Mojave-Desert-ER>

this imperiled species is in doubt – formal surveys conducted from 2004 through 2014 show that the adult population has declined by 51% during this 10-year period, and is below viable density and headed for extinction.

Whereas we understand the BLM has the right to accept or reject recommendations from affected interests or the general public, we also understand that the BLM is required to explain or justify the rationale behind their decisions. As it is, there is no evidence that BLM even read our comments or enlisted BLM biologists to consider the merits of our recommendations. We ask that BLM's grant applications for ground operations and restoration be given further scrutiny for compliance with California laws and regulations, and that BLM revise their applications to reflect our recommendations. Absent these actions, we recommend that BLM's grant funding applications be denied.

Sincerely,



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