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Glen W. Knowles, Field Supervisor
U.S. Fish and Wildlife Service
Southern Nevada Fish and Wildlife Office
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RE: Low-Effect Habitat Conservation Plan for the Gamebird Substation Expansion, Nye County,
Nevada

and

Screening Form for Low-Effect Habitat Conservation Plan (HCP) Determinations and
Environmental Action Statement, GridLiance West, LLC, Proposed Gamebird Substation
Expansion Project HCP, Nye County, Nevada (Docket No. FWS-R8-ES-2020-0142)

Dear Mr. Knowles,

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 known to be occupied by the Mojave desert tortoise (*Gopherus agassizii*) (synonymous with "Agassiz's desert tortoise"), our comments pertain to enhancing protection of this species during activities authorized through issuance of an incidental take permit by the U.S. Fish and Wildlife Service (USFWS). Please accept, carefully review, and include in the relevant project file the Council's following comments and attachments for the proposed project. 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.

Description of Proposed Project

GridLiance West LLC (GLW/Applicant) is requesting to upgrade the existing Gamebird Substation (Substation), an existing 138-kilovolt (kV) substation located on the southeastern outskirts of Pahrump, Nye County, Nevada. It is located immediately south southeast of the Spring Mountain Raceway Expansion Project (Habitat Conservation Plan for Spring Mountain Raceway 227-Acre Northern Expansion). GLW proposes to increase the capacity of the Substation to 230 kV and construct a 0.23-mile-long, 230-kV transmission line connecting the Substation to the existing Pahrump to Sloan Canyon Switch (SCS) 230-kV Transmission Line. The proposed project would increase the size of the Substation by 14 acres and construct the transmission line within a 250-ft wide corridor. Total footprint would directly impact an estimated 18.2 acres. All project work would occur on private land.

The footprint of the proposed project was surveyed following USFWS protocols for tortoises with respect to transect spacing. Additionally, the east side of the project beyond the footprint was surveyed. Two tortoise burrows were observed in the project footprint. Four additional burrows were found during surveys outside the project footprint along with two tortoises with midline carapace lengths greater than 180 mm (1 male, 1 female). No other tortoise sign was reported. We presume tortoise sizes and sexes were estimated, as there is no indication the surveyors were authorized to handle tortoises.

GLW has prepared the HCP for the proposed project because it is likely to result in the take of the Mojave desert tortoise. The requested permit term is for four years, which is the time needed by GLW to complete its construction of the proposed project.

HCP Comments

Plan Area and Covered Activities

The Plan Area is described as 18.2 acres with 14 acres for the Substation expansion and an additional 4.2 acres associated with the installation of a 230-kV transmission line (within a 0.23-mile-long × 250-foot-wide corridor). However, new access roads are mentioned as part of the proposed project. These roads are not shown on any figure/map in the HCP. Please add them to the map of the Plan Area. If they are outside the Plan Area, the HCP needs to be revised and the locations of access roads need to be added to the 18.2 acres of the Plan Area. The additional areas impacted by these roads need to be re-calculated and mitigation increased to reflect this increase in impacts.

Covered activities during construction include geotechnical drilling, installation of temporary tortoise exclusion fencing (replaced later with a block wall), and tortoise-proof access gates for the Substation expansion area. Installations may involve aboveground and belowground structures associated with the Substation and transmission line. During pre-construction, new access roads will be installed or existing ones will be improved. Clearance surveys will be conducted during construction to identify and relocate tortoises “up to 300 m from their capture locations into adjacent habitat following USFWS guidance.” The USFWS recently updated its guidance on moving tortoises including the need for health assessments (USFWS 2020). We did not find this guidance document or a reference to it in the HCP, or how the Applicant would implement it. We request the revised HCP provide this missing information and describe the actions the Applicant will implement when moving tortoises.

The HCP describes installation of belowground structures, which we presume will require trenching or digging. However, we found no minimization measures in the HCP that would prevent tortoises from being trapped, buried, injured, or killed during these activities. Please add this minimization measure to the revised HCP.

The USFWS Pre-project Survey Protocol (USFWS 2019) specifies the entire action area should be surveyed. The action area is defined as, “all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action” (50 Code of Federal Regulations 402.02). From information provided in the HCP, the project footprint was surveyed, as was an area beyond the project footprint on the east side of the proposed project. However, on the south and north sides of the proposed project, surveys for tortoises/tortoise sign did not extend beyond the project footprint. The same was true for the west side of the footprint of the proposed Substation and some stretches of the transmission line. Using the information provided in the HCP, we conclude the pre-construction surveys did not follow the USFWS’ survey protocol. We also conclude that the impacts of the taking and requested incidental take for the tortoise would not be accurate as described in the HCP because of the absence of this information.

HCP Conservation Program

Minimization Measures: Minimization measures include standard measures to minimize the direct mortality of the covered activities to the tortoise. Noticeably absent is the requirement for tortoise shade structures be installed along the perimeter fence. Shade structures are typically 3 foot lengths of 12 inch diameter PVC cut longitudinally. The USFWS has required shade structures for other similar-sized projects with exclusion fencing/walls to help prevent hyperthermia of tortoises that fence-walk these new barriers in their effort to access previously accessible habitat. We request that shade structures be added as a minimization measure.

We also note there is no commitment to use monopole towers for the transmission line to minimize the likelihood of common ravens (*Corvus corax*), a known predator of the desert tortoise, from nesting on the towers (Boarman 2003). Nesting has been extensively documented for lattice towers (Boarman 2003) and use is reduced on monopole towers. Because numbers of the common raven have increased substantially in the Mojave Desert in the last few decades (Boarman et al. 2006), we ask that this minimization measure be added to the proposed project

Minimization measures include developing a Fire Management Plan and Weed Management Plan. The Fire Management Plan will “implement measures that minimize the potential for a human-caused fire to affect ecological resources and that respond to natural fire situations.” The Weed Management of “invasive and noxious weeds for the Project will occur through construction, operations, and maintenance. It will follow a pattern of identifying noxious and invasive species and taking active control measures as needed.”

Weed Management: The Applicant is proposing to use an integrated weed management program to control noxious and invasive weeds. We have several questions regarding this proposed program and request that the HCP be revised to answer these questions.

First, the HCP does not specify the noxious or invasive weeds that would be managed. The Federal Noxious Weed Control Act resulted in the federal government and the states each producing and updating lists with invasive, introduced, and noxious plants. Unfortunately, the plants on the federal list, maintained by the U.S. Department of Agriculture, and the Nevada list include species that impact agriculture, not native Mojave Desert vegetation communities. Neither the USDA list nor the Nevada list includes *Bromus rubens*, *Bromus madritensis*, *Bromus tectorum*, *Schismus arabicus*, or *Schismus barbatus*. These non-native annual grasses are invasive species in many areas of the Mojave Desert.

Vehicles travelling along roadways provide a conduit for the transport and establishment of these non-native species (Brooks and Matchett 2006). Once established, they outcompete native forbs resulting in a substantial reduction in the number/densities of native plants that the tortoise needs for adequate nutritional quality and quantity. This is due in part to their fast seed germination times in areas with disturbed soil crusts. Further, they are assisted from enhanced nitrogen deposition in soils from the exhaust from internal combustion engines (e.g., along roadways) (Allen et al. 2009), which the construction vehicles and equipment will provide. Once established, they provide an enhanced fuel source to carry fires that degrade/destroy native shrubs and seed banks of native vegetation.

We assert that relying on USDA and Nevada's designations of invasive/noxious weeds is not appropriate for determining whether non-native invasive plant species are present or may become present to adversely impact tortoises and their habitats. The impacts should include the areas adjacent/near the project site (e.g., access roads and mitigation locations).

Executive Order (EO) 13112 directs all federal agencies to "not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States." Consequently, the USFWS should not issue an incidental take permit for the proposed project until the Applicant has provided assurances that their proposed measures will be fully effective in not causing or promoting the introduction or spread of invasive species within the Plan Area. The Plan Area is potentially larger than the project area as it includes any off-site mitigation lands.

Second, the Applicant has stated that weed management will continue during construction, operations, and maintenance of the proposed project, which would be well beyond the four-year permit term requested by the Applicant. We request that the permit term be extended to 20 years so the Applicant will have incidental take coverage for the implementation of this covered activity and be able to show a conservation benefit in the transmission line corridor. The operation and maintenance activities are currently not included as covered activities.

Third, we request that the HCP be revised to specify that only manually-cleaned vehicles and equipment will be used for the construction, operations, and maintenance of the proposed project to ensure that plant propagules from invasive or non-native plants are not transported to the project area by the Applicant's employees and authorized contractors during the permit term.

This section of the HCP should be revised to include information on the occurrence of non-native invasive plant species in the Plan Area, and appropriate mitigation developed to prevent the introduction and spread of non-native species that are detrimental to tortoises and their habitats in the Plan Area.

Finally, we presume the Applicant will coordinate with the USFWS to ensure they only use chemical control methods (e.g., herbicides) that have been approved for use in tortoise habitats (i.e., Section 7 consultation has been completed for them with respect to the tortoise).

Fire Management Plan: The HCP does not include a Fire Management Plan. Given this absence of information, we assume its focus is on fire suppression; that is, how to respond to a fire in the project area. While this is important, the focus should also be on how to prevent a fire in the Plan Area. Fire prevention usually includes two aspects, minimizing or eliminating all potential ignition sources and fuel sources. The most likely ignition sources in the Plan Area would be human-caused and result from failure of equipment during operations or human error/carelessness during construction and maintenance activities. The most likely fuel sources are vehicles or equipment in the project area or non-native annual grasses in the Plan Area.

The Fire Management Plan should identify and implement measures to ensure that all ignition sources and fuel sources are minimized/eliminated so a fire is unable to start. This is needed to prevent the occurrence of fire in tortoise habitat in the Plan Area. As with the Weed Management Plan, implementation of the Fire Management Plan should continue during construction, operations, and maintenance of the proposed project, which would be well beyond the four-year permit term requested by the Applicant. This is a second reason we request that the permit term be extended to 20 years so the Applicant will have incidental take coverage for the implementation of this covered activity. The operation and maintenance activities are currently not included as covered activities.

Mitigation Measures: One of the biological goals of the HCP is to “maximize the conservation benefit of mitigation by allocating resources to addressing the threats most relevant to the MDT [Mojave desert tortoise]. For example, where the primary threat to the MDT is habitat loss from certain types of land uses, allocate mitigation resources towards protecting more land from those land uses—thereby removing the primary threat—rather than using those resources for management or monitoring activities that may provide only small, incremental conservation value to the MDT.”

To achieve this biological goal, “GLW will make a one-time contribution of \$26,500 to the National Fish and Wildlife Foundation, or other organization as directed by the USFWS, to offset the impacts of the permanent MDT habitat loss and habitat modification; this amount was suggested by the USFWS to GLW for offsetting the effects to MDT from the Project.” A suggested use of the money in the HCP is to analyze “satellite imagery to map current routes and quantify OHV route proliferation. Understanding where off-road (OHV) use is highest will allow for prioritization of habitat restoration activities designed to reestablish connectivity, while also enabling managers to focus efforts to reduce illegal off-road travel.”

While the biological goal specifically states the mitigation resources should be allocated toward protecting more land for the tortoise, the suggested use of the mitigation funds is to compile data. We assert that monitoring is not mitigation. Much of the habitat for the tortoise near the proposed project and the tortoise population affected by the proposed project, the Eastern Mojave Recovery Unit, and rangewide is managed by the Bureau of Land Management (BLM). Quantifying OHV route proliferation is an activity that BLM should already be doing. In addition, it does not fully offset the direct, indirect, and cumulative impacts of the taking for the Mojave desert tortoise that would remain after implementing the minimization measures including the loss of tortoise habitat, as specified in the HCP Handbook (USFWS & NMFS 2016).

The permit issuance criteria require the USFWS to determine if the measures in the HCP will minimize and mitigate the impacts of the taking to the maximum extent practicable [Section 10(a)2(B) of the federal Endangered Species Act (FESA)]. The HCP Handbook clarifies what this means – “completely mitigating any impacts expected to remain after avoidance and minimization measures are implemented. In other words, fully offset means the biological value that will be lost from covered activities will be fully replaced through implementation of conservation measures with equivalent biological value. Fully offset also means the mitigation is commensurate (equal) with the impacts of taking.” We were unable to find information in the HCP that describes how the amount of \$26,500 was calculated to determine that it would fully offset the taking of desert tortoises including the long-term loss of 18.2 acres of tortoise habitat, and ask that this calculation be added to the revised HCP.

In addition, the Applicant “must ensure sufficient control of the land to achieve mitigation objectives” wherever the mitigation is implemented (USFWS & NMFS 2016). We found no information on where the mitigation would be implemented to comply with this requirement or that this requirement would be ensured. The location where the mitigation is implemented should be included in the Plan Area and documented in the revised HCP.

We ask that the information on how this monetary amount for mitigation was determined as appropriate to fully offset the impacts of permanent loss of tortoise habitat and other impacts to tortoise not avoided or minimized from the proposed project be provided in the revised HCP. This information is required to demonstrate that the implementation of the HCP will minimize and mitigate to the maximum extent practicable (USFWS & NMFS 2016). The calculation must include what conservation actions will be implemented, the cost of implementation, long-term management, monitoring, and adaptive management to ensure the implementation of the mitigation project is effective, and include the temporal loss of tortoise habitat from implementation of the proposed project until additional habitat is enhanced.

Because the habitat loss is permanent or long-term, the location where the mitigation is implemented should have a legal assurance (e.g., permanent conservation easement) placed on it to ensure this mitigation land is not degraded or destroyed later by another project/human activity. “If habitat will be permanently lost, alternative habitat must be protected in perpetuity [emphasis added] to offset the loss and the appropriate habitat conditions at the mitigation site must be maintained in perpetuity” (USFWS & NMFS 2016.)

Permit Duration

“The regulations for incidental take permits tell us to set the duration of permits for a period long enough so that the permittee has adequate assurances to commit funding for the HCP, including conservation activities and land use restrictions” (USFWS & NMFS 2016). “Applicants usually request a permit duration that spans the entire length of their planned activities.” “Planned activities also include the time needed to complete mitigation, monitoring, adaptive management, other requirements or conditions, and meet goals and objectives of the conservation program” (USFWS & NMFS 2016). Because the conservation program includes weed management during maintenance activities of the project, the USFWS should extend the permit term to a minimum of 20 years to include the implementation of these actions.

Changed Circumstances

This section identifies fire, and specifies the Applicant will follow its Fire Management Plan (which is not provided) and says, “changes in the minimization and mitigation measures included in this HCP may be required. For example, MDT clearance surveys may be required to allow reconstruction activities to occur within the Plan Area to replace damaged infrastructure.”

The HCP addresses the impacts of fire to the Substation and transmission line but does not address fire with respect to its impacts to tortoises and habitats in the Plan Area. We are concerned that the proposed project may result in fires that kill tortoises either directly or indirectly (e.g., smoke inhalation) (McLuckie et al. 2007) and/or result in the destruction of tortoise habitat. These impacts may occur in the Plan Area or may extend to adjacent areas. Changed circumstances should include a description of this possible occurrence and a requirement of the Applicant to provide funding sufficient to restore the habitat destroyed by a fire that was attributed to them (i.e., their employees, contractors, equipment, etc.). This is a standard liability commitment. If the Applicant’s actions or omissions cause the loss of tortoises/tortoise habitat in the Plan Area and nearby, they are responsible for fully replacing that loss. Because there would be a temporal loss of habitat, the lost time needed to restore the habitat damaged by the fire should be included in the assessment of liability.

Funding

According to the HCP Handbook (USFWS & NMFS 2016), the USFWS needs “to ensure activities occur during the permit term as planned, or that assurances are in place to ensure they take place after the permit term is over. Often the mitigation requirement, such as ongoing preserve management, outlasts the permit term, so it is important that long term management, including funding for it, be in place well before the end of the permit term.”

This situation applies to weed management for the proposed project. The Applicant has committed to implementing weed management during construction and maintenance activities. Consequently, to ensure this commitment is implemented, the Applicant should be required to establish a fund of an adequate amount with a third party. Monies from this fund would be used to fund weed management in the Plan Area for however long future maintenance is anticipated. This funding assurance is needed because the USFWS will have no authority over the Applicant once the permit has expired.

For the reasons stated in the comments given above, the Council asserts the Draft HCP has not demonstrated that it complies with these permit issuance requirements, and should be revised. Consequently, the USFWS should not issue an ITP to the Applicant until these requirements are met and documented in the revised HCP. We suggest the Applicant revise the HCP as suggested in the comments given herein and reissue the HCP for public review.

Comments on the NEPA Document

Comments on Compliance with the National Environmental Policy Act (NEPA)

USFWS has prepared a NEPA Low Effect Screening Form for the proposed issuance of an incidental take permit. This means the USFWS is proposing to categorically exclude the proposed project from environmental analysis under NEPA. An environmental assessment or environmental impact statement would not be prepared.

There are four sections of the NEPA Low Effect Screening Form that the Council believes were completed incorrectly.

Section C. “Would the impacts of this HCP, considered together with the impacts of other past, present and reasonably foreseeable similarly situated projects not result, over time, in cumulative effects to environmental values or resources which would be considered significant?”

Yes. Cumulative effects are those non-Federal activities that are reasonably likely to occur within the vicinity of the Project in the foreseeable future. With the Project being in close proximity to Pahrump, Nevada, these cumulative effects of habitat loss are due largely in part to other developments or anthropogenic disturbances.

The Project is also in proximity to the existing Spring Mountain Raceway which is planning an expansion of its raceway which will be adjacent to the Plan Area. Compared to existing and future disturbance (e.g., Speed Mountain Raceway expansion), the small footprint of the Project is anticipated to be insignificant in terms of the cumulative impacts.”

Council’s Comment: Because the screening form is a NEPA process, the cumulative effects analysis must follow the Council on Environmental Quality’s (CEQ) regulations and guidance with respect to cumulative impacts. CEQ (1997) states “Determining the cumulative environmental consequences of an action requires delineating the cause-and-effect relationships between the multiple actions and the resources, ecosystems, and human communities of concern. The range of actions that must be considered includes not only the project proposal but all connected and similar actions that could contribute to cumulative effects.” The analysis “must describe the response of the resource to this environmental change.” Cumulative impact analysis should “address the sustainability of resources, ecosystems, and human communities.”

The CEQ provides eight principles of cumulative impacts analysis (CEQ 1997).

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.

The USFWS must conduct the analysis (internally or publicly) of these eight principles to accurately analyze the cumulative impacts of the proposed action to the tortoise before answering this section of the Low Effect NEPA Screening Form. Of these principles, #8 is particularly important for the Mojave desert tortoise. This principle requires that recovery plans for the tortoise be considered, as they identify "what is needed to ensure long-term productivity or sustainability of the tortoise." According to the recovery plans (USFWS 1994 and 2011), this means analyzing the cumulative impacts to the population, recovery unit, and range-wide (i.e., species-wide).

"E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?"

No. Each HCP is unique and is evaluated on its own merits. The action taken for this Project follows established procedures. Therefore, no precedent is set for future actions."

Council's Comment: The HCP has provided no analysis of how it would minimize and mitigate the impacts of the taking to the maximum extent practicable [Section 10(a)2(B) of the FESA]. The HCP Handbook clarifies what this means – "completely mitigating any impacts expected to remain after avoidance and minimization measures are implemented. In other words, fully offset means the biological value that will be lost from covered activities will be fully replaced through implementation of conservation measures with equivalent biological value. Fully offset also means the mitigation is commensurate with the impacts of taking" (USFWS & NMFS 2016). Consequently, the mitigation measures must fully offset of the direct, indirect, and cumulative impacts of the taking for the Mojave desert tortoise that would remain after implementing the minimization measures.

Unfortunately, there is an incomplete analysis of the taking of the tortoise by the proposed project in the HCP. The HCP does not address impacts to the tortoise/tortoise habitat that would result from construction including noise; increased dust deposition on vegetation adjacent to the project's footprint, including impacts to shrubs needed for cover from predators and temperature extremes and germination and growth of annual native herbaceous vegetation needed for adequate nutrition and water balance; the direct loss of tortoise habitat; and its configuration with adjacent tortoise habitats.

Once these impacts are fully analyzed at the project, population, recovery unit, and rangewide levels for the tortoise, and the biological value of the tortoise and tortoise habitat lost from the proposed project is determined, then commensurate mitigation can be developed and implemented to fully replace biological values that would be lost. So far, this process has not been followed. In addition, the loss of tortoise habitat cannot be replaced in value by mapping current OHV routes. Please explain in the revised HCP the biological value gained for the tortoise by compiling such data and how it is intended to offset the loss of tortoise habitat.

“F. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?”

No. Implementation of the HCP is not directly related to other actions with significant cumulative environmental effects.”

Council’s Comment: The proposed action does not need to have direct relationship to other actions for its environmental effects to reach or exceed the point of having a significant effect to the tortoise. We have an issue with the appropriateness of the wording on the form complying with NEPA regulations and guidance with respect to cumulative impacts.

Please see our response to E. above.

“L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and EO 13112).

No. The Project is not anticipated to introduce or spread undesirable plant species characterized as noxious and invasive weeds. The Project will identify noxious and invasive weeds present and actively manage these species through a systematic monitoring and treatment process throughout the Project’s lifecycle. The Project will implement noxious and invasive weed management efforts that will include: 1) prevention (reduce soil disturbance to the extent); 2) manual control (mowing or pulling); 3) chemical control (pesticides); and 4) biological control. Multiple methods will likely need to be implemented for optimum results either in concert or over time and tailored to site conditions. The management of invasive and noxious weeds for the Project will occur through construction, operations, and maintenance. It will follow a pattern of identifying noxious and invasive species and taking active control measures as needed.”

Council’s Comment: Please see our comments above under Minimization Measures – Weed Management.

We appreciate this opportunity to provide input and trust that our comments will help protect tortoises during any authorized project activities. Noting that a Council member, not the USFWS, informed us of this project, as in numerous previous requests to USFWS, we ask that the Desert Tortoise Council be identified as an Affected Interest for this and all other USFWS actions 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

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